

The City of Muskogee encourages participation from all its citizens in public meetings. If participation is not possible due to a disability, notify the City Clerk, in writing, at least forty-eight hours prior to the scheduled meeting and necessary accommodations will be made (ADA 28 CFR/36).

Council Rules of Decorum limit citizen comments on agenda items and public hearings to five (5) minutes and general comments for non-agenda items to three (3) minutes. Any person desiring to address the Council during such period is required to sign in with the City Clerk prior to the Council meeting between 5:00 p.m. and 5:15 p.m. on the third floor of City Hall or anytime between 8:00 a.m. and 5:00 p.m. in the Office of the City Clerk. They shall provide their name, address and specify the agenda item they wish to address. Remarks shall be directed to the matter being considered and the speaker is allowed to speak only one time. If written materials are to be submitted twelve (12) copies should be made available, and may not be returned.

AGENDA
MUSKOGEE CITY COUNCIL
JULY 23, 2018

REGULAR SESSION -5:30 P.M., 3RD FLOOR, COUNCIL CHAMBERS MUNICIPAL BUILDING,
229 W. OKMULGEE, MUSKOGEE, OKLAHOMA

INVOCATION - COUNCILMEMBER IVORY VANN

FLAG SALUTE - MAYOR BOB COBURN

ROLL CALL - MAYOR BOB COBURN

APPROVAL OF MINUTES: CITY COUNCIL REGULAR SESSION JULY 09, 2018

CONSENT AGENDA

The following items are considered to be routine by the City Council and will not be read aloud. The Consent Agenda will be enacted with one motion and should discussion be desired on an item, that item will be removed from the Consent Agenda prior to action and considered separately prior to the Regular Agenda.

1. Approval of claims for all City departments June 28, 2018 through July 11, 2018.
2. Approval to accept the 2017 Justice Assistance Grant from the U.S. Department of Justice in the amount of \$34,514.00, or take other necessary action. (Johnny Teehee)
3. Approval to accept a Fire Prevention Grant in the amount of \$2,500.00 from FM Global to be used for the purchase of smoke detectors, or take other necessary action. (Mike O'Dell)

4. Approval of the appointment of Jaime Stout to serve a two (2) year term on the City of Muskogee Foundation Board, beginning September 1, 2018, and ending August 31, 2020, replacing Dan Hall, or take other necessary action. (Councilor Dan Hall)
5. Approval of the appointment of Glenda Shelton to the War Memorial Trust Authority, filling the unexpired term of Joshua Caserez, ending on April 30, 2019, or take other necessary action. (Marlon Coleman)
6. Approval to award a contract in the amount of \$728,807.90 to the sole bidder, Intermountain Slurry Seal Inc., inclusive of Add Alternate Nos. 1 and 2, for the Micro Surfacing Project for the Central Business District, or take other necessary action. (Greg Riley)
7. Approval of awarding the lowest and best bid to Todays Roofing for Muskogee Emergency Management Building Roof in the amount of \$243,210.16, or take other necessary action. (Mike Stewart)
8. Approval of the reappointment of Jack Farr to serve a three (3) year term on the Muskogee Housing Authority Board, beginning July 23, 2018, and ending on May 31, 2021, or take other necessary action. (Councilor Derrick Reed)

REGULAR AGENDA

9. Consider approval of Ordinance No. 4051-A amending the City of Muskogee Code of Ordinances, by Amending Chapter 1, General Provisions; Section 1-14, General Penalties; Continuing Violations; Establishing Maximum Fine and Costs for Speed Limit Violations of 10 or less; Providing for Repealer, Severability and Declaring an Emergency, or take other necessary action. (Roy D. Tucker)
10. Receive report from the Greater Muskogee Area Chamber of Commerce as to project status and progress towards achieving the objectives outlined in the 2017-2018 Program of Work for the City's tourism contract, and take any necessary action. (Mike Miller)
11. Consider approval to renumber the following resolutions: "A Resolution Approving and Adopting a Best Practices Handbook for Oklahoma Municipalities" from Resolution No. 2732 to Resolution No. 2734, as previously approved by the City Council on June 25, 2018, and "A Resolution Authorizing Participation in the OMAG Recognition Program" from Resolution No. 2733 to Resolution No. 2735, as previously approved by City Council on July 9, 2018, or take other necessary action. (Roy Tucker)

RECOGNIZE CITIZENS WISHING TO SPEAK TO THE MAYOR AND COUNCIL.

Council Rules of Decorum limit citizen comments to three (3) minutes. Any person desiring to speak is required to sign-in with the City Clerk, provide their name, address, and the particular issue they wish to address. Under Oklahoma law, the Council Members are prohibited from discussing or taking any action on items not on today's agenda. If written materials are to be submitted to the Council twelve (12) copies should be made available, and

may not be returned.

