

**BOARD OF CITY COMMISSIONERS
REGULAR MEETING**

December 14, 2020

6:00 p.m.

**Wheeler Event Center
103 North Wheeler
Sallisaw, OK**

A G E N D A

- 1. Meeting called to order**
- 2. Declaration of a quorum**
- 3. Removal of any Item from the Consent Agenda**
- 4. Consent Agenda**
 - (a) Consider Approval of Minutes of Regular Meeting of November 9, 2020 and Special Meeting of November 20, 2020
 - (b) Acknowledge Invoice Paid Report for November 2020
- 5. Consider any Item Removed from the Consent Agenda**
- 6. Acknowledge Final Inspection and Accept Wastewater Treatment Plant Improvements Flow Equalization Basin - Phase 1; Project No. 17051 CDBG 17**
- 7. Discuss and Consider Approval of Planning Commission Case No. PC 2020-009; Final Plat Presentation of Emicourt Properties II, by Emicourt Properties, LLC**
- 8. Discuss and Consider Approval of Administrative Policy 2.007.00, Security Breach Notification.**

9. Discuss and Consider Approval for Reinvestment of Temporarily Idle Funds

- (a) Approval to Reinvest the Sallisaw Reserve Certificate of Deposit with Armstrong Bank, for 182 Days, at .50%
- (b) Approval to Reinvest the Cemetery Fund Certificate of Deposit with Armstrong Bank, for 182 Days, at .50%

10. Discuss the Potential Purchase of Real Property; Possible Convening in Executive Session as Authorized by Title 25 O.S., § 307 (B)(3)

11. Reconvene to Regular Session

12. Possible Action or Direction Pursuant to Executive Session

13. Discussion and Update on COVID-19 and City Operations; and Possible Direction to Staff

14. Administrative Reports

15. Adjourn

Posted: December 10, 2020

Time: 2:45 P.M.

Dianna Davis

MINUTES
BOARD OF CITY COMMISSIONERS
REGULAR MEETING
NOVEMBER 9, 2020

The Board of City Commissioners met in a regular meeting on November 9, 2020, in the Wheeler Event Center, 103 North Wheeler, Sallisaw. Notice of the meeting was given by e-mailing to Sequoyah County Times; by posting at city hall; by posting on the city's website and, by giving notice to the City Clerk.

Members present: Ernie Martens, Mayor
Ronnie Lowe, Member, Ward 1
Philip Gay, Member, Ward 2
Julian Mendiola, Member, Ward 3

Members absent: Shannon Vann, Member, Ward 4

Staff present: Keith Skelton, City Manager
John R. Montgomery, City Attorney
Dianna Davis, City Clerk
Robin Haggard, Director of Finance
Randy Sizemore, Purchasing Agent
Keith Miller, Building Development Director
Gene Martin, Equipment Services Superintendent
Clint Smith, Telecomm. Superintendent
Blakely R. Smith, Jr., Electric Superintendent

Others present: Roy Faulkenberry; Laura - KXXM; Robert Morris

Mayor Martens called the meeting to order at 6:00 p.m. and declared a quorum was present.

REMOVAL OF ANY ITEM FROM THE CONSENT AGENDA

None

CONSENT AGENDA

- (a) Consider Approval of Minutes of Regular Meeting of October 12, 2020
- (b) Acknowledge Invoice Paid Report for October 2020

Motion was made by Lowe, seconded by Gay, for approval of the consent agenda. Vote: Lowe aye; Gay aye; Mendiola aye; Martens aye. Motion carried 4-0.

CONSIDER ANY ITEM REMOVED FROM THE CONSENT AGENDA

None.

CONSIDER APPROVAL OF REGULAR MEETING DATES FOR CALENDAR YEAR 2021

Motion was made by Lowe, seconded by Gay, that the 2021 regular meetings for the Board of City Commissioners be scheduled for the 2nd Monday of each month, beginning at 6:00 p.m. Vote: Lowe aye; Gay aye; Mendiola aye; Martens aye. Motion carried 4-0.

DISCUSS AND CONSIDER APPROVAL OF RESOLUTION 2020-34; A RESOLUTION TO NOTIFY THE SECRETARY OF THE COUNTY ELECTION BOARD OF SEQUOYAH COUNTY, OKLAHOMA TO CONDUCT ELECTION

Motion was made by Lowe, seconded by Gay, for approval of Resolution 2020-34. Vote: Lowe aye; Gay aye; Mendiola aye; Martens aye. Motion carried 4-0.

DISCUSS AND CONSIDER APPROVAL OF RENEWAL OF AIRPORT HANGAR LEASE AGREEMENTS WITH GLENDA GOULD DBA AERIAL SERVICES, INC.

Following discussion, motion was made by Mendiola, seconded by Gay, for approval. Vote: Mendiola aye; Gay aye; Lowe aye; Martens aye. Motion carried 4-0.

DISCUSS AND CONSIDER APPROVAL OF RESOLUTION 2020-35; A RESOLUTION APPROVING ASSIGNMENT OF LEASE

Motion was made by Lowe, seconded by Gay, for approval of Resolution 2020-35. Vote: Lowe aye; Gay aye; Mendiola aye; Martens aye. Motion carried 4-0.

DISCUSS AND CONSIDER APPROVAL OF RESOLUTION 2020-36; A RESOLUTION APPROVING ASSIGNMENT AND CONTINUATION OF HANGAR LEASE

Motion was made by Mendiola, seconded by Gay, for approval of Resolution 2020-36. Vote: Mendiola aye; Gay aye; Lowe aye; Martens aye. Motion carried 4-0.

DISCUSS AND CONSIDER APPROVAL OF PURCHASE ORDER NO. 82800, IN THE AMOUNT OF \$50,420.00, TO DUNN FORD OF STIGLER, FOR THE PURCHASE OF TWO (2) 2021 FORD RANGER, 4X4 EXTENDED CAB PICKUPS FOR METER READERS

Following discussion, motion was made by Mendiola, seconded by Lowe, for approval of Purchase Order No. 82800, to Dunn Ford of Stigler, in the amount of \$50,420.00. Vote: Mendiola aye; Lowe aye; Gay aye; Martens aye. Motion carried 4-0.

