

**BOARD OF CITY COMMISSIONERS
SPECIAL MEETING**

March 1, 2022

1:00 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. Discuss and Consider Approval of Resolution 2022-01, a Resolution Approving the Incurring of Indebtedness by The Sallisaw Municipal Authority, Consenting to the Issuance of the Bonds Evidencing the Same; Waiving Competitive Bidding Thereon; Approving a Projects Agreement Relating Thereto; and Declaring an Emergency**
- 4. Discuss and Consider Approval of Resolution 2022-03, a Resolution Authorizing the Appropriation of Certain Sales and Use Tax Proceeds to The Sallisaw Municipal Authority; Approving a Sales and Use Tax Agreement Relating Thereto; and, Declaring an Emergency**
- 5. Discuss and Consider Approval of Purchase of Electric System Stock Materials in the amount of \$51,738.05, from Anixter of Oklahoma City**
- 6. Discuss and Consider Approval of Issuance of Purchase Order, Issued to Signal Tek of Oklahoma City for the Installation of Crosswalk and Traffic Light Controls at the Corner of Oak and Cherokee, in an Amount Not to Exceed \$91,000.00**
- 7. Discuss and Consider Approval of Issuance of Purchase Order, Issued to S2 Solutions, Inc., of Tulsa, Oklahoma, for the Purchase of Verkada Security Camera System, in an Amount Not to Exceed \$46,000.00**

- 8. Discuss and Consider Approval of Ordinance 2022-05, an Ordinance Repealing and Striking Chapter 66, Article III, Section 66-72 of the Sallisaw City Code and Substituting a New Chapter 66, Article III, Section 66-72 of the Sallisaw City Code; and, Declaring an Emergency**
- 9. Discuss and Consider Approval of Administrative Policy 1.005.00, Revision 2; Healthy Work Vision Policy**
- 10. Administrative Reports**
- 11. Adjourn**

Posted: FEBRUARY 24, 2022

Time: 2:10 PM

Dianna Davis

AGENDA ITEM COMMENTARY

Meeting Date: March 1, 2022
Board: Board of City Commissioners
Subject: Resolution 2022-01

ITEM TITLE: Discuss and Consider Approval of Resolution 2022-01, a Resolution Approving the Incurring of Indebtedness by The Sallisaw Municipal Authority, Consenting to the Issuance of the Bonds Evidencing the Same; Waiving Competitive Bidding Thereon; Approving a Projects Agreement Relating Thereto; and Declaring an Emergency

INITIATOR: City Manager
Director of Finance
City Attorney
Bond Attorney

STAFF INFORMATION SOURCE: Bond Attorney
Financial Advisor

BACKGROUND: Approval of Resolution 2022-01 will allow for the issuance of debt by the Sallisaw Municipal Authority for the swimming pool and skateboard park projects.

EXHIBITS: 1. Resolution 2022-01 (city)
2. PROJECTS AGREEMENT 03.01.2022

KEY ISSUES: N/A

FUNDING SOURCE:

RECOMMENDATION: Approval of Resolution 2022-01.
Approval of Emergency Clause.

RESOLUTION NO. 2022-01

A RESOLUTION RELATING TO THE INCURRING OF INDEBTEDNESS BY THE TRUSTEES OF THE SALLISAW MUNICIPAL AUTHORITY TO BE ACCOMPLISHED BY THE ISSUANCE OF REVENUE BONDS IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$6,000,000.00 TO PROVIDE FUNDS FOR CONSTRUCTING, DESIGNING AND EQUIPPING AN AQUATIC/SWIM COMPLEX AND SKATEBOARD PARK WITHIN THE CITY OF SALLISAW, OKLAHOMA; WAIVING COMPETITIVE BIDDING THEREON; APPROVING A PROJECTS AGREEMENT; AND DECLARING AN EMERGENCY

WHEREAS, The Sallisaw Municipal Authority, a public trust (the "Authority"), has been created by a Declaration of Trust for the use and benefit of the City of Sallisaw, Oklahoma (the "City"), under authority of and pursuant to the provisions of Title 60, Oklahoma Statutes 2011 Supplement, Sections 176-180.3, inclusive, as amended and supplemented, the Oklahoma Trust Act and other applicable statutes of the State of Oklahoma; and

WHEREAS, the Trustees of the Authority have determined upon a financing plan consisting of providing funds for for constructing, designing and equipping an aquatic/swim complex and skateboard park within the City of Sallisaw, Oklahoma (the AProject@); and

WHEREAS, in order to effect the said financing, the Trustees of the Authority intend to incur indebtedness in the aggregate principal amount of not to exceed \$6,000,000.00, said indebtedness to be evidenced by the issuance of Revenue Bonds (the "Bonds") of the Authority, pursuant to the terms and conditions contained in a Revenue Bond Indenture securing the Bonds (the "Indenture");

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF SALLISAW, OKLAHOMA:

SECTION 1. The aforesaid Project, as submitted, will serve the public purposes of the City and hereby is expressly determined to be in furtherance of the public purposes for which the Authority was created.

SECTION 2. The incurring of indebtedness by the Trustees of The Sallisaw Municipal Authority in the aggregate principal amount of not to exceed \$6,000,000.00, in order to provide funds for financing the Project is hereby consented to and approved by the Board of Commissioners of the City of Sallisaw, Oklahoma, the governing body of said City. The sale of the Bonds at a discount of not to exceed One percent (1%) is hereby expressly approved and competitive bidding upon the Bonds evidencing said indebtedness hereby is expressly waived. Additionally, in order to enhance the creditworthiness of the aforesaid indebtedness, the Board of Commissioners does hereby expressly approve entering into a Projects Agreement by and between the City of Sallisaw, Oklahoma and The Sallisaw Municipal Authority.

SECTION 3. By reason of the immediate need for providing for the financing of the Project, and in order to preserve the health, safety and peace of the inhabitants thereof, an emergency hereby is declared to exist, by reason whereof this Resolution shall be immediately effective upon its adoption.

ADOPTED this _____ day of March, 2022.

Mayor, Board of Commissioners
City of Sallisaw, Oklahoma

ATTEST: (Seal)

City Clerk, City of Sallisaw, Oklahoma

I, the undersigned City Clerk of the City of Sallisaw, Oklahoma, hereby certify that the foregoing is a true, correct and complete copy of a Resolution adopted by the governing body of said City at a meeting held on the date therein stated, as the same appears in the Minutes of said meeting on file in my office as a part of the official records thereof.

