

CITY OF TONTITOWN, ARKANSAS
RESOLUTION NO. 2026-_____

**A RESOLUTION REQUIRING ARKANSAS FREEDOM OF INFORMATION ACT
TRAINING FOR CITY OFFICIALS AND EMPLOYEES; ESTABLISHING
DOCUMENTATION AND REPORTING REQUIREMENTS; AND FOR OTHER
PURPOSES.**

WHEREAS, the Arkansas Freedom of Information Act of 1967, Ark. Code Ann. § 25-19-101 *et seq.* ("FOIA"), declares it the public policy of the State of Arkansas that public business be performed in an open and public manner and that citizens have access to public records; and

WHEREAS, Ark. Code Ann. § 25-19-105 establishes specific duties for custodians of public records, including accepting requests made in person, by telephone, by mail, by facsimile, or by electronic mail; responding in writing to written requests; producing records promptly or certifying in writing when records are in active use or storage; and, where a custodian lacks administrative control of responsive records, identifying the appropriate custodian; and

WHEREAS, Ark. Code Ann. § 25-19-104 provides that a person who negligently violates the FOIA is guilty of a Class C misdemeanor, and Ark. Code Ann. § 25-19-107 authorizes civil actions and the award of attorney's fees and litigation expenses against public entities that violate the Act; and

WHEREAS, the City of Tontitown has publicly stated its intent to comply with both the spirit and the letter of the Arkansas FOIA; and

WHEREAS, the City Council finds that requiring FOIA training for City officials and employees will improve compliance, protect the public's right of access, and reduce the City's legal exposure.

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

Section 1. Persons Required to Complete Training. The following persons shall complete training on the Arkansas Freedom of Information Act:

- (a) The Mayor and all members of the City Council;
- (b) The City Clerk/Recorder and any employee designated to receive or respond to FOIA requests;
- (c) All department heads; and
- (d) Any other City employee whose regular duties include receiving public-records requests, locating or producing responsive records, or maintaining records for which the

employee serves as a custodian, as designated by the Mayor or the employee's department head.

Section 2. Deadlines.

- (a) Persons holding office or employed by the City on the effective date of this Resolution shall complete the training within one hundred twenty (120) days of its adoption.
- (b) Persons elected, appointed, or hired after the effective date shall complete the training within ninety (90) days of taking office or beginning employment.
- (c) The Mayor, the City Clerk/Recorder, department heads, and any designated FOIA respondent shall complete refresher training annually.

Section 3. Approved Training. The training required by this Resolution shall be at least one (1) hour in length and shall consist of one of the following:

- (a) The Arkansas Freedom of Information Act module offered through the Arkansas Municipal League's Arkansas Civic Education (ACE) Program;
- (b) A FOIA session presented at an Arkansas Municipal League conference or workshop;
- (c) FOIA training presented by the Office of the Arkansas Attorney General; or
- (d) Other FOIA training approved in writing or provided by the City Attorney as substantially equivalent.

Section 4. Documentation. Each person completing training shall provide a certificate of completion, or other written proof of attendance, to Human Resources, to be retained in the person's personnel file or, for elected officials, in a file maintained by the City Clerk/Recorder. The City Clerk/Recorder shall maintain a roster showing each covered person and the date of completion.

Section 5. Reference Materials. At the time of hire or taking office, each covered person shall receive a copy of, or link to, the current text of Ark. Code Ann. § 25-19-101 *et seq.* and the current Arkansas Freedom of Information Handbook published by the Office of the Attorney General, and shall sign an acknowledgment of receipt, to be retained as provided in Section 4.

Section 6. Reporting. The Mayor, or the Mayor's designee, shall report to the City Council on compliance with this Resolution at the first regular meeting of each calendar year. The report shall identify any covered person who has not completed required training.

Section 7. Costs. Any costs of training required by this Resolution shall be paid from the budget of the department employing the covered person, or from the general administrative budget for elected officials.

Section 8. Effective Date. This Resolution shall be effective immediately upon its adoption.

PASSED AND APPROVED this ____ day of _____, 2026.

APPROVED:

Mayor

ATTEST:

City Clerk/Recorder

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.

EXHIBIT A
Training and Reference Resources

Arkansas Municipal League, Education & Training Programs (ACE Program):
<https://www.armunileague.org/resources-education/education-training-programs/>

Arkansas Municipal League, Events (conference FOIA sessions):
<https://www.armunileague.org/resources-education/events/>

Arkansas Municipal League, Publications (Arkansas FOIA Handbook and current statutes):
<https://www.armunileague.org/resources-education/publications/>

Ark. Code Ann. § 25-19-105, Examination and copying of public records (text):
<https://codes.findlaw.com/ar/title-25-state-government/ar-code-sect-25-19-105/>

Office of the Arkansas Attorney General (Freedom of Information Handbook):
<https://arkansasag.gov/>

Act 671 of 2025 (municipal treasurer training requirement):
<https://arkleg.state.ar.us/Acts/FTPDocument?path=%2FACTS%2F2025R%2FPublic%2F&file=671.pdf&ddBienniumSession=2025%2F2025R>