DISCUSS AND CONSIDER STAFFS REQUEST TO REJECT BIDS RECEIVED FOR THE COUNCIL ROOM REMODEL PROJECT

Staff reviewed this item with council, noting the increase in material cost due to issues created by COVID. The low bid came in close to \$200,000 over the projected amount. Following discussion, motion was made by Lowe, seconded by Gay, to reject the bids received for the council room remodel project. Vote: Lowe aye; Gay aye; Mendiola aye; Martens aye. Motion carried 4-0.

DISCUSSION AND POSSIBLE APPROVAL OF ADMINISTRATIVE POLICY 2.005.00, CUSTOMER SERVICE OPERATIONS

Motion was made by Mendiola, seconded by Gay, for approval of Administrative Policy 2.005.00, Customer Service Operations. Vote: Mendiola aye; Gay aye; Lowe aye; Martens aye. Motion carried 4-0.

DISCUSSION AND POSSIBLE APPROVAL OF ADMINISTRATIVE POLICY 2.006.00, UTILITY CUSTOMERS WITH MEDICAL CONDITIONS

Motion was made by Mendiola, seconded by Gay, for approval of Administrative Policy 2.006.00, Utility Customers with Medical Conditions. Vote: Mendiola aye; Gay aye; Lowe aye; Martens aye. Motion carried 4-0.

DISCUSSION AND POSSIBLE APPROVAL OF ORDINANCE 2020-09, AN ORDINANCE REPEALING AND STRIKING CHAPTER 2, ARTICLE V, SECTION 2-242 OF THE SALLISAW CITY CODE AND SUBSTITUTING A NEW CHAPTER 2, ARTICLE V, SECTION 2-242 OF THE SALLISAW CITY CODE, AND DECLARING AN EMERGENCY

Motion was made by Mendiola, seconded by Gay, for approval of Ordinance 2020-09. Vote: Mendiola aye; Gay aye; Lowe aye; Martens aye. Motion carried 4-0. Motion was made by Mendiola, seconded by Gay, for approval of the emergency clause. Vote: Mendiola aye; Gay aye; Lowe aye; Martens aye. Motion carried 4-0.

DISCUSSION AND POSSIBLE APPROVAL OF ADMINISTRATIVE POLICY 2.004.00, REVISION 3, CITY OF SALLISAW PURCHASING MANUAL

Motion was made by Mendiola, seconded by Gay, for approval of Administrative Policy 2.004.00, Revision 3, Purchasing Manual. Vote: Mendiola aye; Gay aye; Lowe aye; Martens aye. Motion carried 4-0.

DISCUSS AND CONSIDER APPROVAL OF PROPOSED USES OF CARES FUNDING

Following review and discussion, motion was made by Mendiola, seconded by Lowe, for approval a one time hazard pay for all full time employees who are employed on November 17, 2020, in the amount of \$1,100.00, and \$550 for volunteer firefighters. Vote: Mendiola aye; Gay aye; Lowe aye; Martens aye. Motion carried 4-0.

DISCUSS AND CONSIDER APPROVAL OF RESOLUTION 2020-37; A RESOLUTION APPROVING AND ADOPTING AMENDMENTS TO THE FISCAL YEAR 2021 BUDGET FOR THE CITY OF SALLISAW, OKLAHOMA, FOR THE PERIOD OF JULY 1, 2020, THROUGH JUNE 30, 2021, FINDING ALL THINGS REQUISITE AND NECESSARY HAVE BEEN DONE IN PREPARATION AND PRESENTMENT OF SAID AMENDMENTS

Following discussion, motion was made by Lowe, seconded by Gay, for approval of Resolution 2020-37. Vote: Lowe aye; Gay aye; Mendiola aye; Martens aye. Motion carried 4-0.

DISCUSS THE POTENTIAL PURCHASE OF REAL PROPERTY; POSSIBLE CONVENING IN EXECUTIVE SESSION AS AUTHORIZED BY TITLE 25 O.S., § 307 (B)(3)

Motion was made by Mendiola, seconded by Gay, to move to executive session for the purpose as stated. Vote: Mendiola aye; Gay aye; Lowe aye; Martens aye. Motion carried 4-0. Executive session began at 6:26 p.m. and ended at 6:44 p.m.

RECONVENE TO REGULAR SESSION

Motion was made by Mendiola, seconded by Gay, to reconvene in regular session. Vote: Mendiola aye; Gay aye; Lowe aye; Martens aye. Motion carried 4-0.

POSSIBLE ACTION OR DIRECTION PURSUANT TO EXECUTIVE SESSION

Motion was made by Lowe, seconded by Gay, to direct the City Manager to proceed with acquiring the property as discussed in executive session. Vote: Lowe aye; Gay aye; Mendiola aye; Martens aye. Motion carried 4-0.

DISCUSSION AND UPDATE ON COVID-19 AND CITY OPERATIONS; AND POSSIBLE DIRECTION TO STAFF

The City Manager reviewed information for Sallisaw and Sequoyah County. He noted that Governor Stitt is encouraging the wearing of masks. He reviewed the number of city employees who have tested positive or been quarantined due to possible exposure. We have had two employees hospitalized due to COVID-19. One has returned to work. The other is out of the hospital and home recouping. We continue to look at each case involving our employees on an individual basis.

ADMINISTRATIVE REPORTS

Mr. Skelton reminded everyone of the Veterans Day program, Wednesday, November 11, 11:00 a.m., ICTC. Annual Christmas tree lighting will be Thursday, November 19, 6:00 p.m., library lawn. Christmas parade, Saturday, December 12, 6:00 p.m. Audit will be presented in December. He updated council on the wastewater treatment plant flow basin project. Asphalt contractor is expected to start near the end of November. New electric rates will go into effect in November and will be reflected on the December bills.

ADJOURN

Motion was made by Lowe, seconded by Gay, to adjourn the meeting there being no further business. Vote: Lowe aye; Gay aye; Mendiola aye; Martens aye. Motion carried 4-0. The meeting adjourned at 6:49 p.m.

