

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

ORDINANCE NO. 2026-09-1339

AN ORDINANCE REPEALING AND REPLACING THE TONTITOWN MUNICIPAL CODE § 31.02 CONCERNING THE GOVERNANCE AND ADMINISTRATION OF THE TONTITOWN HISTORICAL MUSEUM; ESTABLISHING THE MUSEUM AS AN OPERATING UNIT OF THE CITY; DEFINING THE AUTHORITY OF THE MUSEUM BOARD OF TRUSTEES; CLARIFYING THE EMPLOYMENT STATUS AND SUPERVISION OF MUSEUM PERSONNEL; REPEALING CONFLICTING PROVISIONS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, the City of Tontitown owns, funds, operates, and maintains the Tontitown Historical Museum as a municipal cultural facility serving the historical, educational, and cultural needs of the community; and

WHEREAS, Arkansas Code Annotated § 14-269-103 authorizes municipalities to acquire, construct, equip, operate, and maintain facilities necessary or desirable to provide for the recreational and cultural needs of their inhabitants; and

WHEREAS, the City of Tontitown owns and maintains the Museum's real property, funds Museum operations through municipal appropriations, employs Museum personnel, and operates the Museum as a municipal cultural facility through the Tontitown Museum Commission; and

WHEREAS, the Tontitown Museum Commission was created by municipal ordinance and is not a separate statutory authority possessing independent powers comparable to those expressly granted by state law to a municipal waterworks or water and sewer commission; and

WHEREAS, the City's current ordinances, Museum Charter, bylaws, personnel practices, and organizational structure contain uncertainty concerning the respective responsibilities of the City, the Mayor, the City Council, the Museum Commission, and paid museum personnel; and

WHEREAS, paid museum personnel are funded through municipal appropriations, compensated through the City payroll system, receive City employment benefits, and are administered through the City personnel system; and

WHEREAS, the Tontitown City Council finds that Museum governance will be improved by clearly distinguishing the policy, historical, and advisory functions of a citizen museum board from the executive, financial, and personnel responsibilities of the City;

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

SECTION 1. REPEAL AND REPLACEMENT OF TONTITOWN MUNICIPAL CODE § 31.02.

Tontitown Municipal Code § 31.02 is hereby repealed and replaced in its entirety to read as follows:

The Tontitown Historical Museum is hereby established and confirmed as a department, division, or operating unit of the City of Tontitown.

The Museum's buildings, grounds, collections, records, equipment, funds, and other property held in the name of, or for the benefit of, the Museum, or to which the City holds legal or equitable title, shall be municipal property, except property held under a written trust, loan, grant, or donor agreement providing otherwise. Nothing in this section alters ownership, custody, restrictions, reversionary interests, or other rights established by a valid deed, trust, loan agreement, grant agreement, donor instrument, bequest, or other written agreement.

The Museum shall not be construed as a separate corporation, nonprofit corporation, political subdivision, independent municipal commission, or legal entity distinct from the City of Tontitown.

SECTION 2. MUSEUM BOARD OF TRUSTEES.

The body previously known as the Tontitown Museum Commission shall hereafter be known as the Tontitown Museum Board of Trustees, referred to in this ordinance as the "Board."

The Board shall be a public municipal board created by and subordinate to the legislative authority of the City Council. The Board shall possess only those powers expressly delegated by this section or another ordinance of the City, and those powers necessarily incidental to carrying out its assigned responsibilities.

Use of the term "Board of Trustees" shall not mean that the Board holds independent legal title to municipal property or that its members are trustees of a separate corporation.

SECTION 3. PURPOSE OF THE BOARD.

The Board shall promote the preservation, interpretation, documentation, and public understanding of the history and cultural heritage of Tontitown and the surrounding community.

The Board shall provide citizen expertise, historical continuity, community participation, and policy recommendations concerning the following matters:

1. Museum collections;
2. Historical preservation;
3. Exhibits and interpretation;

4. Educational programs;
5. Public outreach;
6. Museum-sponsored events;
7. Volunteer participation;
8. Donations and fundraising;
9. Long-range planning; and
10. Other museum-related matters referred to it by the Mayor or City Council.

SECTION 4. BOARD MEMBERSHIP.

The Board shall consist of 12-15 members appointed by the Mayor and confirmed by a majority vote of the City Council.

Members shall serve staggered terms of 3 years and shall continue to serve until their successors are appointed and qualified, unless removed or otherwise disqualified.

Vacancies shall be filled in the same manner as the original appointment for the remainder of the unexpired term.

Board members shall serve without compensation but may receive reimbursement for authorized expenses in accordance with City policy and available appropriations.

The Council may establish residency, attendance, qualification, and term-limit requirements by ordinance.