12. Consider an Executive Session to discuss and take possible action on the following:
 - a. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in Executive Session to discuss negotiations with the Fraternal Order of Police, Lodge No. 95, and if necessary, take appropriate action in open session. (Kelly Plunkett)
 - b. Pursuant to Section 307 B.3 and C.10, Title 25, Oklahoma Statutes, consider convening in Executive Session to discuss the purchase of real property, as well as, to confer on matters pertaining to an economic development project within the City of Muskogee, and if necessary, take appropriate action in open session. (Gary D. Garvin)

ADJOURN

Regular City Council

Meeting Date: 07/23/2018

Initiator: Ashley Wallace, Office Adm 1

Department: City Clerk

Staff Information Source:

Information

AGENDA ITEM TITLE:

APPROVAL OF MINUTES: CITY COUNCIL REGULAR SESSION JULY 09, 2018

BACKGROUND:

RECOMMENDED ACTION:

Fiscal Impact

Attachments

07-09-2018 ccmin

MINUTES

OF THE COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA, MET IN REGULAR SESSION, IN THE COUNCIL CHAMBERS OF CITY HALL MONDAY, JULY 9, 2018

The Council of the City of Muskogee, Oklahoma, met in Regular Session in Council Chambers of City Hall, Monday, July 9, 2018, at 5:30 p.m., with Deputy Mayor Janey Boydston presiding.

Invocation was given by Councilmember Jaime Stout

Flag Salute was led by Deputy Mayor Janey Boydston

Meeting was called to order by Deputy Mayor Janey Boydston and the City Clerk called the roll as follows:

Present: Deputy Mayor Janey Boydston; Councilmember Jaime Stout; Councilmember Patrick Cale; Councilmember Marlon Coleman; Councilmember Dan Hall; Councilmember Wayne Johnson; Councilmember Derrick Reed; Councilmember Ivory Vann

Absent: Mayor John R. Coburn

Staff Present: Mike Miller, City Manager; Mike Stewart, Assistant City Manager; Roy Tucker, City Attorney; Tammy L. Tracy, City Clerk; Gary Garvin, City Planner; Greg Riley, Public Works Director; Matthew Beese, Assistant City Attorney; Mark Wilkerson, Parks & Recreation Director; Michael O'Dell, Fire Chief; Kelly Plunkett, Human Resources Director; Rex Eskridge, Police Chief; Johnny Teehee, Deputy Police Chief; Prag Mahajan, Civil Engineer; Marcie Gilliam, Strategic Financial Analyst

Presentation of The Key to the City to retiring Police Chief Rex Eskridge, presented by Deputy Mayor Janey Boydston.

APPROVAL OF MINUTES: CITY COUNCIL REGULAR SESSION JUNE 25, 2018

Motion was made by Councilmember Marlon Coleman, seconded by Councilmember Wayne Johnson to approve City Council Regular Session minutes June 25, 2018.

AYE: Deputy Mayor Janey Boydston, Councilmember Jaime Stout, Councilmember Patrick Cale, Councilmember Marlon Coleman, Councilmember Dan Hall, Councilmember Wayne Johnson, Councilmember Derrick Reed, Councilmember Ivory Vann

Carried - Unanimously

CONSENT AGENDA

Motion was made by Councilmember Marlon Coleman, seconded by Councilmember Wayne Johnson to approve Consent Agenda.

AYE: Deputy Mayor Janey Boydston, Councilmember Jaime Stout, Councilmember Patrick Cale, Councilmember Marlon Coleman, Councilmember Dan Hall, Councilmember Wayne Johnson, Councilmember Derrick Reed, Councilmember Ivory Vann

Carried - Unanimously

The following items are considered to be routine by the City Council and will not be read aloud. The Consent Agenda will be enacted with one motion and should discussion be desired on an item, that item will be removed from the Consent Agenda prior to action and considered separately prior to the Regular Agenda.

- 1 Approval of claims for all City departments June 14, 2018 through June 27, 2018.
- 2 Approval of a three (3) year agreement with Kansas City Aerosports to supply ballooning activities for the proposed Oklahoma Festival of Ballooning to be held at Hatbox Field, or take other necessary action. (Mark Wilkerson)
- 3 Approval of an Amended Plat of York 1st Addition, consisting of two (2) lots on 2.22 acres, located at 100 N. York Street, or take other necessary action. (Gary D. Garvin)

REGULAR AGENDA

- 4 Consider approval of Ordinance No. 4050-A accepting the terms and conditions of Amendment No. 5 to the Muskogee War Memorial Park Authority Trust instrument, or take other necessary action. (Councilor Jaime Stout)

Councilmember Jaime Stout stated the Trustees have proposed a modification to the method of appointment of Trustees of the Muskogee War Memorial Park Authority. Currently, the City Council appoints all nine (9) members of the Trust. The proposed modification will provide six (6) of the appointments to the City Council and three (3) of the appointments to the sitting Trustees. The implementation of the modification will occur with the sitting Trustee appointments being every third appointment as part of the established Council appointment rotation beginning with the first sitting Trustees' appointment being the next available opening.