APPROVED the 14th day of DECEMBER 2020.

Ernie Martens, Mayor

ATTEST:

Dianna Davis, City Clerk

(SEAL)

MINUTES
BOARD OF CITY COMMISSIONERS
SPECIAL MEETING
NOVEMBER 20, 2020

The Board of City Commissioners met in a regular meeting on November 20, 2020, in the Wheeler Event Center, 103 North Wheeler, Sallisaw. Notice of the meeting was given by e-mailing to Sequoyah County Times; by posting at city hall; by posting on the city's website and, by giving notice to the City Clerk.

Members present: Ernie Martens, Mayor
Ronnie Lowe, Member, Ward 1
Philip Gay, Member, Ward 2
Julian Mendiola, Member, Ward 3
Shannon Vann, Member, Ward 4

Staff present: Keith Skelton, City Manager
Dianna Davis, City Clerk
Robin Haggard, Director of Finance
Randy Sizemore, Purchasing Agent
Blakely R. Smith, Jr., Electric Superintendent
Steven Armstrong, Electric Crew Leader

Others present: Roy Faulkenberry; Laura - KXXM

Mayor Martens called the meeting to order at 10:30 a.m. and declared a quorum was present.

DISCUSS AND CONSIDER APPROVAL OF STAFFS REQUEST TO WAIVE REQUIREMENTS FOR THREE QUOTATIONS AND PURCHASE ONE (1) 2020 ALTEC DM47B-AWD 47 FT. DIGGER DERRICK FROM ALTEC INDUSTRIES, INC., ST. JOSEPH, MISSOURI, IN AMOUNT NOT TO EXCEED \$245,000.00; AND AUTHORIZED STAFF TO PURCHASE VIA A 48-MONTH LEASE PURCHASE AGREEMENT

The City Manager reviewed this item with council, noting repairs needed on our old digger derrick. He feels we should not put any more money toward repair of the old unit. He stated that staff had planned to budget for the purchase of a new digger derrick in the FY 2021-22 budget. He recommended purchasing this unit now, as it is a price and will be available sometime after the first of the year. He noted that in checking prices and availability, a new T-Rex was in the \$300,000 range with a one year build out.

Following discussion, motion was made by Lowe, seconded by Vann, for approval of staff's request to waive requirements for three quotations, and approval to purchase one (1) 2020 Altec digger derrick from Altec Industries in an *amount not to exceed* \$245,000.00. Vote: Lowe aye; Vann aye; Gay aye; Mendiola aye; Martens aye. Motion carried 5-0.

DISCUSS AND CONSIDER APPROVAL OF RESOLUTION 2020-38; A RESOLUTION AUTHORIZING EXECUTION OF A LEASE PURCHASE AGREEMENT ON EQUIPMENT

Staff noted that approval of Resolution 2020-38 would allow staff to move forward with lease purchase paperwork for the digger derrick. Motion was made by Lowe, seconded by Vann, for approval of Resolution 2020-38. Vote: Lowe aye; Vann aye; Gay aye; Mendiola aye; Martens aye. Motion carried 5-0.

DISCUSS AND CONSIDER APPROVAL OF AMENDMENT TO AUDIT ENGAGEMENT AGREEMENT WITH FSW&B, CPA'S PLLC, OF STILLWATER, OKLAHOMA IN AMOUNT NOT TO EXCEED \$6,500.00 TO COVER ADDITIONAL COST RELATED TO SINGLE AUDIT

Staff reviewed this item with council, noting the reason for the amendment was due to the fact that we have over \$750,000 in federal grant funds, which subjects us to the Single Audit requirement. This was not known at the time the original audit agreement was approved.

Motion was made by Mendiola, seconded by Gay, for approval of the amendment to the audit engagement agreement with FSW& B, in an *amount not to exceed* \$6,500.00. Vote: Mendiola aye; Gay aye; Lowe aye; Vann aye; Martens aye. Motion carried 5-0.

DISCUSSION AND UPDATE ON COVID-19 AND CITY OPERATIONS; AND POSSIBLE DIRECTION TO STAFF

The City Manager reviewed covid numbers for Sallisaw and Sequoyah County, as well as new mandates.

ADMINISTRATIVE REPORTS

Mr. Skelton noted that projects are moving along. I-40 project is expected to be finished by the end of December. He noted that our engineer has now been paid for the Hwy 59 North changes. He has visited with ODOT about the increase in cost of material and lead time for ordering. Repair at Delaware/Dogwood, due to construction vehicles, was discussed. Staff noted the contractor is responsible for this repair. Staff will visit with the contractor concerning road repairs in this area.

ADJOURN

Motion was made by Lowe, seconded by Gay, to adjourn the meeting there being no further business. Vote: Lowe aye; Gay aye; Vann aye; Mendiola aye; Martens aye. Motion carried 5-0. The meeting adjourned at 10:48 a.m.

APPROVED the 14th day of DECEMBER 2020.

Ernie Martens, Mayor

ATTEST:

Dianna Davis, City Clerk

(SEAL)

AGENDA ITEM COMMENTARY

Meeting Date: December 14, 2020
Board: Board of City Commissioners
Subject: WWTP Improvements FEB - Phase 1; Project No.: 17051 CDBG 17

ITEM TITLE: Acknowledge Final Inspection and Accept Wastewater Treatment Plant Improvements Flow Equalization Basin - Phase 1; Project No. 17051 CDBG 17

INITIATOR: Project Engineer

STAFF INFORMATION SOURCE: City Manager
Building Development Director

BACKGROUND: The final inspection for Phase I was completed on November 2, 2020. Scott Neel, Neel, Harvell & Associates notes in his November 30, 2020 correspondence that the project is substantially complete and all items have been installed in accordance with Plans and Specifications. The one year warranty period will terminate on November 2, 2021.

EXHIBITS: 1. 11.30.2020 Correspondence, Scott Neel

KEY ISSUES: N/A

FUNDING SOURCE: N/A

RECOMMENDATION: Acknowledge final inspection and accept project.

