

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

ORDINANCE NO. 2026-09-1335

AN ORDINANCE ESTABLISHING THE PUBLIC WORKS DEPARTMENT AND THE POSITION OF PUBLIC WORKS DIRECTOR FOR THE CITY OF TONTITOWN, ARKANSAS; DEFINING THE DEPARTMENT'S GENERAL RESPONSIBILITIES; ESTABLISHING THE ADMINISTRATIVE REPORTING STRUCTURE; REPEALING CONFLICTING PROVISIONS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, the City of Tontitown, Arkansas, is a city of the first class operating under the mayor-council form of municipal government established by the laws of the State of Arkansas; and

WHEREAS, the Tontitown City Council desires to establish a clear, accountable, and legally consistent organizational structure for the administration and operation of municipal services; and

WHEREAS, the Tontitown Mayor serves as the chief executive officer of the City and exercises those supervisory and administrative responsibilities provided by Arkansas law, including Arkansas Code Annotated §§ 14-42-110 and 14-43-504 and other applicable provisions of state law; and

WHEREAS, the City's responsibilities concerning streets and related public infrastructure extend beyond traditional street maintenance and include the maintenance and repair of public rights-of-way, culverts, roadside drainage facilities, and other publicly owned drainage and stormwater infrastructure owned by the City, accepted by the City for maintenance, or otherwise lawfully assigned to the City for maintenance; and

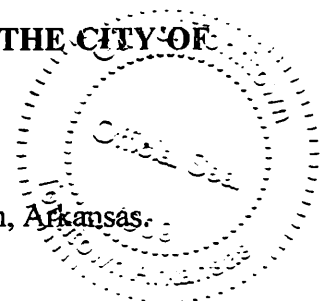
WHEREAS, the Tontitown City Council finds that the title "Public Works Department" more accurately describes these municipal operational functions than the title "Street Department"; and

WHEREAS, establishing a Public Works Director as the department head responsible for the City's operational public works functions will provide clearer lines of responsibility, accountability, and operational authority while preserving the respective legislative, budgetary, appointment, removal, and supervisory authority established by Arkansas law and the City's mayor-council form of government;

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

SECTION 1. ESTABLISHMENT OF PUBLIC WORKS DEPARTMENT.

There is hereby established a Public Works Department for the City of Tontitown, Arkansas.



The Public Works Department shall constitute a separate municipal department and shall not be administratively subordinate to the Planning Department, Planning and Development Department, Community Development Department, Community Development Director, Planning Director, or any other department or department head, except as may otherwise be expressly required by state law or subsequently established by ordinance. Nothing in this section shall prevent coordination among municipal departments or the assignment of administrative support functions that do not interfere with the Mayor's supervision of the Public Works Director.

SECTION 2. PUBLIC WORKS DIRECTOR.

There is hereby established the position of Public Works Director.

The Public Works Director shall serve as the department head of the Public Works Department and shall be responsible for the administration, supervision, coordination, and operation of the Department, subject to the authority of the Mayor and City Council as respectively established by Arkansas law and municipal ordinance. Pursuant to Arkansas Code Annotated § 14-42-110, the Public Works Director shall be appointed and may be removed by the Mayor. The City Council may override the Mayor's appointment or removal by a two-thirds vote of the total membership of the City Council.

Consistent with the mayor-council form of government, the Public Works Director shall report directly to and be subject to the administrative supervision of the Mayor. The Director shall not report through another municipal department head or employee unless otherwise required by state law or expressly established by ordinance.

Nothing in this ordinance shall be construed as creating the position of city administrator, city manager, chief administrative officer, or any equivalent position, nor shall any employee other than the Mayor be deemed to exercise general administrative supervision over the Public Works Director unless authorized by applicable state law and duly adopted municipal ordinance.

SECTION 3. GENERAL DUTIES AND RESPONSIBILITIES.

Subject to the Mayor's executive supervision, duly adopted ordinances, and the City's personnel policies, the Public Works Director shall direct and supervise the operational functions assigned to the Public Works Department, which may include, but are not limited to:

A. Maintenance and repair of City streets and other City-maintained roadways;

B. Street resurfacing, patching, and routine pavement maintenance;

C. Maintenance of public rights-of-way for which the City has maintenance responsibility;

D. Maintenance, repair, and cleaning of City-owned or City-maintained culverts, roadside ditches, drainage channels, inlets, catch basins, and similar drainage facilities;