City Clerk, City of Sallisaw, Oklahoma

(Seal)

PROJECTS AGREEMENT

THIS PROJECTS AGREEMENT, dated as of the 1st day of March, 2022, by and between The Sallisaw Municipal Authority (the "Authority") and the City of Sallisaw, Oklahoma (the "City") is hereby the "Agreement";

W I T N E S S E T H :

WHEREAS, the Authority has been created by a Declaration of Trust, dated as of March 24, 1988, for the use and benefit of the City under authority of and pursuant to the provisions of Title 60, Oklahoma Statutes 2011, Sections 176 to 180.3, inclusive, as amended and supplemented, the Oklahoma Trust Act and other applicable statutes of the State of Oklahoma; and

WHEREAS, the City currently levies a one-half percent (1/2%) sales and use tax pursuant to City Ordinance No. 2021-16 for the purpose of constructing, designing and equipping an aquatic/swim complex and skateboard park within the City and to be applied or pledged toward the payment of principal and interest on indebtedness incurred for such purpose (hereinafter referred to as the "Sales and Use Tax"); and

WHEREAS, the Authority has determined upon a project consisting of providing funds to construct, design and equip an aquatic/swim complex and skateboard park within the City (the "Project"); and

WHEREAS, in order to pay the costs of the Project, the Authority intends to issue its revenue bonds (the "Series 2022 Bonds"); and

WHEREAS, in order to better secure the payment of the Series 2022 Bonds it is necessary that this Projects Agreement be entered into; and

WHEREAS, all things required to have been done to make this Projects Agreement a valid and binding agreement by and between the City and the Authority have been done, happened and been performed;

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS EXPRESSED HEREIN AND THE ISSUANCE OF THE SERIES 2022 BONDS BY THE AUTHORITY AND OTHER GOOD AND VALUABLE CONSIDERATION, RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED BY THE PARTIES HERETO, THE CITY AND THE AUTHORITY AGREE AS FOLLOWS:

SECTION 1. The Authority shall issue the Series 2022 Bonds for the Project, as more fully set out in the Bond Indenture, dated as of April 1, 2022 (the "Indenture"), by and between the Authority and BancFirst, Oklahoma City, Oklahoma, as Trustee (the "Trustee").

SECTION 2. In consideration of the issuance of the Series 2022 Bonds, the City shall deposit in its special sales and use tax fund each month as received, proceeds derived from the Sales and Use Tax pursuant to the Sales and Use Tax Agreement by and between the City and the Authority dated as of March 1, 2022 (the “Sales and Use Tax Agreement”) as received from the Oklahoma Tax Commission, and the City agrees, subject to availability and appropriation of funds, to transfer, as received, all proceeds of the Sales and Use Tax to the Trustee on behalf of the Authority for immediate deposit in the Authority’s 2022 Revenue Bonds Sales and Use Tax Account created under the Sales and Use Tax Agreement. The Sales and Use Tax proceeds shall be used by the Trustee on behalf of the Authority pursuant to the terms and provisions of the Indenture, including specifically for the payment of principal and interest on the Series 2022 Bonds when due (whether upon the scheduled due date, upon purchase, or acceleration, or otherwise), which purpose is hereby acknowledged to be consistent with the authorized and proper use of the Sales and Use Tax proceeds.

SECTION 3. If payment in excess of the Sales and Use Tax and revenues of the Authority available for debt service on the 2022 Bonds is required, the City agrees, subject to availability and appropriation of funds, to make payments from available funds of the City in excess of the Sales and Use Tax in an amount sufficient to pay the principal of the Series 2022 Bonds when due, whether upon the scheduled due date, upon redemption, purchase or acceleration or otherwise) and all accrued interest thereon. The Sales and Use Tax transferred pursuant to Sections 2 hereof and any additional payments made by the City pursuant to this Section 3 shall hereinafter be referred to collectively as the “Project Payments”. All such Project Payments shall not be subject to set-off or counterclaim by the City and shall be used as set forth in the Indenture and shall be in such amounts as are necessary for the payment when due (whether upon the scheduled due date, upon redemption, purchase, or acceleration, or otherwise) of (a) principal of and interest on the Series 2022 Bonds coming due at such time and (b) all other amounts due under the Indenture. In any case where the date fixed for any payment from the City to the Trustee on behalf of the Authority shall not be a Business Day (as defined in the Indenture), then such payment may be made on the next succeeding Business Day. In the event that Project Payments are not deposited in the Authority’s Sales and Use Tax Account when due, the Trustee on behalf of the Authority shall give written notice of such failure to deposit to the Authority and to the City, and the City will have five calendar days to deposit such funds. Failure to deposit such funds within such five-calendar day period shall constitute an event of default hereunder.

SECTION 4. The Authority agrees that all proceeds of the Project Payments received by it shall be utilized exclusively for the purposes set out in the resolutions and ordinances of the City related to the Series 2022 Bonds and this Agreement and for no other purposes.

SECTION 5. It is hereby acknowledged that under applicable Oklahoma law, the City may not become obligated beyond its fiscal year (July 1 through June 30) and therefore, the covenants made herein by the City shall be on a year-to-year basis. Payment of the Project Payments as set out herein is subject to the availability of funds and annual appropriations

thereof by the City. The Series 2022 Bonds issued by the Authority shall in no way be or become an obligation of the City.

SECTION 6. This Projects Agreement shall be for a term commencing on the date hereof and ending on June 30, 2022. This Projects Agreement may be renewed for successive annual periods commencing July 1, 2022, at the option of the City, upon written notice of the exercise of each such option from the City to the Authority given prior to the expiration of the then current term and the taking by the City of such official action as shall be required by applicable laws to effect such renewal and annual appropriations described in Sections 2, 3 and 4 hereof. PROVIDED, this Projects Agreement will automatically renew upon the appropriation and transfer of the proceeds of a one-half cent (1/2¢) sales tax levied pursuant to Ordinance No. 2021-16 by the City and corresponding one-half cent (1/2¢) use tax to the Authority.

SECTION 7. It is understood and agreed that this Projects Agreement is a third-party beneficiary contract for the benefit of the holders of the Series 2022 Bonds and may be pledged and assigned by the Authority as security for the Series 2022 Bonds.

SECTION 8. The City is not in default in the performance, observance or fulfillment of any material obligation, covenant or condition contained in any material agreement or instrument to which the City is a party or by which the City or any of its property is bound or in any of the obligations, covenants or conditions contained in this Projects Agreement.

The financial statements of the City as and for the period ended June 30, 2021, supplied to the Authority fairly present the financial status and operating results of the City as of such date and for the period covered thereby, there has not been any material adverse change in the financial condition of the City since such date and do not contain any untrue statement of a material fact and does not omit to state a material fact necessary to make the statements therein, in light of the circumstances under which they are made, not misleading.

The City hereby agrees to supply to the Authority, and any holder of the Series 2022 Bonds who requests the same, the comprehensive annual financial report and other financial statements prepared by the City no later than March 31 annually, and such other financial information of the City as the Authority may from time-to-time reasonably request.

