

Regular Meeting: November 14, 2022

RESOLUTION NO. 2022-50

**A RESOLUTION OF THE CITY OF FAIRFIELD BAY,
ARKANSAS, AUTHORIZING
DISPOSITION OF THREE
2015 TOUGHBOOKS;
APPROVING REMOVAL OF THREE
2015 TOUGHBOOKS
FROM LIST OF ASSETS;
APPROVING PRESERVATION OF
ELECTRONIC INFORMATION;
AND FOR OTHER PURPOSES**

WHEREAS, the City Council of Fairfield Bay needs to approve the disposition of three separate Toughbooks, purchased in 2015, using proceeds from a grant, by removing any electronic information thereon, and returning the Toughbooks to the entity which provided grant funds used to purchase them; or by destroying the three Toughbooks; because all three are at the end of their useful lives, and are no longer useful for the City; and the City needs to remove all three Toughbooks from the City's list of assets; and

WHEREAS, the three Toughbooks were used by the City's Emergency Medical Services volunteers as "hardened" notebook computers, to take on emergency medical calls, in the field; and

WHEREAS, the City is cognizant of its responsibilities concerning personal health information that may be on the Toughbooks, and its responsibilities to remove that information from the Toughbooks before transferring them to the granting entity, and its corresponding responsibility to render the information unusable if the Toughbooks are destroyed, as well as the responsibility to create an electronic copy of the information, available for use, and preserved for the time period set forth in federal regulations; and

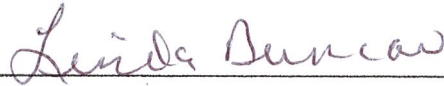
WHEREAS, the City Council wants to authorize the disposition of the three Toughbooks, either by delivery to the entity providing the initial grant, or by destroying the three Toughbooks as no longer useful for any purposes;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF FAIRFIELD BAY, ARKANSAS, that:

1. The three 2015 Toughbooks, asset no. 00163, 00164, and 00165, have reached the end of their useful lives, and are no longer being used by the City nor by any entity in the City of Fairfield Bay.
2. The fair market value of each of the three 2015 Toughbooks, is far less than \$20,000.00, given their individual purchase price of \$2,310, each, in 2015. The fair market value of all three 2015 Toughbooks, together, is likewise less than \$20,000.00.
3. The City Council hereby approves the disposition of all three 2015 Toughbooks by delivering them to the agency providing the grant used for their purchase, after removing all electronic personal health information, and preserving a copy of the information for the requisite period of time, as required by federal regulation. Ark. Code Ann. Section 14-54-302(a) and (b); U.S. C.F.R. Section 164.310(d).
4. Alternatively, the City Council approves the destruction of all three 2015 Toughbooks if the agency providing the grant used for their purchase does not want to reclaim them after all this time; and further provided that destruction can only occur after removing (or rendering unusable) all electronic personal health information, and preserving a copy of the information for the requisite period of time, as required by federal regulation. Ark. Code Ann. Section 14-54-302(a) and (b); U.S. C.F.R. 164.310(d).
5. The City shall remove these assets from its list of assets (No. 00163, 00164, and 00165). The Mayor, and the Recorder-Treasurer, are further authorized to take any and all steps necessary to carry out this Resolution, including maintaining a record of the steps taken to comply with federal regulations on protection of the personal health information, as well as preserving an electronic copy of the personal health information in accordance with federal regulation, for the appropriate period of time.

6. The City Council hereby ratifies, confirms, approves, and endorses any and all actions of the Mayor, and the Recorder-Treasurer, to date, to effectuate the disposition of these three Toughbooks, and compliance with applicable federal regulations, accordingly.

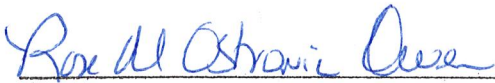
IT IS SO RESOLVED by the City Council on this 14th day of November, 2022.



Honorable Linda Duncan

Mayor, City of Fairfield Bay, Arkansas

Attest:



Rose O. Owen, Recorder-Treasurer

Prepared by:

AJ Kelly

Kelly Law Firm, PLC

Rev: 11/2/22