Motion was made by Councilmember Jaime Stout, seconded by Councilmember Patrick Cale to approve Ordinance No. 4050-A accepting the terms and conditions of Amendment No. 5 to the Muskogee War Memorial Park Authority Trust instrument.

AYE: Deputy Mayor Janey Boydston, Councilmember Jaime Stout, Councilmember Patrick Cale, Councilmember Marlon Coleman, Councilmember Dan Hall, Councilmember Wayne Johnson, Councilmember Derrick Reed, Councilmember Ivory Vann

Carried - Unanimously

- 5 Receive presentation proclaiming August 7, 2018 as "National Night Out 2018," and authorize the City's participation in the program, or take other necessary action. (Rex Eskridge)

Police Chief Rex Eskridge stated the National Night Out Proclamation is a unique opportunity for Muskogee to join forces with thousands of other communities across the country in promoting cooperative, police-community crime prevention efforts.

Motion was made by Councilmember Dan Hall, seconded by Councilmember Patrick Cale to approve proclaiming August 7, 2018 as "National Night Out 2018," and authorize the City's participation in the program.

AYE: Deputy Mayor Janey Boydston, Councilmember Jaime Stout, Councilmember Patrick Cale, Councilmember Marlon Coleman, Councilmember Dan Hall, Councilmember Wayne Johnson, Councilmember Derrick Reed, Councilmember Ivory Vann

Carried - Unanimously

- 6 Consider approval of Resolution No. 2733 authorizing participation in the Oklahoma Mutual Assurance Group Recognition Program, or take other necessary action. (Roy D. Tucker)

City Attorney Roy Tucker stated OMAG has prepared a model resolution for adoption which will ensure the City receives the \$10,000.00 premium rebate related to Council's adoption of the Best Practices Manual and Training which occurred.

Motion was made by Councilmember Dan Hall, seconded by Councilmember Wayne Johnson to approve Resolution No. 2733 authorizing participation in the Oklahoma Mutual Assurance Group Recognition Program.

AYE: Deputy Mayor Janey Boydston, Councilmember Jaime Stout, Councilmember Patrick Cale, Councilmember Marlon Coleman, Councilmember Dan Hall, Councilmember Wayne Johnson, Councilmember Derrick Reed, Councilmember Ivory Vann

Carried - Unanimously

- 7 Consider approval to submit a BUILD grant application for the Muskogee Main Street Connections Complete Street Project, or take other necessary action. (Greg Riley)

Public Works Director Greg Riley stated the purpose of the proposed traffic calming/road diet project is to make the Main Street corridor more accessible to pedestrian/bicycle traffic as well as better access to parking. This will be accomplished by narrowing the existing corridor from Elgin Street to Denison Avenue from four (4) through-lanes to two (2) through-lanes with turn lanes at the intersections. To accomplish the narrowing while accommodating traffic, the City will be coordinating new traffic signals with each other and the railroad to better move traffic through the corridor. The latest signal technology will be used and improvements to the railroad crossings will be made to allow for a more quiet zone for train traffic. A bike lane will be added that connects the Centennial Trail to

the south to new bike lanes that will be added on Denison to the north. Angled parking will be provided along Main Street. The entrance to the corridor from the south will begin with a traffic circle at Elgin Street. The completed project will result in a whole new look for the entrance into Downtown and the Depot District, enhancing the look and feel of the area. The project is estimated at \$2.8 million. The City's match will be \$339,000.00. The City has the support of the Depot District, Muskogee County, Oklahoma Department of Transportation (ODOT), Downtown Muskogee, Railroad, Muskogee Area Cyclists, Veteran's Administration, and the State Legislature. This is not the acceptance of any grant, but merely seeking Council's permission to submit an application.

Motion was made by Councilmember Patrick Cale, seconded by Councilmember Dan Hall to approve a BUILD grant application for the Muskogee Main Street Connections Complete Street Project.

AYE: Deputy Mayor Janey Boydston, Councilmember Jaime Stout, Councilmember Patrick Cale, Councilmember Marlon Coleman, Councilmember Dan Hall, Councilmember Wayne Johnson, Councilmember Derrick Reed, Councilmember Ivory Vann

Carried - Unanimously

- 8 Consider approval of an amended lease for an extended term of twenty-five (25) years between the City of Muskogee and the Oklahoma Department of Rehabilitation Service, beginning on July 9, 2018, for the property commonly known as Civitan Park, or take other necessary action. (Roy D. Tucker)

City Attorney Roy Tucker stated since at least 1968, the City of Muskogee has utilized a parcel of property owned by the State of Oklahoma Department of Rehabilitation Services (DRS) as the park and recreation area known as Civitan Park. Typically, every three (3) years, this lease comes up for renewal, however, this agreement is for a twenty-five (25) year lease for the nominal sum of \$200.00 the first year and the cost of maintenance for subsequent years. This existing lease, executed on July 9, 2017 will expire on June 30, 2027.