NEEL, HARVELL & ASSOCIATES, P.C.

123 North Oak
Sallisaw, OK 74955

Consulting Engineers & Planners

Ph: (918) 775-7731
harveng@diamondnet.us

November 30, 2020

Keith Skelton, City Manager
City of Sallisaw
PO Box 525
Sallisaw, OK 74955

RE: City of Sallisaw
Sequoyah County, Oklahoma
Wastewater Treatment Plant Improvements
Flow Equalization Basin - Phase I
Project No.: 17051 CDBG 17
Job No. 16-6704

Dear Mr. Skelton,

A final inspection of the above referenced project was completed on November 2, 2020 by J. Scott Neel with Neel, Harvell & Associates P.C., Randy Jones, City of Sallisaw & Gerald Ballard, HCCCo, LLC. The project is substantially complete and all items have been installed in accordance with the Plans and Specifications. The one year warranty period has begun and will terminate on November 2, 2021. If any deficiencies occur during this period, HCCCo, LLC is responsible to make the proper repairs immediately.

If you have any questions concerning this project contact me at the number above.

Sincerely,



J. Scott Neel
Project Manager

JSN/ap

AGENDA ITEM COMMENTARY

Meeting Date: December 14, 2020
Board: Board of City Commissioners
Subject: Final Plat - Emicourt Properties II

ITEM TITLE: Discuss and Consider Approval of Planning Commission Case No. PC 2020-009; Final Plat Presentation of Emicourt Properties II, by Emicourt Properties, LLC

INITIATOR: Kelly Osburn, Agent

STAFF INFORMATION SOURCE: Keith Miller

BACKGROUND: Kelly Osburn, agent for Olen Carson III, Emicourt Properties, LLC will present a final plat of Emicourt Properties II, an addition to the City of Sallisaw for consideration. This property is located at 632 East Redwood Avenue. The owner's intent is to construct a duplex. Planning Commission considered this during their December 1st meeting. Both staff and Planning Commission recommend approval as presented.

EXHIBITS: 1. Application Case No. PC 2020-009
2. PC2020-009 plat

KEY ISSUES: There are two (2) areas not covered on the deed. The City Attorney has given Mr. Osburn direction on how to correct.

FUNDING SOURCE: N/A

RECOMMENDATION: Approval of Planning Commission Case No. 2020-009; final plat of Emicourt Properties II.

CASE # PC 2020-009

ADMINISTRATIVE PLAT

APPLICATION FOR SINGLE LOT PLAT

Application is hereby made to Building Development for a recommendation to the City Council for Approval of the following described property as an addition to the City of Sallisaw, OK.

Emicourt Properties II

General Location 632 E. Redwood
(Street Address)

Present Use of Property Vacant

Proposed Use of Property Residential Duplex

Record Owner of Property Emicourt Properties LLC

If Applicant is other than owner, indicate interest: ☐ purchaser, ☐ lessee,

☒ agent for, ☐ other

Are there any Private or Deed Restrictions controlling the use of this property? _____

I do hereby certify that the information herein submitted is complete, true and accurate.

Signed [Signature] Address P.O. Box 1406

Phone _____ Sallisaw, OK 74955

APPLICANT - DO NOT WRITE BELOW THIS LINE

Application Received by: Keith Miller Date: 10-12-2020

Present Zoning R-2

Application No.: _____ Requested: _____

Fee Receipt: _____ P.C. Action _____

City Action: _____ Date: _____

Ordinance No.: _____

AGENDA ITEM COMMENTARY

Meeting Date: December 14, 2020
Board: Board of City Commissioners
Subject: Security Breach Notification Policy

ITEM TITLE: Discuss and Consider Approval of Administrative Policy 2.007.00, Security Breach Notification.

INITIATOR: City Manager
Director of Finance
Economic Development Director

STAFF INFORMATION SOURCE: Oklahoma District Attorneys Council

BACKGROUND: The recent grants received by the Oklahoma District Attorneys Council requires us to have a data breach policy. This policy will address that need.

EXHIBITS: 1. 2.007.00 Security Breach Notification.Rev1

KEY ISSUES: The policy addresses any security breach of our computer network that may happen. The policy adopts the definitions and requirements of Title 24 of the Oklahoma State Statutes, Sections 161-166.

FUNDING SOURCE: NA

RECOMMENDATION: Staff recommends approval of Administrative Policy 2.007.00

CITY OF SALLISAW ADMINISTRATIVE POLICY		Policy Number:	2.007.00	Revision	1
		Effective Date	December 14, 2020		
Subject:	Security Breach Notification				
Department(s):	Administration, Customer Service, Finance				

Purpose

Federal and State Laws require that if you maintain a consumer's name and other personal identification numbers, i.e., SSN, driver's license, credit card or financial information as part of a database, you must protect that information in such a way that such information cannot be obtained and used by a third party.

Policy/Procedure

To abide by Title 24, Sections 161-166 of the Oklahoma State Statutes, the City of Sallisaw shall adopt the definitions and notification requirements of the referenced Statute. These Statutes are attached to this policy as "Attachment A". The City shall document any breaches by using the form attached to this policy as "Attachment B".

If a breach does occur, the City of Sallisaw will attempt to notify all parties involved as soon as practical, dependent upon the type of notification used, as defined in Section 162.7 of Title 24. Notification will also be made to any state and federal agencies as needed, as soon as practical.

References:

Title 24, Sections 161-166 of the Oklahoma State Statutes

Rescission Date: NA

This policy shall remain in effect until rescinded or otherwise modified and approved by the Board of City Commissioners.

Mayor, City of Sallisaw

Date: _____

City Manager, City of Sallisaw

Date: _____

Attest

City Clerk

Date: _____

Revision History:

Revision 1, December 14, 2020

Attachment A
Oklahoma Statutes
Title 24. Debtor and Creditor
Chapter 8 - Credit Services Organization Act

Security Breach Notification Act

Section 161 - Short Title

This act shall be known and may be cited as the "Security Breach Notification Act".