A member may be removed by a majority vote of the City Council for failure to maintain any required qualification, three consecutive unexcused absences, neglect of duty, misconduct, violation of applicable ethics or conflict-of-interest requirements, or other good cause stated in the motion for removal.

SECTION 5. OFFICERS, MEETINGS, AND RECORDS.

The Board shall annually elect a chair, vice chair, and secretary from among its members.

The Board shall meet at least quarterly and may adopt a regular meeting schedule.

All meetings and records of the Board shall comply with the Arkansas Freedom of Information Act, A.C.A. § 25-19-101 et seq.

A majority of the members then appointed and qualified shall constitute a quorum. An affirmative vote of a majority of members present and voting shall be required for Board action unless

otherwise provided by law. No action may be taken without the affirmative vote of a majority of the members present when a quorum exists.

The secretary shall ensure that minutes are prepared for each meeting and promptly transmitted to the City Recorder-Treasurer, who shall serve as the official custodian of the Board's records unless otherwise designated by ordinance. Participation and voting by electronic means may occur only to the extent permitted by Arkansas law and City ordinance.

SECTION 6. BOARD POWERS AND RESPONSIBILITIES.

Subject to City ordinances, appropriations, administrative policies, and applicable law, the Board may:

1. Recommend policies governing Museum collections, exhibits, programs, research, and public use;
2. Review and recommend accession, deaccession, loan, preservation, and collections-management policies;
3. Recommend acceptance of historically significant artifacts, documents, photographs, and other property;
4. Recommend long-range goals and annual priorities for the Museum;
5. Review the proposed annual Museum work plan and budget request;
6. Review periodic reports concerning attendance, programs, collections, grants, volunteer activity, and expenditures;
7. Assist with fundraising, donor relations, grants, sponsorships, and community partnerships, provided that no solicitation, grant application, sponsorship agreement, or representation made on behalf of the City may be undertaken without prior authorization under City policy;
8. Promote public awareness and participation in Museum activities;
9. Establish advisory committees composed of Board members and community volunteers;
10. Recommend Museum rules and operating policies to the Mayor and City Council;
11. Participate in the selection process for a Museum Director or Curator when requested by the Mayor; and
12. Perform other advisory duties or policy functions assigned by ordinance or resolution.

SECTION 7. LIMITATIONS ON BOARD AUTHORITY.

Except to the extent expressly authorized by this section or another ordinance of the City, the Board and its individual members shall not, in the name of or on behalf of the City:

1. Hire, terminate, suspend, discipline, evaluate, or independently supervise City employees;
2. Establish or change salaries, wages, classifications, benefits, work schedules, or employment conditions;
3. Approve leave, timesheets, overtime, payroll, or personnel actions;
4. Bind the City by contract;
5. Incur debt or expend municipal funds except through authorized City procedures;
6. Maintain a separate treasury or bank account outside the City's financial system;
7. Acquire, sell, convey, encumber, or dispose of municipal real property;
8. Commence or settle litigation;
9. Accept grants or donations imposing obligations on the City without required City approval;
10. Adopt rules conflicting with City ordinances or administrative policies;
11. Represent itself as a separate corporation or legal entity;
12. Direct the day-to-day work of Museum personnel or volunteers;
13. Apply for a grant, conduct a fundraising campaign, or solicit a restricted donation on behalf of the City without prior administrative authorization;
14. Possess or use a credit card, debit card, purchasing account, tax-identification number, or financial account separate from the City; or
15. Speak on behalf of the City regarding litigation, personnel matters, legal positions, or other matters reserved to authorized City officials.

Nothing in this section prevents Board members from providing observations or recommendations concerning the Museum Director's or staff's performance to the Mayor or designated supervisor.

SECTION 8. MUSEUM PERSONNEL.

All paid personnel assigned to the Museum shall be employees of the City of Tontitown and not employees of the Museum Board.

Museum employees shall be hired, compensated, supervised, evaluated, disciplined, and separated in accordance with applicable law, the City personnel manual, the adopted budget, and other City employment policies.

Museum personnel shall be hired and appointed through procedures applicable to other City employees; paid through the City payroll system; eligible for benefits according to City policy; subject to the City personnel manual; subject to the City's compensation and classification plans; covered by applicable City insurance and workers' compensation programs; and subject to the City's disciplinary, grievance, leave, timekeeping, and evaluation procedures.

No action or recommendation of the Board, or of any individual Board member, shall create an employment contract, a promise of continued employment, or a modification of an employee's employment status, or alter the at-will status of an employee, unless expressly authorized by law and approved by the City Council. Employment status shall be governed by applicable law and duly adopted City personnel policies.

SECTION 9. ADMINISTRATIVE SUPERVISION.

The Museum Director, Curator, or principal paid Museum employee shall report administratively to the Mayor, or to a City employee designated by the Mayor, or to the department head designated by ordinance or by the City's Council-approved organizational structure.

