

EXHIBIT A

PUBLIC WORKS DIRECTOR ESTABLISHMENT ORDINANCE

CODE CROSSWALK AND ATTORNEY REVIEW ISSUES

Purpose. This exhibit is intended to assist the City Attorney in reviewing the proposed ordinance establishing and defining the Public Works Department and Public Works Director. It identifies existing code provisions, administrative titles, and functional areas that may require conforming amendments or legal review. It is a working crosswalk and should be verified against the City's official code, uncodified ordinances, personnel records, adopted budget, and current organizational chart before final legislative action.

Existing Provision / Source	Current Subject	Crosswalk Issue	Recommended Action
City Officials listing / administrative titles	Current online code publisher listing identifies James Clark as “Public Works Director (Water Department)” and Mark Latham as “Community Development Director (Building, Street, and Park Department).”	Creates substantial title ambiguity. “Public Works Director” appears associated with Water, while Street is associated with Community Development.	Determine underlying ordinances or council actions authorizing each title. Reserve “Public Works Director” for the proposed Public Works Department if legally appropriate; separately preserve the codified Water and Sewer Manager structure.
§ 31.04 Water and Sewer Department	Creates a Water and Sewer Department reporting to the Mayor; provides for a Water and Sewer Department Manager appointed by the Mayor and approved by Council.	Supports maintaining Water and Sewer as a separate department. Potential conflict with use of “Public Works Director” as a Water Department title.	No transfer of Water/Sewer authority. Confirm that proposed ordinance § 8 conforms. Consider correcting administrative title references from “Public Works Director (Water Department)” to the legally authorized Water and Sewer Manager title, if counsel confirms.
Chapter 90 – Streets / street construction standards	Contains technical and procedural requirements governing streets and related improvements.	Public Works may maintain accepted public infrastructure, but development standards, engineering approval, inspection, and developer obligations should not automatically transfer.	Retain regulatory and engineering functions with officials presently authorized by code. Amend only specific administrative references that conflict with the new department structure.
§ 90.200.3 Responsibility of Developer/Owner	Contains a reference to the Community Development Director in connection with determining when information such as traffic analysis may be required for future street loading.	Proposed structure removes Street/Public Works from administrative subordination to Community Development, but this provision may confer a regulatory development-review function rather than an operational street-maintenance function.	Do not automatically substitute Public Works Director. Attorney should determine whether the function belongs to Planning Director, City Engineer, or another designated development-review official.
§ 90.200.4 Engineering Services	Assigns professional engineering/testing responsibilities, including City Engineer approval	Public Works Director should not assume licensed engineering functions solely by virtue	No substantive transfer recommended. Preserve City Engineer authority and coordinate through proposed

	functions.	of department-head status.	ordinance § 5.
§ 90.200.5 Plan Submittal	Contains Community Development Director references associated with street/development plan review.	Likely regulatory/development-review authority, not routine Public Works maintenance.	Review for conforming title change to Planning Director or other appropriate official rather than Public Works Director, subject to attorney determination.
§ 152.015 Definitions – Dedication	Defines dedication as land and improvements offered to and accepted by the City for public use, control, and maintenance, including streets, rights-of-way and drainage easements.	Supports distinction between infrastructure merely proposed/dedicated and infrastructure actually accepted for City responsibility.	Retain. Proposed ordinance should continue limiting Public Works maintenance duties to City-owned or City-maintained infrastructure and infrastructure lawfully accepted for maintenance.
§ 152.144 Streets	Development-code street standards, including provisions concerning private streets and ongoing private/POA responsibilities in certain contexts.	Demonstrates that not every street-related facility is necessarily a City maintenance obligation.	Retain regulatory framework. Public Works responsibility should attach only where City maintenance responsibility exists.
Chapter 152 – Development Code / drainage provisions	Regulates subdivision, development, grading, drainage and related infrastructure requirements.	Potential overlap between Planning, City Engineer, stormwater/floodplain officials and Public Works.	Maintain bright-line distinction: Planning/engineering/regulatory officials review and approve development; Public Works operates and maintains accepted municipal infrastructure.
Stormwater / drainage regulatory responsibilities	Municipal stormwater obligations may arise from ordinances, manuals, permits and state/federal requirements.	Operational maintenance and regulatory MS4 compliance are not necessarily the same function.	Do not designate Public Works Director as Stormwater Administrator, Floodplain Administrator, or MS4 responsible official unless separately authorized after legal and engineering review.
Community Development Director – Building, Street and Park Department structure	Current publisher's City Officials page associates Building, Street and Park with the Community Development Director.	Directly conflicts with proposed organizational concept separating Public Works/Street from Community Development and having Public Works report directly to the Mayor.	Identify the ordinance, resolution, budget action, job description, or administrative directive that created this arrangement. Expressly repeal or amend legislative authority if one exists; if purely administrative, conform the organizational chart after ordinance adoption.
Street Department / legacy street titles	Legacy references may exist in code, budgets, job descriptions, policies, minutes and uncodified ordinances.	May create inconsistent naming after creation of Public Works Department.	Conduct final clerk/attorney search of official code and uncodified legislation. Replace only where the reference concerns operational street/public infrastructure functions now assigned to Public Works.
Parks Department / parks functions	Current administrative listing associates Parks with Community	The proposed Public Works ordinance does not place Parks under Public	No change through this ordinance. Address Parks separately in the broader

