

RESOLUTION NO. 2026-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TONTITOWN, ARKANSAS, EXPRESSING FORMAL CENSURE OF THE MAYOR FOR A MATERIAL MISSTATEMENT TO THE CITY COUNCIL CONCERNING AUTHORIZATION OF CITY CHECK SIGNATORIES; AFFIRMING THE COUNCIL'S EXPECTATION OF ACCURATE AND SUPPORTABLE REPRESENTATIONS IN THE CONDUCT OF CITY BUSINESS; AND FOR OTHER PURPOSES

WHEREAS, the City Council of the City of Tontitown is charged with conducting the legislative business of the City and must be able to rely upon accurate factual information provided during its deliberations; and

WHEREAS, during the September 15, 2026 City Council meeting, while the Council was considering legislation concerning the signing and disbursement of City funds, the Mayor stated that "the city council did pass" authorization permitting persons other than the Mayor and Clerk-Treasurer to sign City checks; and

WHEREAS, immediately following that statement, Alderman Mick Wagner requested on the public record that the Mayor produce the legislative action that authorized or superseded the existing ordinance and permitted staff members reporting directly to the Mayor to serve as signatories, and expressly made a verbal Freedom of Information Act request for that record; and

WHEREAS, Alderman Wagner followed that verbal request with a written request on September 16, 2026, specifically requesting all documents supporting the statement that the Council had authorized check signers not identified in Tontitown Municipal Code § 32.02(K); and

WHEREAS, that request was designated FOIA Request #26-106, and after the City completed its search, the Deputy City Clerk stated that the record supplied in response was the responsive record provided by the Mayor for release; and

WHEREAS, the record supplied by the Mayor did not contain an ordinance, resolution, motion, minutes, or other legislative act by which the City Council authorized additional employee signatories; and

WHEREAS, instead, the record supplied included Tontitown Municipal Code § 32.02(K), which states that each Council Member, the Clerk-Treasurer, and the Mayor shall be authorized to sign checks or drafts on City accounts and that two authorized signatures are required; and

WHEREAS, records presented to the Council include at least one City check that appears to bear signatures of persons other than those offices expressly identified in § 32.02(K), making the source of any claimed authorization a legitimate matter of Council inquiry; and

WHEREAS, on September 21, 2026, after being asked to produce the Council action she had stated existed, the Mayor responded that she had instead been referring to Tontitown Municipal Code § 30.52(B)(6), which requires checks and drafts to be countersigned by "two duly authorized personnel"; and

WHEREAS, in the same September 21 response, the Mayor stated that it had been her "understanding" that this provision allowed the Mayor to authorize appropriate City personnel and further stated that she "was not referring to a separate ordinance or resolution specifically authorizing those individuals"; and

WHEREAS, that September 21 explanation differs materially from the Mayor's statement to the Council that "the city council did pass" the authorization; and

WHEREAS, whether § 30.52(B)(6) independently authorizes the Mayor to designate additional check signatories is a legal question separate from the factual representation made to the Council that the Council itself had previously acted; and

WHEREAS, the City Council finds that statements concerning prior legislative action are material to its deliberations because Council members must be able to distinguish between an existing Council enactment, an administrative practice, and an individual interpretation of municipal law; and

WHEREAS, a formal censure is an expression of the legislative body's position concerning conduct presented to it and does not constitute removal from office, a judicial finding, or a determination of civil or criminal liability;

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

SECTION 1. FINDINGS. The City Council adopts the foregoing recitals as findings of fact for purposes of this Resolution.

SECTION 2. FORMAL CENSURE. The City Council hereby formally censures Mayor Angela Russell for making a material factual representation to the City Council that the Council had previously approved additional City check signatories when, after a specific records request and subsequent opportunity to clarify the statement, no record of such Council action was produced and the Mayor subsequently stated that she had instead relied upon her interpretation of Tontitown Municipal Code § 30.52(B)(6).

SECTION 3. BASIS OF CENSURE. This censure is directed specifically to the discrepancy between: (a) the affirmative representation made during the September 15, 2026 City Council meeting that the City Council had acted to authorize additional signatories; and (b) the Mayor's September 21, 2026 written clarification that she was not referring to a separate ordinance or resolution authorizing those individuals and instead relied upon her own understanding of § 30.52(B)(6). The Council does not, through this Resolution, determine the ultimate legal interpretation of § 30.52(B)(6). The censure concerns the accuracy of the representation regarding prior Council action.

SECTION 4. EXPECTATION OF ACCURACY AND CANDOR. The City Council declares that the effective administration of municipal government requires the Mayor, Council members, officers, and employees to exercise reasonable care before making material factual representations during official proceedings, particularly representations concerning prior Council action, expenditure of public funds, legal authority, and compliance with City ordinances.

SECTION 5. FUTURE REPRESENTATIONS CONCERNING COUNCIL ACTION. The Council expects that when the Mayor represents that the City Council has previously enacted, approved, authorized, or directed a particular action, such representation will be based upon an identifiable ordinance, resolution, motion, minutes, or other official record, or will be expressly identified as a recollection or interpretation if the underlying record has not been verified.

SECTION 6. PUBLIC RECORD. The City Clerk-Treasurer is directed to maintain this Resolution, together with the official meeting record concerning its consideration and adoption, as part of the permanent records of the City.

SECTION 7. NO ADDITIONAL PENALTY. This Resolution constitutes an expression of the City Council's institutional position. It does not remove the Mayor from office, diminish any authority granted to the office by Arkansas law, or constitute a finding of criminal or civil liability.

SECTION 8. SEVERABILITY. If any portion of this Resolution is determined to be invalid or unenforceable, the remaining provisions shall remain in full force and effect.

PASSED AND APPROVED this ____ day of _____, 2026.

Angela Russell, Mayor

APPROVED:

Rhonda Ardemagni, City Clerk-Treasurer

ATTEST:

SPONSORSHIP AND LEGISLATIVE HISTORY

Primary Sponsor (Initiated By):	Mick Wagner, Alderman
Primary Sponsor Signature:	_____
Co-Sponsor(s):	_____
Co-Sponsor Signature(s):	_____
Motion to Introduce Made By:	_____
Seconded By:	_____
Adopted / Passed:	_____
Vote:	Ayes ____ Nays ____ Abstain ____ Absent ____

ROLL CALL VOTE

Council Member	AYE	NAY	ABSTAIN	ABSENT
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Sponsor and legislative history information included pursuant to Tontitown Municipal Code § 32.04(D)-(E). The individual roll-call table is included to preserve a clear public record of each Council Member's vote.