That supervisor shall be responsible for the following:

1. Personnel administration;
2. Employee evaluations;
3. Leave and timekeeping approval;
4. Work assignments;
5. Compliance with City policies;
6. Budget administration;
7. Purchasing and contracting procedures;
8. Building and maintenance coordination;
9. Preparation of reports; and
10. Implementation of policies lawfully adopted or approved for the Museum.

The Museum Director or principal Museum employee shall serve as staff liaison to the Board and shall keep the Board reasonably informed regarding Museum operations.

SECTION 10. RELATIONSHIP BETWEEN THE BOARD AND MUSEUM DIRECTOR.

The Board shall provide mission-related guidance and policy recommendations. The Museum Director shall administer the Museum's daily operations under the City's executive chain of command.

The Museum Director shall consider Board recommendations concerning collections, exhibits, preservation, programming, educational activities, and historical interpretation.

When the Museum Director believes a Board recommendation conflicts with applicable law, a City ordinance, the adopted budget, City personnel or purchasing policies, professional museum standards, a donor restriction, or an administrative directive, the matter shall be referred to the Mayor and, when appropriate, the City Council for resolution.

SECTION 11. BUDGET AND EXPENDITURES.

The Museum's annual budget shall be included within the City's annual operating budget.

The Board may review and recommend a proposed Museum budget, but all appropriations shall be made by the City Council.

All expenditures shall be processed through the City's financial system and shall comply with the adopted municipal budget, Arkansas municipal accounting law, City purchasing requirements, applicable competitive-bidding requirements, and other applicable financial controls.

Neither the Board nor any Board member may authorize an expenditure, approve a purchase, execute a contract, or obligate municipal funds, except as expressly permitted by City policy. Nothing in this section prohibits reimbursement of an expense previously authorized and incurred in accordance with City policy.

SECTION 12. DONATIONS, GRANTS, AND RESTRICTED FUNDS.

Monetary donations, grants, sponsorships, bequests, and other funds intended for the Museum shall be received in the name of the City of Tontitown for the benefit of the Museum unless otherwise approved by the City Council. Artifacts and other in-kind donations shall be accepted only in accordance with the Council-approved collections-management policy and any additional approval required by law or City policy.

The City shall separately account for restricted Museum funds when required by the donor instrument, grant agreement, law, or applicable accounting standards.

The Board may recommend acceptance or rejection of donations. Final acceptance shall be made by the official or governing body authorized under City policy and applicable law.

The City shall honor lawful donor restrictions. No donor restriction may require the City to violate law, surrender legislative authority, or incur an unappropriated obligation. Before accepting a restricted donation, grant, bequest, artifact, or other property that may impose a material financial, custodial, preservation, insurance, display, return, reporting, or other obligation, the proposed acceptance shall be reviewed by the City Attorney and approved by the City Council.

SECTION 13. COLLECTIONS.

The City shall hold legal title, in the City's name, to items lawfully donated, purchased, or otherwise acquired for the permanent Museum collection, unless a written instrument provides otherwise. Nothing in this section alters the ownership of any item held under a loan, trust, bailment, custodial agreement, conditional gift, or other written instrument.

The Board shall recommend a collections-management policy addressing accession, cataloging, preservation, loans, insurance, public access, restricted materials, deaccession, and disposition.

The collections-management policy and any material amendment shall become effective only after approval by resolution of the City Council.

No item in the permanent collection may be sold, transferred, destroyed, or otherwise permanently disposed of except in accordance with the Council-approved collections-management policy and after approval by the City Council. Any proceeds shall be used solely for acquisition, preservation, or direct care of Museum collections, unless a different use is required by law or a binding donor instrument under the approved collections policy and with such Council approval as that policy requires.

SECTION 14. BYLAWS.

The Board may prepare proposed bylaws governing its meetings, officers, committees, and internal procedures.

The bylaws and all amendments shall be submitted to the City Attorney for legal review and shall not become effective until approved by resolution of the City Council.

No charter, bylaws, rule, policy, organizational chart, or other document adopted by the Board may enlarge the Board's authority beyond that granted by ordinance or applicable law.

Existing Museum charters and bylaws shall remain in effect only to the extent they do not conflict with this ordinance and shall be submitted for Council review within 120 days following the effective date of this ordinance.

SECTION 15. ANNUAL WORK PLAN AND PERFORMANCE REPORT.

Before submission of the annual Museum budget request, the Museum Director shall prepare an annual work plan and performance report containing, at minimum:

1. Museum operating days and public hours;
2. Monthly and annual visitor totals;
3. School, educational, and community programs;
4. Research and public-information requests;
5. Collections accessioned, cataloged, preserved, or digitized;
6. Exhibits installed or updated;
7. Special events and outreach activities;
8. Volunteer hours;
9. Grants and donations received;
10. Major maintenance or capital needs;
11. Employee duties and estimated allocation of work time;
12. Annual personnel and operating costs;
13. Performance goals for the coming year; and
14. Such other information requested by the Mayor or City Council.