Motion was made by Councilmember Marlon Coleman, seconded by Councilmember Dan Hall to approve an amended lease for an extended term of twenty-five (25) years between the City of Muskogee and the Oklahoma Department of Rehabilitation Services, beginning on July 9, 2018, for the property commonly known as Civitan Park.

AYE: Deputy Mayor Janey Boydston, Councilmember Jaime Stout, Councilmember Patrick Cale, Councilmember Marlon Coleman, Councilmember Dan Hall, Councilmember Wayne Johnson, Councilmember Derrick Reed, Councilmember Ivory Vann

Carried - Unanimously

- 9 Consider approval of the recommendation by the City of Muskogee Foundation Board of Directors reappointing Earnie Gilder to serve a one (1) year term as Board Chair beginning August 1, 2018 and ending July 31, 2019, or take other necessary action. (Mike Miller)

City Manager Mike Miller stated per the bylaws of the City of Muskogee Foundation, the Board Chair serves a one-year term and is recommended by the City of Muskogee

Foundation Board of Directors for City Council approval.

Representative of the City of Muskogee Foundation Frank Merrick, 12808 Foxforce Circle, Oklahoma City, Oklahoma stated his name and address.

Councilmember Dan Hall asked Mr. Merrick the following: How many years have we had the City of Muskogee Foundation; How many years has Earnie Gilder been on the foundation; How long has Earnie Gilder been Director of the City of Muskogee Foundation; What is the average time a Councilmember can serve on the Committee; What is the average time a citizen can serve on the committee?

Mr. Merrick stated the City of Muskogee Foundation has been established for ten (10) years; Mr. Gilder has served on the Board since it's inception; and has been Director for six (6) years; and Councilmembers can serve on the Board for two (2) years and citizens are allowed to serve six (6) years.

Councilmember Dan Hall stated he has been receiving calls with questions as to why Mr. Gilder has been on the Board so long.

Mr. Merrick stated if approved by City Council, this will be Mr. Gilder's final year to serve on the Board.

Councilmember Patrick Cale stated he feels that Mr. Gilder and Mr. Merrick have done a fantastic job, but would encourage the Foundation to look at fresh leadership in the future.

Mr. Merrick stated with the new rotation, the chances of someone serving as the Chair on the Foundation for six (6) years will be highly unlikely. They would have to be elected as Chair their first year on the board. He feels there will be more rotation on the Board and as Chair of the Committee.

Deputy Mayor Janey Boydston stated the City is very fortunate to have the City of Muskogee Foundation.

Motion was made by Councilmember Patrick Cale, seconded by Councilmember Ivory Vann to approve recommendation by the City of Muskogee Foundation Board of Directors reappointing Earnie Gilder to serve a one (1) year term as Board Chair beginning August 1, 2018 and ending July 31, 2019.

AYE: Deputy Mayor Janey Boydston, Councilmember Jaime Stout, Councilmember Patrick Cale, Councilmember Marlon Coleman, Councilmember Dan Hall, Councilmember Wayne Johnson, Councilmember Derrick Reed, Councilmember Ivory Vann

Carried - Unanimously

- 10 Consider approval of the appointment of Julie Watson-Ledbetter to the Wellness Initiative Coalition Board to serve a four (4) year term beginning August 1, 2018 and ending July 31, 2022, or take other necessary action. (Mayor Bob Coburn)

Motion was made by Councilmember Wayne Johnson, seconded by Councilmember Jaime Stout to approve the appointment of Julie Watson-Ledbetter to the Wellness Initiative Coalition Board to serve a four (4) year term beginning August 1, 2018 and ending July 31, 2022.

AYE: Deputy Mayor Janey Boydston, Councilmember Jaime Stout, Councilmember Patrick Cale, Councilmember Marlon Coleman, Councilmember Dan Hall, Councilmember Wayne Johnson, Councilmember Derrick Reed, Councilmember Ivory Vann

Carried - Unanimously

RECOGNIZE CITIZENS WISHING TO SPEAK TO THE MAYOR AND COUNCIL.

Council Rules of Decorum limit citizen comments to three (3) minutes. Any person desiring to speak is required to sign-in with the City Clerk, provide their name, address, and the particular issue they wish to address. Under Oklahoma law, the Council Members are prohibited from discussing or taking any action on items not on today's agenda. If written materials are to be submitted to the Council twelve (12) copies should be made available, and may not be returned.

Alice Moschek, 1172 Walnut, Muskogee, Oklahoma, stated she feels that parking on the side of the house should be okay as long as the yard is maintained. Also, speaking with a paramedic she has discovered that there are so many cars parked in the street that it is difficult for the ambulance to get around. She requested Mayor and Council to consider changing the Ordinance relating to this issue.

- 11 Consider an Executive Session to discuss and take possible action on the following:

Motion was made by Councilmember Dan Hall, seconded by Councilmember Wayne Johnson to approve an Executive Session.