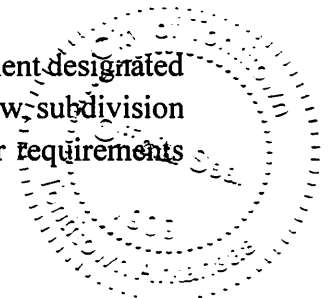
- E. Maintenance and repair of publicly owned or City-maintained stormwater and drainage infrastructure;
- F. Operational response to flooding, drainage obstructions, storm damage, debris, and other infrastructure-related emergencies within the scope of the Department's responsibilities;
- G. Maintenance and installation of traffic signs, pavement markings, and similar traffic-control infrastructure to the extent assigned to the City and not otherwise reserved by law to another department or governmental entity;
- H. Maintenance and management of vehicles, machinery, and equipment assigned to the Public Works Department;
- I. Coordination of public works construction, maintenance, and repair projects as authorized and funded by the City;
- J. Coordination with the City Engineer and other professional consultants regarding public infrastructure projects;
- K. Administration and supervision of employees assigned to the Public Works Department, subject to applicable City personnel policies, ordinances, budgetary authority, and Arkansas law; and
- L. Such other public works functions as may be assigned by ordinance, resolution, approved budget, or other lawful action of the City.

SECTION 4. DISTINCTION BETWEEN PUBLIC WORKS AND PLANNING FUNCTIONS.

The Public Works Department shall primarily be responsible for the physical operation, maintenance, and repair of public infrastructure assigned to the Department.

Nothing in this ordinance transfers land-use planning, subdivision review, zoning administration, development review, building-code administration, floodplain administration, stormwater permitting or regulatory compliance, professional engineering, or other regulatory or professional authority assigned by law or ordinance to the Planning Commission, City Engineer, Building Official, Floodplain Administrator, Stormwater Administrator, MS4 responsible official, Planning Official, or another designated official.

The Planning Department, Planning and Development Department, or other department designated by City ordinance shall remain responsible for land-use planning, development review, subdivision review, zoning administration, and regulatory review of drainage and stormwater requirements associated with private development, unless otherwise provided by ordinance.



The Public Works Department may provide technical and operational input concerning proposed infrastructure and drainage facilities but shall not, solely by virtue of this ordinance, assume the regulatory land-use or development-review authority assigned by law or ordinance to the Planning Commission, Planning Department, City Engineer, Building Official, Floodplain Administrator, Stormwater Administrator, or other designated official.

Upon lawful dedication and acceptance of streets, drainage facilities, stormwater facilities, or other infrastructure for municipal ownership or maintenance, responsibility for routine physical maintenance may be assigned to the Public Works Department as provided by City ordinance, policy, or other lawful action.

SECTION 5. CITY ENGINEER AND PROFESSIONAL SERVICES.

Nothing in this ordinance shall alter the status or authority of the City Engineer or any engineer, consultant, or other professional retained by the City.

The Public Works Director shall coordinate operational activities with the City Engineer and other authorized professionals concerning infrastructure design, construction, inspection, maintenance, drainage, stormwater, floodplain, and other matters requiring professional expertise. The Public Works Director shall not direct, control, modify, or supersede a professional determination, certification, approval, inspection, or other function that applicable law, ordinance, contract, or professional standard assigns to the City Engineer or another licensed professional.

Nothing herein shall authorize the Public Works Director to perform professional engineering or other services requiring a license or professional credential under Arkansas law unless the individual serving in the position possesses the required license or credential.

Nothing in this ordinance designates the Public Works Director as the City Engineer, Floodplain Administrator, Building Official, Fire Code Official, Stormwater Administrator, or MS4 responsible official.

SECTION 6. BUDGETARY AUTHORITY.

Nothing in this ordinance shall independently authorize the expenditure of City funds or the creation of additional funded employee positions.

The Public Works Department and Public Works Director shall operate within appropriations and positions authorized through the City's duly adopted budget and in accordance with applicable purchasing requirements, ordinances, resolutions, and Arkansas law.

SECTION 7. EXISTING STREET DEPARTMENT FUNCTIONS.

Upon the effective date of this ordinance, the operational street-maintenance personnel, equipment, appropriations, and functions identified in the City's adopted budget and

organizational records may be administratively assigned to the Public Works Department by the Mayor, consistent with Arkansas law, applicable personnel policies, and existing appropriations. References in the City's administrative structure to the "Street Department," where such references describe the municipal department responsible for street and related public infrastructure maintenance, shall be deemed functions of the Public Works Department.

No regulatory, professional, permitting, development-review, engineering, floodplain, stormwater-compliance, or code-enforcement authority shall be transferred merely because a provision or document refers to streets, drainage, rights-of-way, or public works.

