

CITY OF TONTITOWN, ARKANSAS

ORDINANCE NO. 2026-_____

AN ORDINANCE ESTABLISHING THE DEPARTMENT OF HUMAN RESOURCES; CREATING THE POSITION OF DIRECTOR OF HUMAN RESOURCES AS A MUNICIPAL DEPARTMENT HEAD; ESTABLISHING APPOINTMENT, REPORTING, QUALIFICATION, AUTHORITY, AND RESPONSIBILITY REQUIREMENTS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, the City of Tontitown is a city of the first class operating under the mayor-council form of government; and

WHEREAS, Arkansas Code Annotated § 14-43-504 designates the mayor as the chief executive officer of the City and charges the mayor with supervising the conduct of municipal officers and ensuring that municipal ordinances and regulations are faithfully administered; and

WHEREAS, Arkansas Code Annotated § 14-42-110 authorizes the mayor to appoint and remove municipal department heads, subject to the City Council's authority to override such action by a two-thirds vote of the total membership of the Council; and

WHEREAS, Tontitown Municipal Code § 30.51(L) assigns day-to-day supervision of department heads to the mayor and assigns supervision and appointment or removal of subordinate departmental employees to the applicable department head, subject to the Council's override authority;

WHEREAS, the administration of personnel policies, employee benefits, recruitment, workplace compliance, employee records, training, compensation practices, and risk-management matters is a continuing municipal function requiring clear responsibility and an established reporting relationship; and

WHEREAS, the Tontitown City Council finds that Human Resources should be established as a distinct municipal department within the executive branch and that its department head should report directly to the mayor; and

WHEREAS, this ordinance creates a permanent municipal position and organizational structure and is not intended to appoint, qualify, or guarantee continued employment to any particular person;

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

SECTION 1. CREATION OF THE DEPARTMENT OF HUMAN RESOURCES.

There is hereby established within the executive branch of the City of Tontitown a Department of Human Resources. The Department shall administer and coordinate the City's personnel and human-resources functions, subject to applicable federal and state law, municipal ordinances, duly adopted personnel policies, appropriations, and lawful directives of the mayor and City Council.

SECTION 2. CREATION AND DESIGNATION OF DEPARTMENT HEAD.

A. There is hereby created the position of Director of Human Resources.

B. The Director of Human Resources shall serve as the department head of the Department of Human Resources for purposes of Arkansas Code Annotated § 14-42-110 and other applicable law.

C. The Director shall be a municipal employee and not an elected municipal official.

D. Creation of the position does not appoint any particular person. Appointment shall occur separately in accordance with this ordinance and Arkansas law.

E. The Director shall supervise employees assigned to the Department and shall appoint or remove such employees in accordance with City Policy. For employees assigned to another department or elected office, the Director's role is administrative and does not displace the appointment, removal, or supervisory authority established by Arkansas law or City ordinance.

SECTION 3. APPOINTMENT AND REMOVAL.

- A. The Director shall be appointed and may be removed by the mayor pursuant to Arkansas Code Annotated § 14-42-110.
- B. ~~An appointment or removal shall be communicated to the City Council in writing and entered into the official municipal record. The mayor shall provide prompt written notice of an appointment or removal to the Clerk-Treasurer for inclusion in the official municipal record and provide contemporaneous notice to the City Council.~~
- C. The City Council may override the mayor's appointment or removal by a two-thirds vote of the total membership of the Council, as provided by Arkansas Code Annotated § 14-42-110, law.
- D. Nothing in this section creates a fixed term, contractual right to continued employment, or property interest beyond that provided by applicable law or an expressly authorized written agreement.

SECTION 4. REPORTING RELATIONSHIP AND SUPERVISION.

- A. The Director shall report directly to the mayor.
- B. The mayor shall provide executive supervision, establish administrative priorities, review the Director's performance, and ensure coordination between Human Resources and other municipal departments.
- C. No other employee, department head, elected official, board, commission, or committee shall be placed between the Director and the mayor in the administrative reporting relationship unless authorized by a subsequent ordinance.
- D. The Director may provide information, recommendations, and reports directly to the City Council while preserving the Director's administrative reporting relationship to the mayor.
- E. The Director shall attend Council, committee, budget, and other municipal meetings when requested by the mayor, the Council, or an authorized Council committee.

SECTION 5. CITY COUNCIL AUTHORITY RESERVED.