SECTION 9. Any notice or other communication required or permitted hereunder shall be sufficiently given if delivered personally, electronically, or sent by registered or certified mail, postage prepaid, return receipt requested, and addressed as listed below, or to such other address as the party concerned may substitute by written notice to the other:

If to the Authority:

The Sallisaw Municipal Authority
115 E. Choctaw
Sallisaw, Oklahoma 74955

If to the City of Sallisaw, OK:

The City of Sallisaw, Oklahoma
115 E. Choctaw
Sallisaw, Oklahoma 74955

SECTION 10. It is the intention of the parties that the laws of the State of Oklahoma shall govern the validity of this Agreement, the construction of its terms and interpretation of the rights and duties of the parties.

SECTION 11. No amendment or modification hereof shall be deemed valid unless first reduced to writing and signed and dated by both parties hereto and unless written consent of the Bondholders has been obtained as more fully set forth in the Indenture. Fully executed copies of this Projects Agreement shall be deemed for all purposes as duplicate originals.

SECTION 12. Should any section, clause or provision of this Projects Agreement be invalid or void for any reason, such invalid or void section, clause or provision shall not affect the whole of this instrument, but the balance of the provisions hereof shall remain in full force and effect.

SECTION 13. The headings of the several sections of this Projects Agreement have been prepared for convenience of reference only and shall not control, affect the meaning of, or be taken as an interpretation of any provision of this Projects Agreement.

SECTION 14. This Projects Agreement shall be binding upon and inure to the benefit of the parties hereto, their respective successors and assigns. The City hereby acknowledges that this Projects Agreement has been and will continue to be pledged to the Trustee for the holders of the Series 2022 Bonds, and the City consents to such pledge.

[Remainder of page left blank intentionally.]

IN WITNESS WHEREOF, the Authority has caused this Projects Agreement to be signed by its Chairman of Trustees, attested by its Secretary of Trustees and has caused the seal of the Authority to be impressed hereon, and the City has caused this Projects Agreement to be signed by the Mayor and attested by the City Clerk and has caused the seal of the City to be impressed hereon all as of the date first above written.

THE SALLISAW MUNICIPAL AUTHORITY

By: _____
Chairman of Trustees

ATTEST: (SEAL)

Secretary of Trustees

CITY OF SALLISAW, OKLAHOMA

By: _____
Mayor

ATTEST: (SEAL)

City Clerk

AGENDA ITEM COMMENTARY

Meeting Date: March 1, 2022
Board: Board of City Commissioners
Subject: Resolution 2022-02

ITEM TITLE: Discuss and Consider Approval of Resolution 2022-03, a Resolution Authorizing the Appropriation of Certain Sales and Use Tax Proceeds to The Sallisaw Municipal Authority; Approving a Sales and Use Tax Agreement Relating Thereto; and, Declaring an Emergency

INITIATOR: City Manager
Director of Finance
City Attorney
Bond Attorney

STAFF INFORMATION SOURCE: Bond Attorney
Financial Advisor

BACKGROUND: Approval of Resolution 2022-03 provides for the appropriation of sales and use tax for the swimming pool and skateboard park projects.

EXHIBITS: 1. Resolution 2022-03(city)
2. SALES TAX AGREEMENT 03.01.2022

KEY ISSUES: N/A

FUNDING SOURCE:

RECOMMENDATION: Approval of Resolution 2022-03.
Approval of Emergency Clause.

RESOLUTION NO. 2022-03

A RESOLUTION APPROPRIATING THE PROCEEDS OF A ONE-HALF PERCENT (1//2%) SALES TAX AND ONE-HALF PERCENT (1/2%) USE TAX LEVIED BY THE CITY OF SALLISAW, OKLAHOMA, TO THE TRUSTEES OF THE SALLISAW MUNICIPAL AUTHORITY; APPROVING A SALES AND USE TAX AGREEMENT; AND DECLARING AN EMERGENCY

WHEREAS, heretofore, the qualified electors of the City of Sallisaw, Oklahoma, on February 8, 2022, approved said City levying a sales tax of one-half percent (1/2%) upon the gross proceeds or gross receipts derived from sales taxable under the law of the State of Oklahoma for certain projects of The Sallisaw Municipal Authority pursuant to Ordinance No. 2021-16 of the City; and

WHEREAS, the governing body of said City is currently appropriating the aforesaid sales tax proceeds and has determined that the proceeds of said levy, as amended by Ordinance No. 2021-16, will be used in a manner to enable The Sallisaw Municipal Authority to provide funds to finance the construction, design and equipment of an aquatic/swim center and skateboard park in the City (the AProject@); and

WHEREAS, it is now deemed necessary to provide for the appropriation of said proceeds to said Trustees for the purposes aforesaid and to approve a Sales and Use Tax Agreement in order to effect the same;

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF SALLISAW, OKLAHOMA:

SECTION 1. It hereby is determined to be in the best interest of the City of Sallisaw, Oklahoma and its citizens, that the proceeds derived from the levy of the aforesaid one-half percent (1/2%) sales tax approved by the electors of said City, together with the corresponding one-half percent (1/2%) use tax which accompanies the levy of the aforesaid one-half percent (1/2%) sales tax, continue to be appropriated to the Trustees of The Sallisaw Municipal Authority to enable said Trustees to pay debt service on revenue bonds issued by the Authority and to obtain more favorable financing terms in order to provide funds for the Project by entering into a Sales and Use Tax Agreement with the Authority in order to effect the same.

SECTION 2. There hereby is approved the appropriation of all of the proceeds to be derived from the aforesaid one-half percent (1/2%) sales tax and one-half percent (2%) use tax levied and collected by the City to the Trustees of The Sallisaw Municipal Authority.

SECTION 3. The Chairman, City Clerk, and Treasurer are hereby authorized and directed, after having deposited the proceeds of the aforesaid one-half percent (1/2%) sales tax and one-half percent (1/2%) use tax monthly, as received, in the General Fund of the City and after having paid the costs and expenses of collecting said tax, to forthwith pay all of said sum to the Trustees of The Sallisaw Municipal Authority. The Chairman and City Clerk are hereby authorized to execute a Sales and Use Tax Agreement to govern the appropriation and expenditure of the aforesaid one-half percent (1/2%) sales tax proceeds and one-half percent (1/2%) use tax. A certified copy of this Resolution shall be delivered to each of said officials and shall constitute their continuing authority to make such monthly deposits, transfers and payments hereinabove directed.

SECTION 4. By reason of the immediate need for providing for the financing of the Project, and in order to preserve the health, safety and peace of the inhabitants thereof, an emergency hereby is declared to exist, by reason whereof this Resolution shall be immediately effective upon its adoption.

ADOPTED this _____ day of March, 2022.