AYE: Deputy Mayor Janey Boydston, Councilmember Jaime Stout, Councilmember Patrick Cale, Councilmember Marlon Coleman, Councilmember Dan Hall, Councilmember Wayne Johnson, Councilmember Derrick Reed, Councilmember Ivory Vann

Carried - Unanimously

- a Pursuant to Section 307 B.3 and C.10, Title 25, Oklahoma Statutes, consider convening in Executive Session to discuss the purchase of real property, as well as to confer on matters pertaining to economic development within the City of Muskogee, and take any necessary action in open session including, but not limited to, authorizing solicitation of funding to facilitate the same. (Gary D. Garvin)

Council reconvened to regular session at 6:25 p.m.

Meeting was called to order by Deputy Mayor Janey Boydston and the City Clerk called roll as follows:

Present: Deputy Mayor Janey Boydston, Councilmember Jaime Stout, Councilmember

Patrick Cale, Councilmember Marlon Coleman, Councilmember Dan Hall, Councilmember Wayne Johnson, Councilmember Derrick Reed, Councilmember Ivory Vann

City Attorney Roy Tucker stated Council had been briefed on an Economic Development proposal which includes a necessity to purchase real property as part of the enticement plan, as well as solicit funding from outside sources.

Motion was made by Councilmember Wayne Johnson, seconded by Councilmember Dan Hall to approve to authorize the City Manager to negotiate and execute a real estate purchase agreement or real estate purchase agreements for three (3) sites; approve Phase I and Phase II environmental studies on said sites; authorize the expenditure of Economic Development funding for non reoccurring expenses related to this proposal; and authorize submission of an out-of-cycle Economic Development Grant to the City of Muskogee Foundation for land, infrastructure, and other incidental requirements of the proposal.

AYE: Deputy Mayor Janey Boydston, Councilmembers; Jaime Stout, Patrick Cale, Marlon Coleman, Dan Hall, Wayne Johnson, Derrick Reed, Ivory Vann
Carried-Unanimously

ADJOURN

JANEY BOYDSTON, DEPUTY MAYOR

TAMMY L. TRACY, CITY CLERK

Regular City Council

1.

Meeting Date: 07/23/2018

Initiator: Donnie Wimbley, Purchasing Director

Department: Purchasing

Staff Information Source:

Information

AGENDA ITEM TITLE:

Approval of claims for all City departments June 28, 2018 through July 11, 2018.

BACKGROUND:

Claims List for all City Departments.

RECOMMENDED ACTION:

Approve of the claims for all City Departments June 28, 2018 through July 11, 2018.

Fiscal Impact

Attachments

Claims List

CITY OF MUSKOGEE CLAIMS 6/28/2018-7/11/2018

200032 CHEATHAM, BETTY M	6/28/2018	71.27
200033 ACTION GROUP STAFFING	6/29/2018	9,682.29
200034 ADVANCE AUTO PARTS 64771111001	6/29/2018	627.82
200035 AIRGAS USA LLC	6/29/2018	224.89
200036 ANIMAL MEDICAL CENTER #15597	6/29/2018	2,945.40
200037 ANIMAL MEDICAL CENTER #15603	6/29/2018	361.00
200038 B & J OIL CO INC	6/29/2018	1,030.50
200039 BANK OF OKLAHOMA - VISA	6/29/2018	435.55
200040 BEN E. KEITH	6/29/2018	5,411.01
200041 BNSF RAILWAY COMPANY	6/29/2018	5,766.00
200042 BOB HOWARD DODGE	6/29/2018	21,883.00
200043 BOB'S AUTOMOTIVE ELECTRIC	6/29/2018	242.00
200044 BRIE COMPUTERS	6/29/2018	400.00
200045 BROCK SUPPLY CO	6/29/2018	159.62
200046 BROKEN ARROW ELECTRIC	6/29/2018	1,506.89
200047 BROKEN ARROW LAWN & GARDEN	6/29/2018	589.23
200048 BROWN'S SHOE FIT CO #87	6/29/2018	160.00
200049 C & C SUPPLY AND SERVICE CO.	6/29/2018	485.60
200050 CAMPBELL WHOLESALE CO INC	6/29/2018	367.93
200051 JUSTIN CAWVEY	6/29/2018	5,113.80
200052 CHRIS CUMMINGS PHOTOGRAPHY, LL	6/29/2018	156.00
200053 CINCINNATI RADIATOR SERVICE IN	6/29/2018	275.00
200054 CITYWIDE PROPERTY MAINTENANCE	6/29/2018	1,668.60
200055 KAMERON COLLINS	6/29/2018	70.00
200056 THE COLLISION CENTER OF MUSKOG	6/29/2018	696.00
200057 CORPORATE TO CASUAL SCREEN PRI	6/29/2018	1,523.90
200058 COWAN GROUP ENGINEERING LLC	6/29/2018	46,235.00
200059 CRIME STOPPERS USA	6/29/2018	150.00
200060 DICKMANN GLASS CO	6/29/2018	11.25
200061 DIPPIN' DOTS INC	6/29/2018	3,171.00
200062 DUBOIS CHEMICALS INC	6/29/2018	350.00
200063 DUSTIN STAFFORD	6/29/2018	284.31
200064 TYLER EDGAR	6/29/2018	140.00
200065 JAMES E. EVANS II	6/29/2018	90.00
200066 EXPRESS EMPLOYMENT PROFESSIONA	6/29/2018	2,598.42
200067 FASTENAL COMPANY	6/29/2018	2,134.24
200068 FIVE STAR OFFICE SUPPLY	6/29/2018	23.95
200069 KYLAR FOSHEE	6/29/2018	180.00
200070 FRANKLIN DIGITAL, INC	6/29/2018	1,010.19
200071 TAYLOR GOODMAN	6/29/2018	70.00
200072 GOODYEAR AUTO SERVICE CENTER	6/29/2018	6,414.18
200073 GRISSOMS LLC	6/29/2018	6.60
200074 GUARD TRONIC INC	6/29/2018	1,457.00
200075 HARBOR FREIGHT TOOLS	6/29/2018	159.98
200076 HARRISON TIRE & SUPPLY	6/29/2018	79.00