The adoption of this ordinance is intended to clarify and reorganize the City's administrative structure and shall not, by itself, create additional employee positions or require additional expenditures beyond those separately authorized by the City Council.

Existing employees performing street, right-of-way, drainage-maintenance, or related public works functions may be assigned within the Public Works Department consistent with applicable law, City personnel policies, and the duly adopted municipal budget.

SECTION 8. NO TRANSFER OF WATER AND SEWER FUNCTIONS.

Unless expressly provided by separate ordinance, the Public Works Department and Public Works Director shall not exercise administrative control or supervisory authority over the City's Water and Sewer Department or its department head.

The Water and Sewer Department shall remain a separate municipal department, governed by § 31.04 of the Tontitown Municipal Code and other applicable law, with its own department head and reporting structure as established by applicable law and City ordinance.

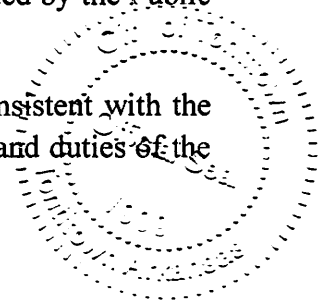
The administrative use of the title "Public Works Director" in connection with the Water and Sewer Department shall not confer authority over the Public Works Department established by this ordinance.

SECTION 9. ORGANIZATIONAL STRUCTURE.

The City's official organizational chart and administrative documents shall be revised as necessary to reflect the Public Works Department as a separate municipal department headed by the Public Works Director.

The Public Works Director shall be shown as a direct report to the Mayor, consistent with the City's mayor-council form of government and subject to the respective powers and duties of the Mayor and City Council under Arkansas law.

SECTION 10. CONFLICTING TITLES AND ASSIGNMENTS.



Following the adoption of this ordinance, the City administration, Clerk-Treasurer, and City Attorney are authorized and directed to review provisions of the Tontitown Municipal Code, uncodified ordinances, resolutions, administrative documents, job descriptions, and organizational records for references to the Street Department, Street Superintendent, Community Development Director, Public Works Director, or other titles or assignments that may be inconsistent with the organizational structure established by this ordinance.

Such provisions shall be presented to the City Council for appropriate amendment where necessary to ensure consistency with this ordinance and applicable Arkansas law. Nothing in this section authorizes the administrative amendment of the Tontitown Municipal Code, or the transfer of any regulatory, professional, statutory, or permitting authority, without appropriate legislative action by the City Council.

Pending completion of that review, this ordinance shall not be construed to transfer any authority assigned by law or ordinance to the City Engineer, Planning Commission, Planning Official, Building Official, Floodplain Administrator, Stormwater Administrator, MS4 responsible official, Fire Code Official, or other specifically designated official.

SECTION 11. PRESERVATION OF MAYOR-COUNCIL FORM OF GOVERNMENT.

This ordinance is intended to establish departmental organization and clear administrative accountability within the City's existing mayor-council form of government.

Nothing contained herein shall be interpreted to establish, authorize, or implement a city administrator form of government, city manager form of government, or any administrative structure inconsistent with the form of municipal government established for the City of Tontitown under Arkansas law.

SECTION 12. REPEALER.

All ordinances or parts of ordinances in irreconcilable conflict with this ordinance are repealed to the extent of the conflict; provided, however, that this repealer shall not be construed to transfer any regulatory, professional, statutory, permitting, or enforcement authority not expressly transferred by this ordinance.

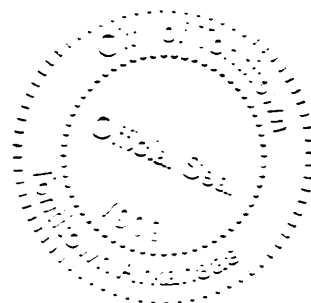
SECTION 13. SEVERABILITY.

If any provision, section, subsection, sentence, clause, or phrase of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this ordinance.

SECTION 14. EMERGENCY CLAUSE.

It is hereby found and determined by the City Council of the City of Tontitown, Arkansas, that the City is presently operating under inconsistent departmental lines and that clear lines of authority and responsibility for the maintenance and protection of the City's streets, drainage systems, rights-of-way, and other public infrastructure are necessary for the efficient operation of municipal government and for the protection of the public peace, health, safety, and welfare; that uncertainty concerning departmental responsibilities and reporting relationships may impair the timely administration and maintenance of essential public infrastructure; and that this ordinance should therefore become effective without delay.