Mayor, Board of Commissioners
City of Sallisaw, Oklahoma

ATTEST: (Seal)

City Clerk, City of Sallisaw, Oklahoma

I, the undersigned City Clerk of the City of Sallisaw, Oklahoma, hereby certify that the foregoing is a true, correct and complete copy of a Resolution adopted by the governing body of said City at a meeting held on the date therein stated, as the same appears in the Minutes of said meeting on file in my office as a part of the official records thereof.

City Clerk, City of Sallisaw, Oklahoma

(Seal)

SALES AND USE TAX AGREEMENT

THIS SALES AND USE TAX AGREEMENT, dated as of the _____ day of March, 2022 and to be effective as of March 1, 2022, by and between The Sallisaw Municipal Authority (the "Authority") and the City of Sallisaw, Oklahoma (the "City"),

WITNESSETH:

WHEREAS, the Authority has been created by a Declaration of Trust dated as of March 24, 1988, as supplemented, for the use and benefit of the City under authority of and pursuant to the provisions of Title 60, Oklahoma Statutes 2011 Supplement, Sections 176 to 180.3, inclusive, as amended and supplemented, the Oklahoma Trust Act and other applicable Statutes of the State of Oklahoma; and

WHEREAS, the City currently levies a one-half percent (1/2%) sales tax pursuant to Ordinance No. 2021-16 (the Sales Tax Ordinance@); and

WHEREAS, the one-half percent (1/2%) excise tax (sales tax) generated pursuant to the Sales Tax Ordinance, together with the corresponding one-half percent (1/2%) use tax levied in conjunction with the sales tax levied pursuant to Ordinance No. 2021-16 collectively shall be referred to herein as the Sales and Use Tax Revenues; and

WHEREAS, the purpose of the Sales Tax Ordinance is to provide revenues to construct, design and equip an aquatic/swim complex and skateboard park (the Project@) to be financed by the Authority, and to the extent that Sales and Use Tax Revenues are in excess of the amount required to pay debt service on the aforesaid financing, to provide improvements to soccer and tennis facilities; and

WHEREAS, the Authority has determined to issue its revenue bonds (the Series 2022 Bonds@), for the purpose of financing the Project; and

WHEREAS, in order to secure the payment of the Series 2022 Bonds and define how the Sales and Use Tax Revenues are to be received by the City and paid over to the Authority, it is necessary that this Sales and Use Tax Agreement be entered into; and

WHEREAS, all things to be done to make this Sales and Use Tax Agreement a valid and binding agreement by and between the Authority and the City have been done, happened and performed;

NOW, THEREFORE, IN CONSIDERATION of the mutual covenants expressed herein and the issuance of the Series 2022 Bonds by the Authority by and on behalf of the City and other good and valuable consideration, receipt of which is hereby acknowledged by and between the parties hereto, the Authority and the City agree as follows:

SECTION 1. The Authority shall issue its Series 2022 Bonds and use the net proceeds thereof for the purposes set out above.

SECTION 2. The sales and use tax monies received from the Oklahoma Tax Commission by the City each month shall be deposited in a special account established in the General Fund of the City. The City agrees to appropriate each year that amount of money representing the Sales and Use Tax Revenues, said amount to be paid over as received for immediate deposit in a bank or banks designated by the Authority, in an account to be established entitled The Sallisaw Municipal Authority 2022 Revenue Bonds Sales and Use Tax Account (the "Sales and Use Tax Account"). The parties to this Sales and Use Tax Agreement further hereby acknowledge and the Authority does hereby pledge, the referenced Sales and Use Tax Revenues, for the purpose of paying debt service on the Authority's outstanding debt service on the Series 2022 Bonds and in accordance with the provisions set forth herein. The Sales and Use Tax Revenues are to be utilized in the manner and for the purposes set out herein, which purposes it is hereby acknowledged are consistent with the authorized uses thereof as set out in the Sales Tax Ordinance.

With respect to the Series 2022 Bonds, the Sales and Use Tax Account shall be chargeable with the following payments in the following order of priority:

First: To provide an amount equal to one-half cent (.05) of sales and use tax collections levied pursuant to and in conjunction with Ordinance No. 2021-16 for the debt service on the Authority's outstanding Series 2022 Bonds which shall cease to be levied on and after March 31, 2030; and

Second: In the event the Authority is current on its debt service payments on the Series 2022 Bonds, then any remaining Sales and Use Tax Revenues in the Sales and Use Tax Account collected pursuant to Ordinance No. 2021-16 shall be available for any lawful purpose of the Authority as provided in Ordinance No. 2021-16 and by the applicable laws of the State of Oklahoma.

SECTION 3. In consideration of the issuance of the Series 2022 Bonds by the Authority on behalf of the City, and to further secure said Series 2022 Bonds, the Authority has pledged the Sales and Use Tax Revenues to BancFirst, Oklahoma City, Oklahoma, as trustee, pursuant to the bond indenture securing the Series 2022 Bonds (the Trustee), and does hereby create a security interest in said revenues in favor of the Trustee.

SECTION 4. The Authority and the City agree to continually ensure that the Sales and Use Tax Revenues is utilized for one or more of the authorized purposes as set out in the Sales Tax Ordinance and in the manner set out in Section 2 hereof.

SECTION 5. This Sales and Use Tax Agreement shall remain in full force and effect until the Series 2022 Bonds and other indebtedness on a parity therewith is no longer outstanding. It is hereby acknowledged that under Oklahoma Law, the City may not become obligated beyond its fiscal year (July 1 through June 30) and therefore, the covenants made herein by the City shall be on a year-to-year basis automatically renewed for additional one-year periods on July 1 of each year until such time as the principal of and interest on the Series 2022 Bonds and other indebtedness on a parity therewith has been paid; provided that the payment of the sales tax monies as set out herein is subject to annual appropriation by the City, and provided further that since the levy, collection and use of the one-half percent (1/2%) sales tax was approved by a majority of the voters voting at elections held for such purpose, the voters have the power to revoke the same. The Series 2022 Bonds are issued by the Authority shall in no way be or become an obligation of the City.

SECTION 6. It is understood and agreed that this Sales and Use Tax Agreement is a third-party beneficiary contract for the benefit of the holders of the Series 2022 Bonds and may be pledged and assigned by the Authority as security for the Series 2022 Bonds.

[Remainder of Page Intentionally Left Blank.]

IN WITNESS WHEREOF, The Sallisaw Municipal Authority has caused this Sales and Use Tax Agreement to be signed by its Chairman, attested by its Secretary, and has caused the seal of the Authority to be impressed hereon and the City of Sallisaw, Oklahoma, acting by and through its Board of Commissioners, has caused this Sales and Use Tax Agreement to be signed by its Chairman, attested by its City Clerk, and has caused the seal of the City to be impressed hereon, all as of the date above set out.