200077 TONY HENSON	6/29/2018	180.00
200078 HIX AIR CONDITIONING SERVICE	6/29/2018	460.00
200079 HOFFMAN, TERI	6/29/2018	105.00
200080 HOGLE COMPANY	6/29/2018	182.45
200081 HOMELAND STORES INC	6/29/2018	162.12
200082 HONEYWELL INTERNATIONAL, INC	6/29/2018	22,491.83
200083 HONOR HEIGHTS VET CLINIC #6530	6/29/2018	253.91
200084 LOGAN HUBBARD	6/29/2018	342.00
200085 JEFF WATKINS	6/29/2018	117.00
200086 JEFFERSON FIRE & SAFETY, INC.	6/29/2018	662.83
200087 KELLY PLUNKETT	6/29/2018	37.88
200088 KING TIRES OF MUSKOGEE INC	6/29/2018	594.00
200089 KYLE EDWARDS AUTO GROUP	6/29/2018	713.03
200090 KELSEY LAMB	6/29/2018	180.00
200091 LEWIS BROCK	6/29/2018	117.00
200092 THE LIFEGUARD STORE	6/29/2018	342.70
200093 LOCKE SUPPLY CO	6/29/2018	177.18
200094 LOVE BOTTLING CO - #170700	6/29/2018	324.38
200095 LOVE BOTTLING CO - #237600	6/29/2018	435.49
200096 LOWES	6/29/2018	-
200097 LOWES	6/29/2018	2,482.83
200098 DALTON BRICE MARTIN	6/29/2018	70.00
200099 MARVIN'S MOWERS AND OUTDOOR LL	6/29/2018	1,101.12
200100 RODNEY L. MATHEWS	6/29/2018	210.00
200101 MAZZIO'S LLC	6/29/2018	79.90
200102 MEDNOW URGENT CARE LLC	6/29/2018	1,836.00
200103 MELISSA WARD	6/29/2018	45.00
200104 MORGAN SERVICES COMPANY LLC	6/29/2018	25.00
200105 MUSKOGEE STAFFING SOLUTIONS, L	6/29/2018	1,424.68
200106 MUSKOGEE CHAMBER OF COMMERCE	6/29/2018	5,290.00
200107 MUSKOGEE COMMUNICATIONS, INC.	6/29/2018	1,221.60
200108 MUSKOGEE COMMUNICATIONS, INC.	6/29/2018	540.00
200109 MUSKOGEE COUNTY CLERK	6/29/2018	221.00
200110 MUSKOGEE COUNTY EMS	6/29/2018	435.00
200111 MUSKOGEE DAILY PHOENIX	6/29/2018	239.88
200112 MUSKOGEE LOCK & KEY	6/29/2018	186.85
200113 MUSKOGEE READY MIX LLC	6/29/2018	6,392.00
200114 MUSKOGEE SAND CO INC	6/29/2018	1,019.71
200115 MUSKOGEE YOUTH SERVICES	6/29/2018	2,462.72
200116 NATIONAL ASSOCIATION OF STATE	6/29/2018	39.00
200117 NATIONAL RECREATION AND PARK A	6/29/2018	99.00
200118 NEWGEN STRATEGIES AND SOLUTION	6/29/2018	219.93
200119 NEWTON EQUIPMENT LLC	6/29/2018	145.38
200120 NEWTON, BRYCE DBA	6/29/2018	280.00
200121 OFFICE CONNECTIONS LLC	6/29/2018	63.37
200122 OFFICE DEPOT	6/29/2018	600.02
200123 OKLAHOMA CHILLER CORPORATION	6/29/2018	7,938.77