Section 162 - Definitions

As used in the Security Breach Notification Act:

1. "Breach of the security of a system" means the unauthorized access and acquisition of unencrypted and unredacted computerized data that compromises the security or confidentiality of personal information maintained by an individual or entity as part of a database of personal information regarding multiple individuals and that causes, or the individual or entity reasonably believes has caused or will cause, identity theft or other fraud to any resident of this state. Good faith acquisition of personal information by an employee or agent of an individual or entity for the purposes of the individual or the entity is not a breach of the security of the system, provided that the personal information is not used for a purpose other than a lawful purpose of the individual or entity or subject to further unauthorized disclosure.
2. "Entity" includes corporations, business trusts, estates, partnerships, limited partnerships, limited liability partnerships, limited liability companies, associations, organizations, joint ventures, governments, governmental subdivisions, agencies, or instrumentalities, or any other legal entity, whether for profit or not-for-profit
3. "Encrypted" means transformation of data through the use of an algorithmic process into a form in which there is a low probability of assigning meaning without use of a confidential process or key, or securing the information by another method that renders the data elements unreadable or unusable.
4. "Financial institution" means any institution the business of which is engaging in financial activities as defined by 15 U.S.C., Section 6809.
5. "Individual" means a natural person.
6. "Personal information" means the first name or first initial and last name in combination with and linked to any one or more of the following data elements that relate to a resident of this state, when the data elements are neither encrypted nor redacted:
 - a. social security number
 - b. driver license number or state identification card number issued in lieu of a driver license, or
 - c. financial account number, or credit card or debit card number, in combination with any required security code, access code, or password that would permit access to the financial accounts of a resident.

The term does not include information that is lawfully obtained from publicly available information, or from federal, state or local government records lawfully made available to the general public;

7. "Notice" means:

- a. written notice to the postal address in the records of the individual or entity,
- b. telephone notice,
- c. electronic notice, or
- d. substitute notice, if the individual or the entity required to provide notice demonstrates that the cost of providing notice will exceed Fifty Thousand Dollars (\$50,000.00), or that the affected class of residents to be notified exceeds one hundred thousand (100,000) persons, or that the individual or the entity does not have sufficient contact information or consent to provide notice as described in subparagraph a, b or c of this paragraph. Substitute notice consists of any two of the following:
 - (1) e-mail notice if the individual or the entity has e-mail addresses for the members of the affected class of residents,
 - (2) conspicuous posting of the notice on the Internet web site of the individual or the entity if the individual or the entity maintains a public Internet web site, or
 - (3) notice to major statewide media; and

8. "Redact" means alteration or truncation of data such that no more than the following are accessible as part of the personal information:

- a. five digits of a social security number, or
- b. the last four digits of a driver license number, state identification card number or account number.

Section 163 - Disclosure of Security Breach - Notice

A. An individual or entity that owns or licenses computerized data that includes personal information shall disclose any breach of the security of the system following discovery or notification of the breach of the security of the system to any resident of this state whose unencrypted and unredacted personal information was or is reasonably believed to have been accessed and acquired by an unauthorized person and that causes, or the individual or entity reasonably believes has caused or will cause, identity theft or other fraud to any resident of this state. Except as provided in subsection D of this section or in order to take any measures necessary to determine the scope of the breach and to restore the reasonable integrity of the system, the disclosure shall be made without unreasonable delay.

B. An individual or entity must disclose the breach of the security of the system if encrypted information is accessed and acquired in an unencrypted form or if the security breach involves a person with access to the encryption key and the individual or entity reasonably believes that such breach has caused or will cause identity theft or other fraud to any resident of this state.

C. An individual or entity that maintains computerized data that includes personal information that the individual or entity does not own or license shall notify the owner or licensee of the information of any breach of the security of the system as soon as practicable following discovery, if the personal information was or if the entity reasonably believes was accessed and acquired by an unauthorized person.

D. Notice required by this section may be delayed if a law enforcement agency determines and advises the individual or entity that the notice will impede a criminal or civil investigation or homeland or national security. Notice required by this section must be made without unreasonable delay after the law enforcement agency determines that notification will no longer impede the investigation or jeopardize national or homeland security.

Section 164 - Compliance

A. An entity that maintains its own notification procedures as part of an information privacy or security policy for the treatment of personal information and that are consistent with the timing requirements of this act shall be deemed to be in compliance with the notification requirements of this act if it notifies residents of this state in accordance with its procedures in the event of a breach of security of the system.

B. 1. A financial institution that complies with the notification requirements prescribed by the Federal Interagency Guidance on Response Programs for Unauthorized Access to Customer Information and Customer Notice is deemed to be in compliance with the provisions of this act.

2. An entity that complies with the notification requirements or procedures pursuant to the rules, regulation, procedures, or guidelines established by the primary or functional federal regulator of the entity shall be deemed to be in compliance with the provisions of this act.

Section 165 - Enforcement - Authority to Bring Action

A. A violation of this act that results in injury or loss to residents of this state may be enforced by the Attorney General or a district attorney in the same manner as an unlawful practice under the Oklahoma Consumer Protection Act.

B. Except as provided in subsection C of this section, the Attorney General or a district attorney shall have exclusive authority to bring action and may obtain either actual damages for a violation of this act or a civil penalty not to exceed One Hundred Fifty Thousand Dollars (\$150,000.00) per breach of the security of the system or series of breaches of a similar nature that are discovered in a single investigation.

C. A violation of this act by a state-chartered or state-licensed financial institution shall be enforceable exclusively by the primary state regulator of the financial institution.

Section 166 - Application of Act

This act shall apply to the discovery or notification of a breach of the security of the system that occurs on or after November 1, 2008.