THE SALLISAW MUNICIPAL AUTHORITY

By _____
Chairman of Trustees

ATTEST: (Seal)

Secretary of Trustees

CITY OF SALLISAW, OKLAHOMA

By _____
Mayor, Board of Commissioners

ATTEST: (Seal)

City Clerk

AGENDA ITEM COMMENTARY

Meeting Date: March 1, 2022
Board: Board of City Commissioners
Subject: Electric System Materials

ITEM TITLE: Discuss and Consider Approval of Purchase of Electric System Stock Materials in the amount of \$51,738.05, from Anixter of Oklahoma City

INITIATOR: Electric Superintendent
Purchasing Agent

STAFF INFORMATION SOURCE: Electric Superintendent
Purchasing Agent

BACKGROUND: Approval of this item will allow for the purchase of stock materials for the electric system in the amount of \$51,738.05. Staff notes the lead time for delivery on this material is 6-26 weeks.

EXHIBITS: 1. Quote - Electric System Materials

KEY ISSUES: Materials need to be ordered as soon as possible due to delayed delivery time.

FUNDING SOURCE: General Fund #010-601-53310

RECOMMENDATION: Approval of purchase of electric system stock materials in the amount of \$51,738.05, from Anixter of Oklahoma City.



8201 POLE ROAD
Oklahoma City, OK 73149

non stock

www.anixterpowersolutions.com

Phone: 405.438.6382
Fax: 405.632.0668

Quotation: **U00688601.01**

To: **CITY OF SALLISAW**
213 W QUESENBURY
SALLISAW, OK 74955

Issued Date: **Feb 17, 2022**

Expiration Date: **Mar 19, 2022**

Attn:
Phone:
Fax:

Sales Contact: **Thomas Wilson**
(P)
(F)
thwilson@anixter.com

Item	CustLine	Product and Description	Quantity	Price	Unit	Extended
1		E1020052 ROD ANCH PISA 3/4"X7' TE STD PKG: 5 DEL: 10 weeks	20	32.340	EA	646.80
2		J6550WCA ANCHOR 10" HELIX 1-1/4" X 96" NO WRENCH TE DEL: 22 weeks	20	169.900	EA	3,398.00
3		PSPF101538MGL6350CEHV PEDESTAL SEC UD 38IN GRN DEL: 10 weeks	10	260.000	each	2,600.00
4		63788037 CW360-18TH tap box DEL: 26 weeks	15	1,052.000	EA	15,780.00
5		BG1860181254604 SLEEVE GROUND FBRGLS 18INX60INX18IN MUN GRN DEL: 8 weeks	8	681.000	EA	5,448.00
6		164J4-5 JUNCTION URD LDBK 15KV 4 PT DEL: 8 weeks	25	185.290	EA	4,632.25
7		J089Z WIREHOLDER NYLON 11/32"X 2-1/4" SCREW STD PKG: 50 DEL: 10 weeks	300	5.920	EA	1,776.00
8		GL4042A SPLICE AUTO AL 2-4 ACSR AAC & AAAC FULL TENSION STD PKG: 25 DEL: 16 weeks	250	7.200	EA	1,800.00



8201 POLE ROAD
Oklahoma City, OK 73149

non stock

www.anixterpowersolutions.com

Phone: 405.438.6382
Fax: 405.632.0668

Quotation: **U00688601.01**

Item	CustLine	Product and Description	Quantity	Price	Unit	Extended
9		ABW 6500 CONN STUD 6POS 6-500 1" THD DEL: 10 weeks, MOQ 100	100	35.420	EA	3,542.00
10		GCC21-24R INSU GUY STRAIN 21K 24" CLEVIS TO CLEVIS 1R DEL: 8 weeks	50	33.600	EA	1,680.00
11		TAP06CUSOL-08 WIRE TAP 6 CU SOL 150MIL CVRD 200FT RL DEL: 7 weeks	1000	3.000	FT	3,000.00
12		CP710-112PX CUTOUT 15KV 100A POLY X-BKT DEL: 6 weeks	50	148.700	EA	7,435.00

SECTION TOTAL: \$51,738.05

QUOTE TOTAL: **\$51,738.05**

Special Notes

- 1) All items are In Stock unless otherwise noted.
- 2) All item pricing on this quote is valid for thirty days unless otherwise specified.
- 3) All applicable taxes apply.

BY ACCEPTING THIS QUOTE, YOU AGREE THAT THE ANIXTER TERMS AND CONDITIONS OF SALE PUBLISHED AT THE LINK BELOW ARE EXPRESSLY INCORPORATED INTO AND SHALL GOVERN THIS TRANSACTION.

<http://www.anixter.com/TERMSANDCONDITIONS>

Anixter Power Solutions offers the industry's most extensive and dynamic portfolio of products, services and solutions for the Public Power, Investor-owned Utilities, Construction and Industrial markets.

The impacts of COVID-19 cannot be reasonably determined at this time. This quote/proposal does not account for any potential adverse impacts COVID-19 may have on Anixter's performance or obligations herein. In the event of any delays or adverse impacts, Anixter reserves the right for an equitable adjustment of the delivery schedule and prices herein to offset the effects of COVID-19 delays, without fault or penalty of any kind.

AGENDA ITEM COMMENTARY

Meeting Date: March 1, 2022
Board: Board of City Commissioners
Subject: Oak and Cherokee Crosswalk and Traffic Controls

ITEM TITLE: Discuss and Consider Approval of Issuance of Purchase Order, Issued to Signal Tek of Oklahoma City for the Installation of Crosswalk and Traffic Light Controls at the Corner of Oak and Cherokee, in an Amount Not to Exceed \$91,000.00

INITIATOR: City Manager
Electric Superintendent

STAFF INFORMATION SOURCE: Signal Tek

BACKGROUND: Approval of this item will allow the installation of crosswalk and traffic control systems at the intersection of Oak and Cherokee. Installation of this equipment will provide pedestrian and traffic safety, especially during downtown events. This item has been a topic of discussion for some time now, with several in the community requesting the system.

EXHIBITS: 1. Sallisaw, Cherokee & Oak, TS Upgrades, 2.18.22

KEY ISSUES:

- A push button crosswalk system with monitors will be installed, along with a camera system for traffic control.
- For the traffic control system, the existing cabinet and control system are very old and in need of replacement. It is best to go ahead and complete this while the work is being completed for the crosswalk system.
- Pedestrian safety.
- Pedestrian safety during downtown events.

FUNDING SOURCE: Street and Alley Fund 031-401-57738
For FY 2022, there is \$180,082 budgeted in the Street and Alley Fund. Of this amount, \$155,266 is currently available for use. Staff proposes using \$91,000.00 of the funds available for this project.