200124 OKLAHOMA EMT ASSOCIATION	6/29/2018	160.00
200125 OKLAHOMA MUNICIPAL LEAGUE	6/29/2018	65.00
200126 OKLAHOMA NATURAL GAS	6/29/2018	419.20
200127 OKLAHOMA TURNPIKE AUTHORITY (O	6/29/2018	7.20
200128 ONE SOURCE WATER LLC	6/29/2018	316.00
200129 OREILLY AUTO PARTS	6/29/2018	2,606.92
200130 ORPS	6/29/2018	275.00
200131 ORPS	6/29/2018	275.00
200132 PATE INDUSTRIAL SUPPLY INC	6/29/2018	165.40
200133 PAULA MORTON	6/29/2018	150.00
200134 PIONEER ABSTRACT & TITLE COMPA	6/29/2018	92,870.25
200135 NIKOLAUS PLEAS	6/29/2018	195.00
200136 PREMIER USA INC.	6/29/2018	948.72
200137 REDDY ICE CORPORATION	6/29/2018	150.00
200138 ROBERTS TRUCK CENTER HOLDING C	6/29/2018	2,222.11
200139 ROSSON WHEEL SERVICE	6/29/2018	100.00
200140 RSM FARM SUPPLY LLC	6/29/2018	169.50
200141 SADLER PAPER COMPANY	6/29/2018	1,916.11
200142 SANAH ALI	6/29/2018	45.00
200143 SB SERVICES LLC	6/29/2018	4,658.00
200144 SCOTT CROW	6/29/2018	20.00
200145 SIGNS FOR THE TIMES	6/29/2018	30.00
200146 SOUTHLAKE VETERINARY CLINIC	6/29/2018	150.00
200147 STAUB INVESTMENTS INC. DBA GAL	6/29/2018	64.00
200148 STUART C IRBY CO	6/29/2018	33.84
200149 SUNBURST SEED	6/29/2018	530.00
200150 SUPERIOR LINEN SERVICE INC	6/29/2018	260.99
200151 COLTON SHAWN SWEEDEN	6/29/2018	40.00
200152 TECHNICAL PROGRAMMING SERVICES	6/29/2018	2,418.00
200153 BRENT N. THOMPSON	6/29/2018	210.00
200154 COLBY THOMPSON	6/29/2018	210.00
200155 TONY'S TIRE SERVICE INC	6/29/2018	655.00
200156 MICHAEL TRIMBLE	6/29/2018	70.00
200157 UNIFIRST HOLDINGS LP	6/29/2018	2,010.52
200158 UNITED FORD FLEET & COMMERCIAL	6/29/2018	99.48
200159 UTILITY SUPPLY CO	6/29/2018	7,147.03
200160 TRISTEN VANDALEY	6/29/2018	140.00
200161 WASTE MANAGEMENT OF OKLAHOMA I	6/29/2018	940.13
200162 WHEELER METALS	6/29/2018	1,447.90
200163 LASTER, SAMANTHA N	6/29/2018	50.00
200164 BANK OF AMERICA	6/29/2018	-
200165 BANK OF AMERICA	6/29/2018	8,796.55
200166 BANNON, TIMOTHY H	7/2/2018	13.43
200167 BAUCHER, NATHANIEL E	7/2/2018	9.47
200168 CARY, CYNTHIA	7/2/2018	16.07
200169 CAVIN, LARRY	7/2/2018	38.15
200170 FILALI, JEFFREY C	7/2/2018	62.38