~~Nothing in this ordinance diminishes the legislative, financial, budgetary, or policy-making authority of the City Council. Nothing in this ordinance limits the City Council's authority under Arkansas law to enact ordinances, adopt or amend personnel policies, approve appropriations in the municipal budget, establish compensation and benefits by lawful action, create or abolish positions by ordinance when required, override appointments or removals when authorized by law, or require lawful reports concerning municipal operations and expenditures. Administrative implementation remains with the official or department head to whom it is assigned by law or ordinance. The Council retains authority to:~~

- ~~1. adopt and amend personnel policies by lawful action;~~
- ~~2. create, abolish, classify, or reclassify municipal positions;~~
- ~~3. establish compensation, benefits, staffing levels, and departmental appropriations;~~
- ~~4. approve material revisions to job descriptions and organizational reporting relationships;~~
- ~~5. request reports, records, recommendations, and supporting information;~~
- ~~6. conduct oversight of personnel expenditures and compliance practices; and~~
- ~~7. exercise all other authority granted to the governing body under Arkansas law.~~

The Director shall administer, but shall not unilaterally amend, personnel policies or compensation plans adopted by the City Council.

SECTION 6. GENERAL DUTIES.

The Director shall administer and coordinate the City's human-resources functions, including the following:

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- A. Personnel Policy Administration. Administer duly adopted personnel policies consistently; maintain current policies, forms, and procedures; recommend revisions when warranted; and assist employees and supervisors in understanding applicable requirements.
- B. Recruitment and Employment. Coordinate authorized recruitment, applicant screening, interviews, reference checks, onboarding, and separation procedures; verify minimum qualifications; maintain hiring documentation; and promote consistent, nondiscriminatory employment practices. The Director may coordinate recruitment, complaints, investigations, and disciplinary procedures, but the final personnel decision remains with the official or department head possessing appointment, removal, or supervisory authority under Arkansas law or City ordinance. A complaint involving the Director, the mayor, an elected official, or a material conflict of interest shall be referred to the City Attorney for advice concerning lawful routing and process.
- C. Job Descriptions and Classification. Maintain current job descriptions and an official organizational chart; review titles, reporting relationships, essential functions, qualifications, and classifications; and submit proposed material changes for appropriate legal, administrative, budgetary, and Council review.
- D. Employee Records. Maintain confidential personnel and related records; safeguard access; coordinate lawful responses to records requests; and preserve records in accordance with the Arkansas Freedom of Information Act, retention requirements, litigation holds, audits, and other applicable law.
- E. Compensation and Benefits. Administer Council-approved compensation schedules, benefits, leave programs, and personnel budget provisions; coordinate enrollment; maintain supporting documentation; and verify that proposed personnel actions are authorized and funded before implementation.
- F. Employee Relations and Discipline. Maintain personnel, benefit, medical, training, and related employment records assigned to the Department; apply appropriate access controls; preserve records in accordance with the Arkansas Freedom of Information Act and litigation holds issued by the City Attorney; and coordinate responses to records requests with the official custodian and the city attorney. Nothing in this ordinance independently designates the Director as custodian of records or authorizes withholding a record except as permitted by law. Provide procedural guidance regarding evaluations, grievance, counseling, corrective action, investigations, and discipline; receive and appropriately route employee complaints; and consult the city attorney when significant legal or compliance issues arise.
- G. Training and Professional Development. Coordinate orientation, supervisory training, policy training, safety training, required certifications, and professional development.
- H. Legal and Regulatory Compliance. ~~Coordinate administrative compliance involving equal employment opportunity, nondiscrimination, disability accommodation, wage-and-hour requirements, protected leave, military leave, workers' compensation, unemployment, workplace safety, employment verification, benefits notices, and other applicable employment requirements. Legal advice remains the responsibility of authorized legal counsel.~~ Coordinate and document the City's administrative processes concerning equal employment opportunity, nondiscrimination, reasonable accommodations under the Americans with Disabilities Act and applicable laws, wage-and-hour compliance under the Fair Labor Standards Act (FLSA), protected leave, military leave, employment verification, workers' compensation, unemployment, workplace safety, and required notices. The Director shall promptly refer all legal questions to the City Attorney; the official possessing lawful personnel authority retains final decision-making authority.
- I. Risk Management and Insurance Coordination. Assist with workers' compensation, return-to-work efforts, workplace incident reporting, insurance coordination, safety training, claims documentation, and loss prevention.
- J. Budget and Reporting. Prepare the Department's proposed budget; assist with personnel-cost projections; provide reports regarding authorized positions, vacancies, turnover, compensation, benefits, training, claims, and compliance; identify anticipated personnel liabilities; and maintain records sufficient for audits and financial review.

SECTION 7. LIMITATIONS OF AUTHORITY.