Attachment B Notification Form

BREACH OF PERSONALLY IDENTIFIABLE INFORMATION (PII) REPORT					
	INITIAL REPORT	Date: (MM/DD/YYYY)	UPDATED REPORT	Date: (MM/DD/YYYY)	AFTER ACTION REPORT
1. GENERAL INFORMATION					
	a. DATE OF BREACH (MM/DD/YYYY)	b. DATE BREACH DISCOVERED (MM/DD/YYYY)	c. DATE REPORTED TO DAC (MM/DD/YYYY)	d. SUBGRANT NUMBER	
	e. PERSON REPORTING	f. BREACH INVOLVED (Click to select)	g. TYPE OF BREACH (Click to select)	h. CAUSE OF BREACH (Click to select)	
	i. DATE BREACH REPORTED TO DOJ		j. METHOD USED TO REPORT BREACH		
POINT OF CONTACT FOR FURTHER INFORMATION:					
	k. FIRST NAME	l. LAST NAME	m. TITLE		
	n. E-MAIL ADDRESS			o. ELEPHONE NUMBER	
MAILING ADDRESS:					
	p. ADDRESS		q. CITY		
			r. STATE	s. ZIP CODE	
2.a. DESCRIPTION OF BREACH (Up to 150 words, bullet format acceptable). NOTE: Do NOT include PII or Classified Information.					
2.b. ACTIONS TAKEN IN RESPONSE TO BREACH, TO INCLUDE ACTIONS TAKEN TO PREVENT RECURRENCE AND LESSONS LEARNED (Up to 150 words, bullet format acceptable). NOTE: Do NOT include PII or Classified Information.					

3.a. NUMBER OF INDIVIDUALS AFFECTED (1) VICTIM(S) OF CRIME (2) VICTIM(S) FAMILIES (3) STATE EMPLOYEE(S) (4) CONSULTANT(S) (5) CONTRACTOR(S) (6) SUBGRANT EMPLOYEE(S) (7) BOARD MEMBER(S) (8) OTHER(S) (Specify):	b. WERE AFFECTED INDIVIDUALS NOTIFIED? Yes ☐ No ☐ (2) If Yes, notification date (MM/DD/YYYY) (4) If notification will not be made, explain why, or if number of individuals notified differs from total number of individuals affected, explain why: (5) If applicable, was credit monitoring offered? Yes ☐ No ☐	(1) If Yes, were they notified within 10 working days? Yes ☐ No ☐ (3) If Yes, number of individuals notified: (6) If Yes, number of individuals offered credit monitoring:			
4. PERSONALLY IDENTIFIABLE INFORMATION (PII) INVOLVED IN THIS BREACH (X all types that apply) <table style="width: 100%;"> <tr> <td style="width: 33%;"> ☐ (1) Names ☐ (2) Social Security Numbers ☐ (3) Dates of Birth ☐ (4) Protected Health Information (PHI) ☐ (5) Personal e-mail addresses ☐ (6) Personal home addresses </td> <td style="width: 33%;"> ☐ (7) Passwords ☐ (8) Financial Information* ☐ (9) Other (Specify): </td> <td style="width: 34%;"> *If Financial Information was selected, provide additional detail: ☐ (a) Personal financial information ☐ (b) Government credit card If yes, was Issuing bank notified? ☐ (c) Other (Specify): Yes ☐ No ☐ </td> </tr> </table>			☐ (1) Names ☐ (2) Social Security Numbers ☐ (3) Dates of Birth ☐ (4) Protected Health Information (PHI) ☐ (5) Personal e-mail addresses ☐ (6) Personal home addresses	☐ (7) Passwords ☐ (8) Financial Information* ☐ (9) Other (Specify):	*If Financial Information was selected, provide additional detail: ☐ (a) Personal financial information ☐ (b) Government credit card If yes, was Issuing bank notified? ☐ (c) Other (Specify): Yes ☐ No ☐
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5. SELECT ALL THE FOLLOWING THAT APPLY TO THIS BREACH					
<table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> a. PAPER DOCUMENTS/RECORDS (If selected, provide additional detail) ☐ (1) Paper documents faxed ☐ (2) Paper documents/records mailed ☐ (3) Paper documents/records disposed of improperly ☐ (4) Unauthorized disclosure of paper documents/records ☐ (5) Other (Specify): </td> <td style="width: 50%; vertical-align: top;"> b. EQUIPMENT (If selected, provide additional detail) ☐ (1) Location of equipment ☐ (2) Equipment disposed of improperly ☐ (3) Equipment owner ☐ (4) Government equipment Data At Rest (DAR) encrypted ☐ (5) Government equipment password or PKI/CAC protected ☐ (6) Personal equipment password protected or confidentially encrypted </td> </tr> </table>			a. PAPER DOCUMENTS/RECORDS (If selected, provide additional detail) ☐ (1) Paper documents faxed ☐ (2) Paper documents/records mailed ☐ (3) Paper documents/records disposed of improperly ☐ (4) Unauthorized disclosure of paper documents/records ☐ (5) Other (Specify):	b. EQUIPMENT (If selected, provide additional detail) ☐ (1) Location of equipment ☐ (2) Equipment disposed of improperly ☐ (3) Equipment owner ☐ (4) Government equipment Data At Rest (DAR) encrypted ☐ (5) Government equipment password or PKI/CAC protected ☐ (6) Personal equipment password protected or confidentially encrypted	
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c. IF EQUIPMENT, NUMBER OF ITEMS INVOLVED <table style="width: 100%;"> <tr> <td style="width: 33%;"> ☐ (1) Laptop/Tablet ☐ (2) Cell phone ☐ (3) Personal Digital Assistant </td> <td style="width: 33%;"> ☐ (4) MP3 player ☐ (5) Printer/Copier/Fax/Scanner ☐ (6) Desktop computer </td> <td style="width: 34%;"> ☐ (7) Flash drive/USB stick/other removable media ☐ (8) External hard drive ☐ (9) Other (If Other, Specify): </td> </tr> </table>			☐ (1) Laptop/Tablet ☐ (2) Cell phone ☐ (3) Personal Digital Assistant	☐ (4) MP3 player ☐ (5) Printer/Copier/Fax/Scanner ☐ (6) Desktop computer	☐ (7) Flash drive/USB stick/other removable media ☐ (8) External hard drive ☐ (9) Other (If Other, Specify):
☐ (1) Laptop/Tablet ☐ (2) Cell phone ☐ (3) Personal Digital Assistant	☐ (4) MP3 player ☐ (5) Printer/Copier/Fax/Scanner ☐ (6) Desktop computer	☐ (7) Flash drive/USB stick/other removable media ☐ (8) External hard drive ☐ (9) Other (If Other, Specify):			
<table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> d. EMAIL (If selected, provide additional detail) ☐ (1) Email encrypted ☐ (2) Email was sent to commercial account (i.e., .com or .net) ☐ (3) Email was sent to other Federal agency ☐ (4) Email recipients had a need to know </td> <td style="width: 50%; vertical-align: top;"> e. INFO DISSEMINATION (If selected, provide additional detail) ☐ (1) Information was posted to the Internet ☐ (2) Information was posted to an Intranet (e.g., SharePoint or Portal) ☐ (3) Information was accessible to others without need-to-know on a share drive ☐ (4) Information was disclosed verbally ☐ (5) Recipients had a need to know </td> </tr> </table>			d. EMAIL (If selected, provide additional detail) ☐ (1) Email encrypted ☐ (2) Email was sent to commercial account (i.e., .com or .net) ☐ (3) Email was sent to other Federal agency ☐ (4) Email recipients had a need to know	e. INFO DISSEMINATION (If selected, provide additional detail) ☐ (1) Information was posted to the Internet ☐ (2) Information was posted to an Intranet (e.g., SharePoint or Portal) ☐ (3) Information was accessible to others without need-to-know on a share drive ☐ (4) Information was disclosed verbally ☐ (5) Recipients had a need to know	
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f. OTHER (Specify):					
6.a. TYPE OF INQUIRY (If applicable) (Click to select) (If Other, specify)					
b. IMPACT DETERMINATION (for Component Privacy Official or designee use only) (X one) Low ☐ Medium ☐ High ☐					
c. ADDITIONAL NOTES (Up to 150 words, bullet format acceptable) NOTE: Do NOT include PII or Classified Information.					