RECOMMENDATION: Staff recommends approval in an amount not to exceed \$91,000.00.



SIGNALTEK

P.O. Box 14788
Oklahoma City, OK 73113
(405) 524-1341

To:	City Of Sallisaw	Contact:	Blakely Smith
Address:	115 E Choctaw Ave Sallisaw, OK 74955 UNITED STATES	Phone:	(918) 775-6241
Project Name:	Sallisaw, Cherokee & Oak, TS Upgrades, 2.18.22	Fax:	
Project Location:	Cherokee & Oak, Sallisaw, OK	Bid Number:	
		Bid Date:	2/18/2022

Please accept our quotation for the following items of work:

Line #	Item Description	Estimated Quantity	Unit	Unit Price	Total Price
Section 01: Base Bid					
01001	2" PVC SCH.40 PLASTIC CONDUIT TRENCHED	20.00	LF	\$20.00	\$400.00
01002	3" PVC SCH.40 PLASTIC CONDUIT BORED	250.00	LF	\$65.00	\$16,250.00
01003	PULL BOX(SIZE I)	3.00	EACH	\$800.00	\$2,400.00
01004	PULL BOX(SIZE II)	1.00	EACH	\$1,000.00	\$1,000.00
01005	1/C NO.6 ELECTRICAL CONDUCTOR	100.00	LF	\$3.75	\$375.00
01006	PEDESTRIAN PUSH BUTTON	8.00	EACH	\$1,250.00	\$10,000.00
01007	1WAY 2SEC. ADJ. PED. SIG. HD. S-20	8.00	EACH	\$650.00	\$5,200.00
01008	5/C TRAFFIC SIGNAL ELECTRICAL CABLE	950.00	LF	\$5.00	\$4,750.00
01009	12/C TRAFFIC SIGNAL ELECTRICAL CABLE	500.00	LF	\$8.00	\$4,000.00
01010	2/C SHIELDED LOOP DETECTOR LEAD-IN CABLE	40.00	LF	\$2.50	\$100.00
01011	CONSTRUCTION TRAFFIC CONTROL	1.00	LS	\$2,500.00	\$2,500.00
Total Price for above Section 01: Base Bid Items:					\$46,975.00
Section 02: Add Alternate 1					
02001	TRAFFIC SIGNAL CONTROLLER ASSEMBLY	1.00	EACH	\$18,500.00	\$18,500.00
Total Price for above Section 02: Add Alternate 1 Items:					\$18,500.00
Section 03: Add Alternate 2					
03001	(PL)DETECTION SYSTEM (VIDEO)	1.00	LS	\$25,000.00	\$25,000.00
Total Price for above Section 03: Add Alternate 2 Items:					\$25,000.00
Total Bid Price:					\$90,475.00

Notes:

- **City of Sallisaw to be responsible for ADA ramps and sidewalk work. This includes removal and replacement of concrete for our boring operation.**
- Item 01001 is for connecting to the existing conduit going into the signal pole footings.
- Item 01002 - 01004 are for new bored conduit under 3 sides of the intersection and new pull boxes.
- Item 01005 is for new electrical cable to power the controller cabinet.
- item 01006 is for new audible pedestrian push buttons, which are the current ODOT standard. Submittal datasheet attached.
- Item 01007 is for new pedestrian signals with countdown LED indication.
- Items 01008 - 01010 are for new underground and above ground traffic signal cable.
- item 02001 is needed, as the existing controller cabinet is very old and has some issues.
- Item 03001 is for video detection system with Iteris cameras and Econolite RackVision Pro processors.
- All work will be done in accordance with City of Sallisaw and ODOT standards.
- All traffic control will be done in accordance with MUTCD standards.

Payment Terms:

Terms for Payment are NET 30 days from date of our invoice.

ACCEPTED:

The above prices, specifications and conditions are satisfactory and are hereby accepted.

Buyer: _____

Signature: _____

Date of Acceptance: _____

CONFIRMED:

SignalTek

Authorized Signature: _____

Estimator: Walter Floyd
(405) 524-1341 estimating@tlsokc.com

AGENDA ITEM COMMENTARY

Meeting Date: March 1, 2022
Board: Board of City Commissioners
Subject: Security Camera System

ITEM TITLE: Discuss and Consider Approval of Issuance of Purchase Order, Issued to S2 Solutions, Inc., of Tulsa, Oklahoma, for the Purchase of Verkada Security Camera System, in an Amount Not to Exceed \$46,000.00

INITIATOR: City Manager
Network Technician

STAFF INFORMATION SOURCE: S2 Solutions

BACKGROUND: City hall hosts two different security camera systems. These systems pull in video feed from city hall cameras, Jay Reynolds Park splash pad, and the sports complex. In the last three weeks, both systems have died. Due to the age of the systems, they are not worth repairing or purchasing new computer servers to run them. The Verkada security system is one of the best camera systems available today. It is cloud based, and easily accessible from any type of device and location. With this purchase, we plan to purchase 15 outdoor cameras and 20 indoor cameras. In the future, we can easily add more cameras to the system as needed. The initial purchase will allow us to install the needed cameras at city hall, the sports complex and Jay Reynolds Park.

EXHIBITS: 1. Verkada-Sallisaw City Hall Project 1yr Lic revised 2-17-22

KEY ISSUES:

- Purchase costs include a one-year license for each camera. The license covers accessibility and cloud storage for each camera. The license for each camera is \$197.67 per year. For the initial 35 cameras, the license fees will be \$6,918 per year. Cloud storage eliminates the need for us to purchase servers and storage capacity for camera systems. It also eliminates the maintenance requirements of the servers and storage systems.
- Cameras offer clear images, facial recognition capabilities, and night vision capabilities.
- Cameras will significantly improve monitoring of our parks and other municipal facilities, leading to enhanced safety.
- In the FY 2023 budget, we will look at additional cameras for other facilities.

FUNDING SOURCE: This is an unbudgeted item. Funding will come from Capital Improvement Fund 30 Contingency.

RECOMMENDATION: Approval of purchase in an amount not to exceed \$46,000.00.



Assumptions

If required, management will provide all installation personnel with access badges, keys, and or escorts in order to perform the work in a timely manner.

Return trips for operational verification, of other vendor's equipment, will be at billable rates should there be no fault found with the cabling or device installation.

Any customer requested work and or materials beyond the original scope of work described in this proposal and or the "Proposal Attachment" is subject to additional charges.

Delays due to: closings, material availability, limited access or other events, which are the result of the customer, will be billed per hour for every hour the delay exists.

No electrical/conduit work is included in this proposal

Electrical power is to be supplied by others and will be available throughout the duration of this project.

