

RESOLUTION 139

A RESOLUTION ESTABLISHING A POLICY FOR USE OF ELECTRONIC MAIL
IN THE CONDUCT OF OFFICIAL CITY BUSINESS IN THE CITY
OF TONTITOWN, ARKANSAS

WHEREAS, the prominence, availability and convenience of electronic mail has made its use a staple of modern life; and

WHEREAS, the use of electronic mail increases productivity and communication; and

WHEREAS, the City of Tontitown, Arkansas, currently has no policy regulating the use of electronic mail in the conduct of official City business; and

WHEREAS, the Arkansas Attorney General has opined (Attorney General Op. # 2005-166) that the Arkansas Freedom of Information Act does apply to electronic mail, but that the question of how the Act applies to the use of electronic mail remains uncertain under Arkansas law; and

WHEREAS, the City Council finds it in the best interest of the City to adopt a policy allowing for the use of electronic mail in a manner consistent with the Arkansas Freedom of Information Act;

BE IT THEREFORE RESOLVED by the City Council of Tontitown, Arkansas, that the following shall be the policy and procedure for the use of electronic mail in the conduct of official City business:

Section 1: It is the policy of the City of Tontitown that, on all matters requiring or involving action or discussion by the Tontitown City Council, all steps of the deliberative process shall take place in a public meeting in accordance with the Arkansas Freedom of Information Act (FOIA).

Section 2: Members of the City Council shall not use electronic mail (e-mail) to discuss, deliberate, debate or decide upon any official business of the City on which foreseeable action might be taken by the Council. The use of e-mail by the members of the City Council for the conduct of City business shall be limited to informational purposes only, such as providing background information or matters of scheduling. The use of serial or circular e-mail communications involving members of the City Council should be avoided.

Section 3: The Mayor and any member of the City Council who sends or receives an e-mail communication involving official City Business shall immediately provide a copy of the e-mail communication to the Recorder/Treasurer, or his/her designee, who will keep a hard copy of the e-mail in a "reading file." If more than one person receives the same e-mail and it is clear from the face of the e-mail that the Recorder/Treasurer has been copied already, additional copies need not be provided. In addition, the Recorder/Treasurer shall place a hard copy of any e-mails he/she receives involving official City Business in the reading file.

Section 4: The reading file shall be kept in the office of the Recorder/Treasurer. In addition to the requirements of the Arkansas FOIA, the reading file shall be available for viewing during normal business hours by any person, including members of the public or the press, who requests to view the file. The Recorder/Treasurer may, at his/her discretion, maintain a "current" reading file containing recent e-mails and an "archived" reading file containing all other e-mails, and both shall be maintained and made available to the public as provided for herein.

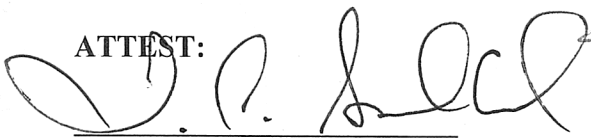
Section 5: The requirements of this Resolution are intended to be in addition to any requirements of the Arkansas FOIA and do not supercede any requirement of the Arkansas FOIA. Any provision of this Resolution which is in conflict with the Arkansas FOIA shall be null and void.

PASSED AND APPROVED this 3rd day of April, 2007.

APPROVED:


Mayor

ATTEST:


City Recorder/ Treasurer

Sponsor: Becky Alston

ROLL CALL

SHALL THE ORDINANCE PASS:

	Yea	Nay
Alderman Sunny Hinshaw	<input checked="" type="checkbox"/>	_____ (Ward 1, Position 1)
Alderman Henry Piazza	<input checked="" type="checkbox"/>	_____ (Ward 1, Position 2)
Alderman Arthur Penzo	<input checked="" type="checkbox"/>	_____ (Ward 2, Position 1)
Alderman David Sbanotto	<input checked="" type="checkbox"/>	_____ (Ward 2, Position 2)
Alderman Becky Alston	<input checked="" type="checkbox"/>	_____ (Ward 3, Position 1)
Alderman Scott McNair	<input checked="" type="checkbox"/>	_____ (Ward 3, Position 2)
Mayor Joseph Edgmon	_____	_____
TOTALS:	<u>6</u>	<u>0</u>

ROLL CALL

SHALL THE ORDINANCE BECOME EFFECTIVE IMMEDIATELY:

	Yea	Nay
Alderman Sunny Hinshaw	_____	_____ (Ward 1, Position 1)
Alderman Henry Piazza	_____	_____ (Ward 1, Position 2)
Alderman Arthur Penzo	_____	_____ (Ward 2, Position 1)
Alderman David Sbanotto	_____	_____ (Ward 2, Position 2)
Alderman Becky Alston	_____	_____ (Ward 3, Position 1)
Alderman Scott McNair	_____	_____ (Ward 3, Position 2)
Mayor Joseph Edgmon	_____	_____
TOTALS:	_____	_____