Therefore, an emergency is hereby declared to exist, and this ordinance, being necessary for the preservation of the public peace, health, safety, and welfare, shall be in full force and effect immediately upon its passage and approval as provided by law.



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. 2026-09-1335

Sponsor (Initiated By): Mick Wagner

Motion to Introduce Made By: Tim Burruss

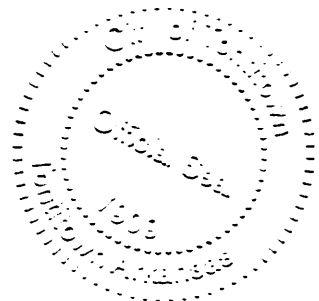
Seconded By: Mike Waskowski

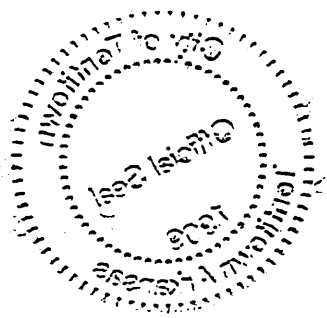
Adopted/Passed: _____

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.







CITY OF TONTITOWN STANDARD JOB DESCRIPTION

Job Title:	Public Works Director	Department:	Public Works Department
Division:	N/A	Reports To:	Mayor
Supervises:	Street Equipment Operators; Public Works field staff	Employment Status:	Full-time
FLSA Status:	Exempt	Pay Grade/Class:	To be assigned per City classification/compensation plan
Safety Sensitive:	Yes	Weather Essential:	Yes
Effective Date:		Revision Date:	09/14/2026

POSITION SUMMARY

Directs the City's street maintenance, drainage maintenance, fleet, and general public works operations. Manages the department's budget, personnel, and capital projects, and serves as the City's primary point of coordination for storm and emergency response affecting public infrastructure.

ESSENTIAL FUNCTIONS AND RESPONSIBILITIES

List the essential functions in order of importance. Use action verbs and distinguish essential duties from incidental duties.

1. Directs street maintenance, pothole repair, ditch/culvert maintenance, mowing, and snow/ice removal operations.
2. Manages the Public Works budget, equipment/fleet inventory, and capital improvement priorities.
3. Supervises, trains, and evaluates Street Equipment Operators and other public works staff.
4. Coordinates infrastructure projects with the City Engineer and utility departments.
5. Responds to and prioritizes citizen service requests regarding streets and drainage.
6. Ensures compliance with OSHA and other applicable safety regulations for field operations.
7. Coordinates emergency response for weather events affecting public infrastructure.
8. Oversees solid waste/sanitation contract compliance, where applicable.

SUPERVISORY RESPONSIBILITIES

Directly supervises Street Equipment Operators and other public works field staff.

MINIMUM QUALIFICATIONS



Education	High school diploma or equivalent required; associate or bachelor's degree in public administration, construction management, or a related field preferred.
Experience	Minimum of five years of public works experience, including two years of supervisory experience.
Licenses/Certifications	None beyond driver requirements.
Driver Requirements	CDL preferred; valid Arkansas driver's license required.

KNOWLEDGE, SKILLS, AND ABILITIES

(1) Working knowledge of street maintenance practices, heavy equipment operation, and materials. (2) Budgeting, procurement, and personnel management skills. (3) Knowledge of OSHA and traffic control safety standards for field operations. (4) Ability to plan and prioritize work during emergency weather events. (5) Strong interpersonal skills for coordinating with residents, contractors, and other departments.

PHYSICAL DEMANDS AND WORK ENVIRONMENT

Requires field presence at active work sites, occasional operation of equipment, and lifting up to 50 pounds; exposure to outdoor weather conditions. Mix of office and field work; subject to on-call status during storm, snow, or other emergency events.

OTHER CONDITIONS OF EMPLOYMENT

Background check, pre-employment physical, and drug/alcohol testing required; on-call for emergency/weather response.

JOB DESCRIPTION STATEMENT

This job description identifies the essential functions and general responsibilities of the position and is not intended to constitute an exhaustive list of every duty that may be assigned. Duties assigned should remain consistent with the lawful authority, classification, and organizational structure of the position. Reasonable accommodations may be made to enable qualified individuals with disabilities to perform the essential functions, consistent with applicable law.

REVIEW AND APPROVAL

Prepared/Reviewed by HR:	Luann Jenison	Date: 09/14/2026	
Department Head Review:	Mayor	Date: 09/14/2026	
Approving Authority:		Date:	
Employee Acknowledgment:		Date:	

Template note: The department head should provide substantive job-duty input; Human Resources should maintain the official format, classification terminology, revision control, and master copy.