“This pricing is valid for a period of “30” Calendar days from the date of this proposal”

Signature

Date

Printed Name

Title

*Thank you,
Billy York
Operations/Sales
(405) 200-3623
byork@s2-ok.com*

AGENDA ITEM COMMENTARY

Meeting Date: March 1, 2022
Board: Board of City Commissioners
Subject: Chapter 66, Article III, Section 66-72 of Sallisaw Code

ITEM TITLE: Discuss and Consider Approval of Ordinance 2022-05, an Ordinance Repealing and Striking Chapter 66, Article III, Section 66-72 of the Sallisaw City Code and Substituting a New Chapter 66, Article III, Section 66-72 of the Sallisaw City Code; and, Declaring an Emergency

INITIATOR: City Manager, City Clerk, Economic Development Director, City Attorney

STAFF INFORMATION SOURCE: Economic Development Director

BACKGROUND: This ordinance replaces the current Section 66-72 which addresses smoking on public property. It expands on definitions and addresses use of all tobacco and vaping products on city property.

EXHIBITS: 1. Ordinance 2022.05 Article III Section 66-72

KEY ISSUES: This ordinance, along with the modifications to Section 66-72, will allow the city to submit more detailed grant applications through the Oklahoma Tobacco Settlement Endowment Fund.

FUNDING SOURCE: N/A

RECOMMENDATION: Approval of Ordinance 2022-05.
Approval of Emergency Clause.

ORDINANCE 2022-05

**AN ORDINANCE REPEALING AND STRIKING
CHAPTER 66, ARTICLE III, SECTION 66-72
OF THE SALLISAW CITY CODE AND SUBSTITUTING A NEW
CHAPTER 66, ARTICLE III, SECTION 66-72
OF THE SALLISAW CITY CODE
AND DECLARING AN EMERGENCY**

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF SALLISAW,
OKLAHOMA.**

SECTION 1. REPEAL

Chapter 66, Article III, Section 66-72 of the Sallisaw City Code is hereby repealed in its entirety and a new Chapter 66, Article III, Section 66-72 of the Sallisaw Code of Ordinances is hereby established by enacting the following articles and sections, to-wit:

**Section 66-72. Use of Tobacco and Vapor Products on Public Property; Definitions,
Conduct, Penalties**

- a) Purpose. The purpose of this section is to protect the public health and welfare by prohibiting the use of tobacco in any form, including vapor products, on municipal property.
- b) Definitions
 - 1) INDOOR AREA means any enclosed area used or visited by employees or the public, at all times, regardless of whether work is being performed. Indoor Area includes work areas, employee lounges, restrooms, conference rooms, classrooms, employee cafeterias, hallways, any other spaces used or visited by employees, as well as all space between a floor and ceiling that is predominantly or totally enclosed by walls or windows, regardless of doors, doorways, open or closed windows, stairways, or the like.
 - 2) MUNICIPAL PROPERTY means all buildings, Indoor Areas, and Outdoor Areas, including but not limited to recreational areas, and other property, or portions thereof, owned or operated by the City of Sallisaw, including but not limited to vehicles and equipment owned by the municipality.
 - 3) OUTDOOR AREA means any area that is not an Indoor Area, and includes outdoor recreational areas.
 - 4) SMOKING means the carrying by a person of a lighted cigar, cigarette, pipe, or other lighted smoking device.
 - 5) TOBACCO PRODUCT means any product that contains tobacco and is intended for human consumption. Tobacco Product does not include any product approved by the United States Food and Drug Administration for sale as a tobacco cessation product.

- 6) VAPOR PRODUCT means any noncombustible product that may or may not contain nicotine that employs a mechanical heating element, battery, electronic circuit, or other mechanism, regardless of shape or size, that can be used to produce a vapor in a solution or other form. Vapor Product shall include any vapor cartridge or other container with or without nicotine or other form that is intended to be used with an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container of a solution, that may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, or electronic device.

c) Prohibited Conduct

- 1) Smoking Tobacco Products is prohibited in all places in which Smoking Tobacco Products is prohibited by Oklahoma state law.
- 2) Using Tobacco Products and Vapor Products is prohibited on all Municipal Property, indoor and outdoor, including parks and recreational areas.
- 3) Nothing in this ordinance prohibits any person or entity from prohibiting the use of Tobacco Products or Vapor Products on their property, even if the use of Tobacco Products or Vapor Products is not otherwise prohibited in that area.
- 4) No person or entity shall knowingly permit the use of Tobacco Products or Vapor Products in an area that is prohibited by law.
- 5) No person or entity shall intimidate, threaten, or otherwise retaliate against another person or entity that seeks to attain compliance with this ordinance.

c) Required Signs

- 1) The person or entity that has legal or de facto control of an area in which the use of tobacco products or vapor products is prohibited by this chapter shall post a clear, conspicuous, and unambiguous sign at each point of entry to the area, and in at least one other conspicuous point within the area.
- 2) For restrictions on the use of Tobacco Products or Vapor Products in Indoor Areas, the sign or decal shall be at least four (4) inches by two (2) inches in size and shall clearly state that smoking or tobacco use is prohibited or that a tobacco free environment is provided. For restrictions on the use of Tobacco Products or Vapor Products in Outdoor Areas, signs shall be weather-resistant at least fifteen (15) inches by fifteen (15) inches in size, with lettering of at least one (1) inch, and shall clearly state that smoking or tobacco use is prohibited or that a tobacco-free environment is provided.
- 3) Notwithstanding this provision, the presence or absence of signs shall not be a defense to a charge of the use of Tobacco Products or Vapor Products in violation of any other provision of this chapter.

d) Penalties and Enforcement

- 1) Enforcement of this ordinance shall be the responsibility of the City of Sallisaw. Any peace officer or code enforcement official may enforce this ordinance.

- 2) Any person who knowingly violates this ordinance may be punished by a citation and fine of an amount allowable by state law and in accordance with the City of Sallisaw Municipal Code.
- 3) The possession of a lighted Tobacco Product in violation of this ordinance is a nuisance.
- 4) The use of a Vapor Product in violation of this ordinance is a nuisance.
- 5) The remedies provided by this ordinance are cumulative and in addition to any other remedies available by law or in equity.
- 6) Each instance of Tobacco Product or Vapor Product use in violation of this ordinance shall constitute a separate violation.
- 7) Causing, permitting, aiding, abetting, or concealing a violation of any provision of this ordinance regarding Tobacco Product or Vapor Product use shall also constitute a violation of this ordinance.
- 8) In addition to other remedies provided by this ordinance or by other law, any violation of this ordinance regarding Tobacco Product or Vapor Product use may be remedied by the City Attorney, including, but not limited to, administrative or judicial nuisance abatement proceedings, criminal code enforcement proceedings, and suits for injunctive relief.

SECTION 2.