	Development.	Works.	governance/organizational package.
Building Department / Building Official	Current administrative listing associates Building with Community Development.	Separate Planning Director work may alter this reporting relationship; it should not be changed indirectly by the Public Works ordinance.	No change through this ordinance except to avoid language implying Public Works supervision.
Official organizational chart	May presently show hybrid reporting relationships beneath Community Development.	Proposed ordinance requires Public Works Director to report directly to Mayor.	Upon adoption, amend chart to show Mayor → Public Works Director → Public Works employees/functions, while preserving Council's legislative/budget authority.
Appointment, removal and supervision of Public Works Director	Proposed ordinance establishes a department head reporting directly to Mayor.	Arkansas statutes and any local appointment/removal provisions must be reconciled before adoption.	City Attorney to confirm appointment, confirmation, removal, discipline and supervisory language and recommend any necessary statutory citations or ordinance revisions.
Emergency clause	Proposed ordinance contains an emergency clause based on immediate need for clear infrastructure responsibility and reporting.	Emergency clauses have procedural and voting requirements under Arkansas law.	City Attorney to verify factual sufficiency, voting requirement, separate vote practice if applicable, and effective-date language.

KEY QUESTIONS FOR CITY ATTORNEY REVIEW

1. What ordinance or other legislative action originally authorized the current use of the title “Public Works Director,” and why is that title presently associated with the Water Department in the online City Officials listing?
2. What ordinance, resolution, or other authority placed the Street Department and Park Department under the Community Development Director?
3. Does the proposed ordinance correctly establish Public Works as a separate department whose director reports directly to the Mayor under Tontitown's mayor-council form of government?
4. What appointment, Council-confirmation, removal, and disciplinary provisions should apply to the Public Works Director under Arkansas law and existing Tontitown ordinances?
5. Which existing Community Development Director references are regulatory/development-review duties that should migrate to the Planning Director or remain with the City Engineer, rather than being transferred to Public Works?
6. Are any stormwater, MS4, floodplain, or drainage-compliance duties currently assigned by ordinance, permit, or adopted manual to a specific official whose authority must be preserved?
7. Should conforming amendments be incorporated directly into the establishment ordinance, or adopted in a companion ordinance after the official code and uncodified ordinances are fully verified?
8. Does the emergency clause satisfy Arkansas law and the City's customary ordinance-adoption procedures?

PRELIMINARY RECOMMENDATION

The proposed ordinance should be treated as an organizational and accountability measure, not as a blanket transfer of every function containing the words street, drainage, stormwater, or public works. Operational maintenance of City-owned or City-maintained streets, rights-of-way, culverts and drainage infrastructure should be distinguished from development review, professional engineering, floodplain administration, MS4 compliance, and privately maintained infrastructure. The City Attorney should verify the official and uncoded legislative history before final conforming amendments are incorporated.