**INSTRUCTIONS FOR COMPLETING DAC
BREACH OF PERSONALLY IDENTIFIABLE INFORMATION (PII) REPORT**

Select Initial, Updated, or After Action Report and enter the date.

1. GENERAL INFORMATION.

- a. Date of Breach. Enter the date the breach occurred. If the specific date cannot be determined, enter an estimated date and provide further explanation in the notes section of the report.
- b. Date Breach Discovered. Enter the date the breach was initially discovered by a DoD employee, military member, or DoD contractor.
- c. Date reported to US-CERT. Breaches must be reported to US-CERT within 1 hour of discovery. Enter the date reported to US-CERT.
- d. US-CERT Number. Enter the number assigned by US-CERT when the breach was reported.
- e. Component Internal Tracking Number (if applicable). If your component uses an internal tracking number, enter the number assigned.
- f. Breach Involved (click to select). Select from the drop-down list - Email, Info Dissemination, Paper Records, or Equipment.
- g. Type of Breach (click to select). Select from the drop-down list - Theft, Loss, or Compromise.
- h. Cause of Breach (click to select). Select from the drop-down list the predominate cause of the breach - Theft, Failure to Follow Policy, Computer Hacking, Social Engineering, Equipment Malfunction, Failure to Safeguard Government Equipment or Information, Improper Security Settings, or Other.
- i. - j. Component. Select from the drop-down list. After you select your Component, enter the Office/Name in block 1.j (i.e., if "OSD/JS" is the Component selected, an example of the Office would be "TMA").
- k. - s. Point of Contact for Further Information. Enter the requested information for the person to be contacted if DPCLO requires additional details regarding the breach.

2.a. DESCRIPTION OF BREACH (Up to 150 words, bullet format acceptable). Note: Do not include PII or classified information. Summarize the facts or circumstances of the theft, loss or compromise of PII as currently known, including:

- the description of the parties involved in the breach;
- the physical or electronic storage location of the data at risk;
- if steps were immediately taken to contain the breach;
- whether the breach is an isolated incident or a systemic problem;
- who conducted the investigation of the breach; and
- any other pertinent information.

b. ACTIONS TAKEN IN RESPONSE TO BREACH, TO INCLUDE ACTIONS TAKEN TO PREVENT RECURRENCE AND LESSONS LEARNED (Up to 150 words, bullet format acceptable). Note: Do not include PII or classified information. Summarize steps taken to mitigate actual or potential harm to the individuals affected and the organization. For example, training, disciplinary action, policy development or modification, information systems modifications. List any findings resulting from the investigation of the breach.

3.a. NUMBER OF INDIVIDUALS AFFECTED. For each category of individuals listed, enter the number of individuals affected by the breach. Do not include an individual in more than one category.

- b. Were affected individuals notified? Check box "Yes" or "No". If the individuals affected will not receive a formal notification letter about the breach, select "No" and enter an explanation of why the Component determined notification was not necessary in 3.b.(4). If additional space is needed for this justification, continue text in 6.c., Additional Notes.
 - (1) If affected individuals were notified, were they notified within 10 working days? Check "Yes" or "No".
 - (2) If the affected individuals will be notified of the breach, provide the date the notification letters will be sent.
 - (3) - (4) If "Yes", list the number of individuals notified. If the number of individuals notified differs from total number of individuals affected, explain why in 3.b.(4).
 - (5) Was credit monitoring offered? Select "Yes" or "No".
- Note: This is a risk of harm based decision to be made by the DoD Component.
- (6) If "Yes", enter the number of individuals offered credit monitoring.

4. PERSONALLY IDENTIFIABLE INFORMATION (PII) INVOLVED IN THIS BREACH. Select all that apply. If Financial Information is selected, provide additional details.

5. SELECT ALL THE FOLLOWING THAT APPLY TO THIS BREACH. Check at least one box from the options given. If you need to use the "Other" option, you must specify other equipment involved.