WHEREAS, an emergency and immediate necessity exists by reason of the health, safety and protection of the citizens of Sallisaw; therefore, an emergency is hereby declared to exist by reason whereof this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED, this 1st day of February, 2022

CITY OF SALLISAW, OKLAHOMA

By: _____
ERNIE MARTENS, MAYOR

ATTEST:

DIANNA DAVIS, CITY CLERK

[SEAL]

AGENDA ITEM COMMENTARY

Meeting Date: March 1, 2022
Board: Board of City Commissioners
Subject: Healthy Work Vision Policy

ITEM TITLE: Discuss and Consider Approval of Administrative Policy 1.005.00, Revision 2; Healthy Work Vision Policy

INITIATOR: City Manager
Economic Development Director
City Clerk

STAFF INFORMATION SOURCE: Economic Development Director

BACKGROUND: This policy revises our old tobacco use policy originally adopted back in 2019. The newer version has been renamed, Healthy Work Vision Policy, and also adds a new section on employee wellness.

EXHIBITS: 1. 1.005.00 Healthy Work Vision Policy.V2

KEY ISSUES: This policy, and its revisions, will allow us to score needed points for TSET grant applications. Staff also plans to begin distributing more information on employee wellness activities.

FUNDING SOURCE: N/A

RECOMMENDATION: Approval of Administrative Policy 1.005.00, Revision 2; Healthy Work Vision Policy.

CITY OF SALLISAW ADMINISTRATIVE POLICY		Policy Number:	1.005.00	Revision	2
		Effective Date	March 1, 2022		
Subject:	Healthy Work Vision Policy				
Department(s):	City Wide				

Purpose

The City of Sallisaw is committed to a healthy workplace, either by promoting employee wellness, or supporting employee access to clean air by limiting exposure to secondhand smoke. The goal of this policy is to create a healthy vision for our workforce, and our community. Employees are expected to comply with this policy, as well as any applicable state laws and municipal ordinances.

Background

Employee wellness programs have many benefits. Wellness helps people become more productive. It can reduce the number of sick days an employee may take and various sickness related expenses. More importantly, employee wellness is a vital aspect of building a happier workplace.

SECTION 1: WELLNESS IN THE WORKPLACE

Policy/Procedure

The City of Sallisaw recognizes that we can help improve the health and wellness of our employees by creating an environment that encourages healthy living. By providing information on physical and mental health, we hope to encourage employees to be active and have time for themselves and their families. We want to encourage healthy lifestyles, but we also note that participation in these programs is purely voluntary. To accomplish this, the city commits to doing the following (this list is not exhaustive):

- Promote healthy behaviors and choices through appropriate communication resources, such as pamphlets, brochures, posters, webinars, meetings, etc.
- Promote overall weight loss, cessation of using tobacco and vaping products, management of stress, lowering of blood pressure and cholesterol levels, and improvement of physical strength and stamina.
- Conduct ongoing evaluations of our wellness policies and programs.
- Host, or sponsor, community health events.
- Promote nutrition education through seminars, classes, meetings and newsletters.
- Promote use of stairwells.
- Promote use of city walking trails.
- Promote healthy wellness links on the city's website.

- Acknowledge employees who succeed in cessation of tobacco or vaping products and weight loss.
- Host voluntary competitions among our employees, such as 8-week weight loss contests.

SECTION 2: SMOKING AND VAPING IN THE WORKPLACE

Definitions:

1. **Tobacco and Smoking Products.** Any smoking or smokeless product that contains, or is derived from tobacco, and is intended for human consumption, excluding forms of drugs or devices approved for cessation by the United States Food and Drug Administration. This includes non-tobacco products such as e-cigarettes and vapor products, with or without nicotine.
2. **Vapor Products.** Noncombustible products, that may or may not contain nicotine, that employ a mechanical heating element, battery, electronic circuit, or other mechanism, regardless of shape or size, that can be used to produce a vapor in a solution or other form. Vapor products shall also include any vapor cartridge or other container with or without nicotine or other form that is intended to be used with an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device.
3. **Indoor Workplace.** Any indoor area including offices, work areas, employee lounges, restrooms, conference rooms, hallways, any other spaces used or visited by employees or the public, and all space between a floor and ceiling that is predominantly or totally enclosed by walls, windows, regardless of doors, doorways, open or closed windows, stairways, or the like.
4. **Breathe Easy Regulations.** Laws and regulations adopted by the State of Oklahoma.

Policy/Procedure

Smoking and second hand smoke can be harmful in many ways. It affects the heart and blood vessels, increasing the risk of heart attack and stroke in smokers and non-smokers. While some have turned to vaping, this activity is now known to have health affects as well, whether the vaping products contain nicotine or not. Vaping products can also become just as addictive as tobacco products.

1. The use of lighted tobacco in any form is a public nuisance and dangerous to public health and is hereby prohibited when such possession is in any indoor workplace areas owned or operated by the City of Sallisaw. This applies to employees and to customers and visitors while on City premises.
2. The use of tobacco and vaping products, as defined in this policy, in any form, in any indoor workplace of the city, shall be prohibited unless otherwise allowed by applicable federal, state or county laws, rules and regulations.

3. The use of tobacco or vaping products, as defined in this policy, in any form, in any vehicle, or equipment with an enclosed cab, owned by the city shall be prohibited.
4. Adoption of State of Oklahoma Breathe Easy Regulations. This policy shall adopt the Breathe Easy regulations specific to city, county or state buildings. State, county and city buildings are required to be smokefree, and no smoking is permitted within 25 feet outside any entrance or exit.
5. Employees are expected to exercise common courtesy and to respect the needs and sensitivities of co-workers with regard to this policy. Employees who violate this policy will be subject to disciplinary action.
6. It shall be the responsibility of all City supervisors to enforce this policy.
7. Cessation Support For City Employees. To support employee's efforts to quit the use of tobacco or vaping products, the City offers the following support services.
 - a. Promoting the Oklahoma Tobacco Helpline (1-800-QUIT-NOW or OKHelpline.com) to promote awareness of the statewide services available. This also includes any free cessation counseling available from the Oklahoma Tobacco Helpline.
 - b. If available, communicate and promote the availability of tobacco cessation benefits and insurance coverage to all employee's of the city.

References:

- State of Oklahoma Breathe Easy Laws and Regulations, www.ok.gov/breatheeasyok.
- Oklahoma Tobacco Helpline, 1-800-QUITNOW, www.okhelpline.com
- Tobacco Stops With Me website, <https://stopswithme.com/>
- Shape Your Future, <https://shapeyourfutureok.com/>

Rescission Date: NA

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

_____ Date: _____
Mayor, City of Sallisaw

_____ Date: _____
City Manager, City of Sallisaw

Attest

_____ Date: _____
City Clerk

Revision History

Revision 1, February 11, 2019

Revision 2, March 1, 2022 (Rename Policy)