

ORDINANCE NO. 2026-_____
CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

**AN ORDINANCE AMENDING §§30.05 AND 30.06 OF THE TONTITOWN MUNICIPAL CODE;
ESTABLISHING SEPARATE PUBLIC-COMMENT PERIODS FOR AGENDA AND NON-AGENDA
MATTERS; REQUIRING PHYSICAL PRESENCE FOR ORAL PUBLIC COMMENT;
CLARIFYING THE SUBMISSION OF WRITTEN COMMENTS; REVISING THE ORDER OF
BUSINESS FOR REGULAR CITY COUNCIL MEETINGS; AND FOR OTHER PURPOSES.**

WHEREAS, the City Council previously adopted Ordinance No. 2026-07-1311 establishing procedures intended to promote orderly and efficient City Council meetings while providing citizens an opportunity to address matters appearing upon the published agenda; and

WHEREAS, experience following adoption of that Ordinance has demonstrated that citizens may also desire to address the City Council concerning matters that do not appear upon the published agenda; and

WHEREAS, the City Council finds that maintaining separate periods for comments concerning agenda items and comments concerning non-agenda matters will permit the Council to conduct its legislative business efficiently while continuing to provide an orderly opportunity for public participation; and

WHEREAS, the City Council finds that oral public comment is most effectively administered when speakers are physically present at the public meeting, while persons unable or unwilling to attend remain free to submit written comments for distribution to the Mayor and City Council; and

WHEREAS, the City Council further finds that comments concerning matters not appearing upon the published agenda are most appropriately received after completion of Old Business and New Business and immediately before Closing Comments by the Mayor and members of the City Council;

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(A) of the Tontitown Municipal Code is hereby amended 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 — Agenda Items Only.
- (8) New Business.
- (9) Public Comments — Non-Agenda Items.
- (10) Closing Comments.
- (11) 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. Amendment of §30.06 — Public Comments.

Section 30.06 of the Tontitown Municipal Code is hereby amended to read as follows:

§30.06 PUBLIC COMMENTS.

(A) Two Public-Comment Periods.

The City Council shall provide two separate public-comment periods during each regular City Council meeting:

- (1) Public Comments — Agenda Items Only, conducted prior to consideration of New Business; and
- (2) Public Comments — Non-Agenda Items, conducted following completion of New Business and immediately prior to Closing Comments.

The two periods are separate and shall be administered independently.

(B) Agenda-Item Public Comments.

The first public-comment period shall be limited to matters appearing upon the published agenda for the meeting.

Its purpose is to allow persons an opportunity to provide information or comment concerning matters scheduled for consideration by the City Council before Council deliberation or action upon those matters.

(C) Non-Agenda Public Comments.

During the Public Comments — Non-Agenda Items period, a speaker may address the City Council concerning a matter reasonably related to the government, operations, services, programs, policies, or affairs of the City that does not appear upon the published agenda.

The non-agenda public-comment period shall occur following completion of New Business and immediately before Closing Comments.

No matter raised during this period shall be deliberated upon or acted upon by the City Council during that meeting unless consideration is otherwise authorized by applicable law and the matter has been properly placed upon or added to the agenda.

Nothing herein shall prohibit a member of the City Council from requesting that a matter be considered for placement upon a future agenda or requesting that City staff obtain information concerning a matter for later consideration.

(D) Physical Presence Required for Oral Public Comment.

(1) Any person wishing to provide oral public comment, whether concerning an agenda item or a non-agenda item, must be physically present at the location of the City Council meeting at the time the applicable public-comment period is conducted.

(2) A person participating in or observing a meeting remotely shall not be recognized for purposes of providing oral public comment.

(3) Oral public comment shall not be accepted through Zoom, telephone, video conference, social-media platform, text message, electronic-messaging platform, electronic mail, livestream communication, chat feature, or any other remote or electronic means.

(4) The ability to view, hear, monitor, or otherwise electronically access a City Council meeting shall not create a right to provide oral public comment remotely.

(5) Nothing in this subsection prohibits the submission of written comments as provided in subsection (I).

(E) Speaker Registration.

(1) Individuals wishing to provide oral public comment shall sign the speaker roster prior to commencement of the applicable 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.

(F) Time Limits.

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

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

(3) Each of the two public-comment periods shall be limited to a total of fifteen (15) minutes, unless extended by majority vote of the City Council.

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

(G) Decorum and Conduct.

(1) Speakers shall address the City Council as a body and shall not engage in debate with members of the City Council, City officials, City employees, or 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 a speaker's viewpoint or position upon an issue.

(H) Relevance.

(1) During Public Comments — Agenda Items Only, the presiding officer may rule comments out of order when they are unrelated to the published agenda item being addressed.

(2) During Public Comments — Non-Agenda Items, comments need not relate to a published agenda item but shall concern matters reasonably related to the government, operations, services, policies, programs, or affairs of the City.

(I) Written Comments Expressly Permitted.

(1) Any person may submit written comments to the City concerning an agenda or non-agenda matter regardless of whether that person attends the meeting in person.

(2) Written comments may be submitted to the Clerk-Treasurer in person, by mail, by electronic mail, or through another method established by the City for receiving written communications.

(3) 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.

(4) Submission of a written comment does not entitle the submitting person to have the comment read aloud during the meeting.

(5) A written submission shall not be treated as oral public comment and shall not extend or affect the time limits established for oral public comment.

(J) No Remote Oral Public Comment.

For avoidance of doubt, participation through Zoom, telephone, video conference, social-media platform, electronic-messaging platform, livestream, electronic mail, or any other remote or electronic means shall not constitute oral public comment and shall not be accepted as oral public comment. Written communications transmitted electronically shall instead be treated as written comments under subsection (I).

SECTION 3. Closing Comments.

Following Public Comments — Non-Agenda Items, the meeting shall proceed to 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 4. Repealer.

All ordinances, resolutions, policies, procedures, and 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, invalid, or unenforceable by a court of competent jurisdiction, such determination shall not affect the validity of the remaining portions of this Ordinance.

SECTION 6. 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 _____, 2026.

APPROVED:

Mayor

ATTEST:

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, attestation, or signature requirements imposed by state law or other provisions of the Tontitown Municipal Code.