- a. Paper Documents/Records. If you choose Paper Documents/Records, answer each associated question by selecting from the drop-down options.
- b. - c. Equipment. If you choose Equipment, answer the associated questions by selecting from the drop-down options. Enter a number in the empty field indicating how many pieces of each type of equipment were involved in the breach. If "Other", you will need to specify what type of equipment was involved.
- d. - e. Email and Info Dissemination. If Email or Info Dissemination is selected, choose either "Yes" or "No" for all of the questions.

6.a. TYPE OF INQUIRY. Select the type of inquiry conducted as a result of the breach. If the inquiry type is "Other", please describe.

b. Impact Determination. (Component Privacy Official or designee use only.) Select one: What is the overall risk level associated with this breach? Risk is determined by considering the likelihood that the PII can be accessed by an unauthorized person and assessing the impact to the organization and individual if the PII is misused.

c. Additional Notes. This field can be used to convey additional information.

BOARD OF CITY COMMISSIONERS

REDEPOSIT
OF
TEMPORARILY IDLE FUNDS

DECEMBER 14, 2020

	<u>Fund</u>	<u>Amount</u>	
	Sallisaw Reserve	\$986,015.36	
<u>Days</u>	<u>Firststar</u>	<u>National</u>	<u>Armstrong</u>
84	<u>.20%</u>	<u>.15%</u>	<u>—</u>
<u>Days</u>	<u>Firststar</u>	<u>National</u>	<u>Armstrong</u>
182	<u>.36%</u>	<u>.15%</u>	<u>.50%</u>

	<u>Fund</u>	<u>Amount</u>	
	Cemetery Fund	\$207,321.99	
<u>Days</u>	<u>Firststar</u>	<u>National</u>	<u>Armstrong</u>
84	<u>.20%</u>	<u>.15%</u>	<u>—</u>
<u>Days</u>	<u>Firststar</u>	<u>National</u>	<u>Armstrong</u>
182	<u>.36%</u>	<u>.15%</u>	<u>.50%</u>



115 East Choctaw P.O. Box 525 Sallisaw, OK 74955
918-775-6241 918-775-9550 Fax www.sallisawok.org

TO: Firststar Bank

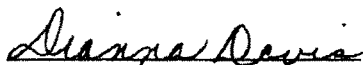
December 2, 2020

The City of Sallisaw requests quotes on time deposits of idle funds for the time specified beginning December 16, 2020:

<u>FUND</u>	<u>AMOUNT</u>	<u>DAYS</u>	<u>MATURITY</u>	<u>QUOTE</u>
Sallisaw Reserve	\$986,015.36	84	March 10, 2021	<u>.20%</u>
		182	June 16, 2021	<u>.36%</u>
Cemetery Fund	\$207,321.99	84	March 10, 2021	<u>.20%</u>
		182	June 16, 2021	<u>.36%</u>

Due to COVID-19, quotes will be received by the City Clerk via e-mail; ddavis@sallisawok.org. E-mail quotes must be received by **10:00 a.m., Wednesday, December 9, 2020**. Quotes will be reviewed by the City Clerk. Recommendation for award will be presented at the meeting of the Board of City Commissioners beginning at 6:00 p.m. on December 14, 2020.

Please ensure that your facility has sufficient collateral pledged, should you be the successful bidder.


Dianna Davis, City Clerk

Submitted by:

Firststar Bank

Date: 12/7/2020

By: Er Kan



115 East Choctaw P.O. Box 525 Sallisaw, OK 74955

918-775-6241 918-775-9550 Fax www.sallisawok.org

TO: National Bank of Sallisaw

December 2, 2020

The City of Sallisaw requests quotes on time deposits of idle funds for the time specified beginning December 16, 2020:

<u>FUND</u>	<u>AMOUNT</u>	<u>DAYS</u>	<u>MATURITY</u>	<u>QUOTE</u>
Sallisaw Reserve	\$986,015.36	84	March 10, 2021	<u>0.15 %</u>
		182	June 16, 2021	<u>0.15 %</u>
Cemetery Fund	\$207,321.99	84	March 10, 2021	<u>0.15 %</u>
		182	June 16, 2021	<u>0.15 %</u>

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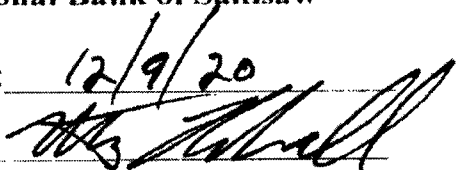
Please ensure that your facility has sufficient collateral pledged, should you be the successful bidder.


Dianna Davis, City Clerk

Submitted by:

National Bank of Sallisaw

Date: 12/9/20

By: 



115 East Choctaw P.O. Box 525 Sallisaw, OK 74955
918-775-6241 918-775-9550 Fax www.sallisawok.org

TO: Armstrong Bank

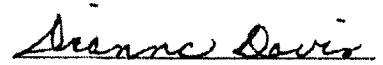
December 2, 2020

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<u>FUND</u>	<u>AMOUNT</u>	<u>DAYS</u>	<u>MATURITY</u>	<u>QUOTE</u>
Sallisaw Reserve	\$986,015.36	84	March 10, 2021	
		182	June 16, 2021	<u>.50</u>
Cemetery Fund	\$207,321.99	84	March 10, 2021	
		182	June 16, 2021	<u>.50</u>

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Please ensure that your facility has sufficient collateral pledged, should you be the successful bidder.


Dianna Davis, City Clerk

Submitted by:

Armstrong Bank

Date: 12-7-20

By: TROYE GARDNER

AGENDA ITEM COMMENTARY

Meeting Date: December 14, 2020
Board: Board of City Commissioners
Subject: COVID-19 and City Operations

ITEM TITLE: Discussion and Update on COVID-19 and City Operations; and Possible Direction to Staff

INITIATOR: City Manager

STAFF INFORMATION SOURCE: City Manager
State of Oklahoma

BACKGROUND: Staff continues to monitor the COVID-19 situation in Sallisaw, Sequoyah County and the State of Oklahoma. Staff will provide any updates available during the meeting.

EXHIBITS:

KEY ISSUES:

FUNDING SOURCE: NA

RECOMMENDATION: Discussion and possible direction to staff.