Unless specifically authorized by law, ordinance, duly adopted policy, appropriation, or lawful Council action, the Director shall not:

1. create or abolish a municipal position;
2. change a position's title, classification, compensation, benefits, or reporting relationship;
3. authorize an unappropriated expenditure;
4. execute an employment contract or other agreement binding the City;
5. amend or waive a personnel policy adopted by the City Council;
6. hire or terminate a department head;
7. exercise authority assigned by statute to an elected municipal official;
8. provide legal advice on behalf of the City; or
9. represent that an administrative recommendation has received Council approval before such approval occurs.

SECTION 8. RELATIONSHIP TO ELECTED OFFICIALS AND OTHER DEPARTMENTS.

- A. The Director shall provide centralized human-resources support to municipal departments and offices while respecting the independent statutory duties of elected officials.
- B. Nothing in this ordinance transfers or diminishes a duty assigned by law to the mayor, Clerk-Treasurer, City Council, city attorney, or another municipal official.
- C. Payroll processing, custody of funds, accounting entries, financial reporting, disbursement authority, and other statutory financial duties remain with the official or employee to whom those functions are lawfully assigned.
- D. The Director may verify and transmit personnel information necessary for payroll and benefits administration but shall not exercise independent authority over the custody or disbursement of municipal funds.
- E. Department heads shall cooperate with the Director in implementing policies, maintaining required documentation, and timely reporting vacancies, evaluations, leave, discipline, training, workplace injuries, and staffing needs.

SECTION 9. MINIMUM AND PREFERRED QUALIFICATIONS.

The Director shall possess the qualifications established in the position description approved by the City Council and maintained by the City. The position description may identify minimum and preferred qualifications, including education, experience, training, professional credentials, and equivalent combinations thereof. No amendment to the position description may alter the Director's status as a municipal department head, reporting relationship to the mayor, statutory appointment or removal process, or limitations of authority established by this ordinance.

~~A person appointed as Director should possess a combination of education, experience, training, and demonstrated competence sufficient to perform the position. Minimum qualifications are:~~

- ~~1. a high school diploma or equivalent;~~
- ~~2. at least five years of progressively responsible experience in human resources, personnel administration, benefits administration, payroll coordination, public administration, business administration, employee supervision, or a substantially related field;~~
- ~~3. demonstrated experience maintaining confidential records and administering written policies;~~
- ~~4. working knowledge of employment practices and workplace laws;~~
- ~~5. effective written, verbal, organizational, analytical, and interpersonal skills; and~~

Commented [TF1]: I believe that putting the minimum/preferred qualifications into the ordinance is too cumbersome. We should maintain that in a job description.

~~6. proficiency in recordkeeping, office software, written reporting, and administrative organization.~~

~~Preferred qualifications include a related associate's or bachelor's degree; municipal or public-sector experience; supervisory or department level administrative experience; and a recognized credential such as SHRM-CP, SHRM-SCP, PHR, SPHR, or an equivalent certification.~~

SECTION 10. PROFESSIONAL DEVELOPMENT REQUIREMENT.

- A. An otherwise qualified person shall not be automatically disqualified solely because the person does not hold a professional human-resources certification at the time of appointment.
- B. An appointee without a recognized credential shall, within six months, submit to the mayor a written professional-development plan addressing municipal personnel administration, employment-law fundamentals, public-sector records and confidentiality, wage-and-hour compliance, benefits and leave, workplace investigations, risk management, and preparation for an appropriate credential.
- C. Subject to appropriation and continued eligibility, the Director should obtain a recognized human-resources credential within three years after appointment.
- D. The mayor shall evaluate progress as part of the annual performance review and provide the Council an annual written status update.
- E. Failure to obtain a preferred credential shall not alone create an automatic vacancy, but documented progress, competence, continuing education, and the needs of the City may be considered in evaluating continued service.

SECTION 11. CONFIDENTIALITY, CONFLICTS, AND PROFESSIONAL CONDUCT.

The Director shall protect records and information from unauthorized access or disclosure consistent with the Arkansas Freedom of Information Act, other applicable law, City policy, and any applicable privilege. The Director shall disclose material conflicts of interest and shall perform duties impartially and without retaliation, favoritism, or unlawful discrimination.

~~The Director shall maintain appropriate confidentiality; avoid and disclose material conflicts of interest; apply policies consistently and without retaliation, favoritism, or unlawful discrimination; refrain from political activity during compensated working time or through municipal resources except as permitted by law; preserve records; and cooperate with lawful audits, investigations, litigation holds, and requests from authorized municipal officials.~~

SECTION 12. PERFORMANCE EVALUATION.

The mayor shall conduct or cause to be conducted an annual written evaluation of the Director. The evaluation should consider policy administration, record accuracy, timeliness of reports, legal and regulatory compliance, responsiveness, professional development, budget administration, training, risk management, and achievement of departmental objectives. A summary confirming completion may be provided to the Council subject to applicable confidentiality requirements.