The Board shall review the report and may transmit its recommendations to the Mayor and City Council.

SECTION 16. WORKLOAD AND STAFFING REVIEW.

Museum staffing levels shall be established through the City budget and personnel processes and shall be based upon documented operational needs.

Before creating an additional Museum position or materially increasing Museum staffing, the administration shall provide the Council with a written workload and staffing analysis identifying recurring duties, service volumes, estimated annual work hours, seasonal demands, existing staff capacity, potential use of volunteers, shared personnel, or contractual services, total compensation and benefit costs, and measurable service outcomes.

Nothing in this section shall predetermine whether any existing position should be retained, modified, consolidated, or eliminated.

SECTION 17. PROPERTY, INSURANCE, AND MAINTENANCE.

Museum buildings and grounds shall be administered and maintained as City property through the department or employee designated by the Mayor or City Council, subject to the adopted budget, applicable ordinances, and any lawful preservation restrictions.

Insurance, risk management, workplace safety, information technology, records retention, and security shall be administered through the applicable City departments and policies.

The Board may make recommendations concerning preservation-sensitive maintenance and the protection of historic structures and collections.

SECTION 18. TRANSITION.

Upon the effective date of this ordinance:

1. Existing Museum employees shall continue as City employees without interruption solely because of this governance reorganization.
2. Accrued leave, benefits, seniority, and compensation shall not be reduced solely by operation of this ordinance.
3. Existing Board members shall continue to serve until the expiration of their current terms unless otherwise provided by a separate ordinance.
4. Museum records, accounts, contracts, property lists, donor restrictions, and personnel responsibilities shall be reviewed by the City administration.
5. Any Museum account maintained outside the City treasury shall be disclosed to the City Recorder-Treasurer and City Council and brought into compliance with municipal accounting requirements.
6. The Mayor shall submit a proposed administrative reporting assignment for Museum personnel to the Council within 60 days.
7. The Board shall submit proposed revised bylaws within 120 days.
8. Existing contracts, grants, loans, donor agreements, and other lawful obligations shall remain in effect according to their terms. No provision of this ordinance shall be construed to impair an existing contractual obligation of the City.

SECTION 19. REPEALER.

All ordinances, code provisions, charters, bylaws, policies, resolutions, and parts thereof in conflict with this ordinance are repealed or superseded to the extent of the conflict.

Without limiting the foregoing, any provision describing the Museum Commission as a separate “non-stock, nonprofit corporation,” granting it independent authority to employ City-paid personnel, or permitting it to operate outside the City’s personnel and financial systems is repealed.

Tontitown Municipal Code § 31.02, derived from Ordinance No. 167 and amended by Ordinance No. 179, is repealed and replaced in its entirety. All other ordinances and resolutions are superseded only to the extent of a direct conflict with this ordinance. Existing contracts, donor restrictions, grants, loans, and property interests are not repealed or impaired by this section.

SECTION 20. SEVERABILITY.

If any provision of this ordinance is held invalid or unenforceable, the remaining provisions shall remain in full force and effect.

SECTION 21. CODIFICATION.

The City Clerk and codifier are authorized to renumber, reorganize, and make nonsubstantive formatting corrections necessary to incorporate this ordinance into the Tontitown Municipal Code.

SECTION 22. EMERGENCY CLAUSE.

It is found and determined that the existing Museum ordinances create immediate uncertainty concerning the supervision of municipal employees, administration of public funds, authority of appointed volunteers, and operation of a City-owned cultural facility; that clear lines of responsibility are necessary for personnel administration, budgeting, and preservation of municipal property; and that the immediate effectiveness of this ordinance is necessary for the preservation of the public peace, health, safety, and welfare.

Therefore, an emergency is declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval.

PASSAGE AND APPROVAL

PASSED AND APPROVED on this 1 day of Sept, 2026.

APPROVED:

Angela Russell
Angela Russell, Mayor

ATTEST:

Rhonda Ardemagni
Rhonda Ardemagni, City Clerk-Treasurer

(SEAL)

APPROVED AS TO FORM:

City Attorney

SPONSORSHIP AND LEGISLATIVE HISTORY

Ordinance No. 2026-09-1339

Sponsor (Initiated By): Mick Wagner

Motion to Introduce Made By: Daniel Montez

Seconded By: Mick Wagner

Adopted/Passed: _____

Vote: Ayes 6 Nays _____ Abstain _____ Absent _____

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.

This signature and legislative history block is provided in addition to, and does not supersede, any authentication, attestation, or signature requirements imposed by state law or other provisions of the Tontitown Municipal Code.