SECTION 13. COMPENSATION AND FUNDING.

- ~~A. Compensation and benefits shall be established through the annual municipal budget, compensation schedule, or other lawful Council action.~~
- ~~B. Nothing in this ordinance appropriates funds, establishes a particular salary, authorizes an automatic increase, or guarantees funding beyond an approved appropriation.~~
- C. The position may be full-time or part-time as determined through the approved budget, provided the appointee can perform the essential duties assigned. Compensation, benefits, authorized work schedule, and funding for the position shall be established through the municipal budget, compensation plan, or other lawful City Council action. Nothing in this ordinance determines the position's classification under the Fair Labor Standards Act, which shall be determined from the position's actual duties and applicable compensation requirements.

SECTION 14. POSITION DESCRIPTION.

The initial position description attached as Exhibit "A" is hereby approved. The City Council may approve subsequent revisions by resolution, provided that no revision conflicts with this ordinance or applicable law. Revisions affecting compensation, benefits, or appropriations remain subject to separate lawful Council action.

Exhibit A is approved as the initial administrative position description but is not codified. The mayor may approve nonmaterial revisions consistent with this section and the approved budget. A revision changing the Director's department-head status, reporting relationship, appointment or removal authority, minimum legal qualifications, or limitations of authority requires an ordinance; a revision affecting compensation, benefits, or appropriations shall require lawful City Council action.

The position description for the Director of Human Resources shall be maintained as a separate document identified as Exhibit "A." Exhibit "A" is presented with this ordinance for review and may be adopted by reference upon final passage. Minor administrative revisions that do not materially alter essential duties, authority, minimum qualifications, reporting relationship, classification, or compensation may be approved administratively. Material revisions shall be submitted to the City Council for approval.

SECTION 15. TRANSITION AND IMPLEMENTATION.

- A. Upon the effective date, the mayor shall evaluate the staffing and qualifications necessary to perform the functions assigned to the Department.
- B. An existing employee performing human-resources duties may continue performing lawfully assigned duties during a transition period.
- C. Performance of human-resources duties does not by itself constitute appointment as Director of Human Resources.
- D. Appointment to the Director position requires a separate written action by the mayor consistent with Arkansas Code Annotated § 14-42-110 and this ordinance.
- E. The mayor may assign additional duties reasonably related to human resources that do not conflict with law, ordinance, policy, appropriation, or duties assigned to another official.

SECTION 16. CODIFICATION.

The codifier is authorized to codify the permanent provisions of this ordinance in the appropriate title and chapter of the Tontitown Municipal Code and to make nonsubstantive corrections to numbering, capitalization, punctuation, and internal references. The title, recitals, severability clause, repealer, emergency clause, signatures, and sponsorship information need not be codified.

SECTION 17. REPEALER.

All ordinances, resolutions, policies, organizational charts, job descriptions, or portions thereof in conflict with this ordinance are repealed or superseded to the extent of the conflict.

SECTION 18. SEVERABILITY.

If any section, subsection, sentence, clause, phrase, or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, that determination shall not affect the validity of the remaining provisions, which shall remain in full force and effect.

SECTION 19. EMERGENCY CLAUSE.

It is found and declared that the City is preparing for its upcoming municipal budget process; that accurate personnel planning, departmental accountability, compensation analysis, benefits administration, regulatory compliance, and presentation of staffing needs require an established Human Resources Department and clearly defined department head; that uncertainty in the administration and reporting structure of personnel functions may impair orderly municipal operations and budget preparation; and that this ordinance is necessary for the immediate preservation of the public peace, health, safety, and welfare. Therefore, an emergency is declared to

DRAFT - Director of Human Resources Ordinance

exist, and this ordinance shall be in full force and effect immediately upon passage and approval, as provided by law.

PASSAGE AND APPROVAL

PASSED AND APPROVED this ____ day of _____, 2026.

APPROVED:

ATTEST:

ANGELA RUSSELL, MAYOR

RHONDA ARDEMAGNI, CLERK-
TREASURER

APPROVED AS TO FORM:

CITY ATTORNEY

SPONSORSHIP AND CO-SPONSORSHIP

Ordinance No. 2026-____

Presented for consideration by the Tontitown City Council upon sponsorship by the undersigned member of the Council:

SPONSOR:

Alderman: _____
Date: _____

CO-SPONSOR:

Alderman: _____
Date: _____

CO-SPONSOR:

Alderman: _____
Date: _____

CO-SPONSOR:

Alderman: _____
Date: _____

Sponsorship signifies presentation of the ordinance for consideration and does not, by itself, require the sponsor or co-sponsor to vote in favor of final passage.