200171 HADDOCK, RONNIE B	7/2/2018	16.07
200172 HILL, MELISSA	7/2/2018	13.43
200173 HOFFMAN, MARY C	7/2/2018	21.65
200174 JOBE, JULIE TIGNOR	7/2/2018	22.21
200175 LAWRENCE, JUSTIN	7/2/2018	11.48
200176 MASSEY, SUSAN MICHELLE	7/2/2018	13.07
200177 MCGRAW REALTORS	7/2/2018	55.36
200178 READY MORTGAGE	7/2/2018	51.83
200179 RUBIO, REYNA N	7/2/2018	80.00
200180 SAUNDERS, HASKELL	7/2/2018	6.91
200181 STILLS, ANDREW K	7/2/2018	21.83
200182 SULLIVAN, TOM	7/2/2018	53.14
200183 WESTSIDE CHURCH OF CHRIST	7/2/2018	64.95
200184 WYATT, JANICE LEA	7/2/2018	10.22
200185 BLUECROSS/BLUE SHIELD OF OK	7/2/2018	128,267.37
200186 ANDERSON, AMY	7/3/2018	40.38
200187 ACTION GROUP STAFFING	7/3/2018	4,411.55
200188 TYLER ANDERSON	7/3/2018	128.00
200189 ANI MAGEN GROUP LLC	7/3/2018	225.00
200190 APAC CENTRAL INC	7/3/2018	31,392.39
200191 AT&T MOBILITY #918-577-2585 (C	7/3/2018	18.54
200192 B & J OIL CO INC	7/3/2018	16,904.14
200193 VIDA BERRY	7/3/2018	458.33
200194 BRADLEY DUNLAP	7/3/2018	969.00
200195 BRUCE WILLIAMS	7/3/2018	75.00
200196 BRYCE DARWIN	7/3/2018	45.00
200197 CDW GOVERNMENT INC	7/3/2018	179.06
200198 CHARBONNEAU, BILLY JO	7/3/2018	72.00
200199 CITYWIDE PROPERTY MAINTENANCE	7/3/2018	2,499.78
200200 CMT CONSULTANTS, INC.	7/3/2018	1,600.00
200201 KAMERON COLLINS	7/3/2018	80.00
200202 CROWL OIL CO INC	7/3/2018	17,628.95
200203 DELL MARKETING LP	7/3/2018	4,466.95
200204 EAST CENTRAL ELECTRIC	7/3/2018	18.87
200205 TYLER EDGAR	7/3/2018	680.00
200206 JAMES E. EVANS II	7/3/2018	385.00
200207 FASTENAL COMPANY	7/3/2018	776.36
200208 MEGAN FILANDA	7/3/2018	234.00
200209 KYLAR FOSHEE	7/3/2018	175.00
200210 NIKYA GIVENS	7/3/2018	252.00
200211 HAROLD JAY GOODMAN	7/3/2018	245.00
200212 TAYLOR GOODMAN	7/3/2018	128.00
200213 GREEN COUNTRY LANES	7/3/2018	371.00
200214 TONY HENSON	7/3/2018	525.00
200215 HOLLOWAY UPDIKE AND BELLEN INC	7/3/2018	1,150.00
200216 HUGHES LUMBER CO	7/3/2018	546.40
200217 KING TIRES OF MUSKOGEE INC	7/3/2018	15.00

200218 KELSEY LAMB	7/3/2018	449.00
200219 KAREN LAUDERDALE	7/3/2018	72.00
200220 ZACHARY LEWIS	7/3/2018	280.00
200221 JOSHUA KEITH LINN	7/3/2018	320.00
200222 GARY LIVELY	7/3/2018	175.00
200223 DALTON BRICE MARTIN	7/3/2018	680.00
200224 ALLISON MARTINEZ	7/3/2018	84.00
200225 RODNEY L. MATHEWS	7/3/2018	680.00
200226 MID AMERICA METER, INC	7/3/2018	54.94
200227 SHARON MORGAN	7/3/2018	18.00
200228 MUSKOGEE READY MIX LLC	7/3/2018	9,734.50
200229 NOLAN PHILPOT	7/3/2018	969.00
200230 OFFICE CONNECTIONS LLC	7/3/2018	121.96
200231 OKLAHOMA EMT ASSOCIATION	7/3/2018	20.00
200232 OKLAHOMA NATURAL GAS	7/3/2018	37.54
200233 OKLAHOMA STATE FIREFIGHTERS AS	7/3/2018	56.00
200234 OKLAHOMA TURNPIKE AUTHORITY (O	7/3/2018	80.00
200235 NIKOLAUS PLEAS	7/3/2018	175.00
200236 MARYAH REAVIS	7/3/2018	249.00
200237 RJB PROPERTIES LLC	7/3/2018	15,700.00
200238 ROGER RUFFNER	7/3/2018	15.26
200239 ROYSE PRINTING CO	7/3/2018	423.00
200240 SLAPE, INETTE	7/3/2018	108.00
200241 CAM'RON SUMMERS	7/3/2018	360.00
200242 SUPERIOR LINEN SERVICE INC	7/3/2018	198.69
200243 TAMMY TRACY	7/3/2018	461.09
200244 TECHNICAL PROGRAMMING SERVICES	7/3/2018	2,211.93
200245 BRENT N. THOMPSON	7/3/2018	520.00
200246 COLBY THOMPSON	7/3/2018	560.00
200247 TRAFFIC ENGINEERING CONSULTANT	7/3/2018	900.00
200248 MICHAEL TRIMBLE	7/3/2018	160.00
200249 TULSA ASPHALT LLC	7/3/2018	15,714.40
200250 TULSA CAMERA REPAIR	7/3/2018	125.00
200251 TYLER TECHNOLOGIES INC	7/3/2018	6,704.20
200252 UNIFIRST HOLDINGS LP	7/3/2018	16.45
200253 TRISTEN VANDALEY	7/3/2018	240.00
200254 WALTERS, BAILEY	7/3/2018	126.00
200255 WAYMAN, CINDY	7/3/2018	766.00
200256 LAURA WICKIZER	7/3/2018	54.00
200257 CLARENCE MCBRIDE	7/3/2018	27.00
200258 DANNY DUPONT	7/3/2018	27.00
200259 DANNY GABLE	7/3/2018	27.00
200260 DONNIE BENNETT	7/3/2018	27.00
200261 DUSTIN WISDOM	7/3/2018	27.00
200262 HELEN HULL	7/3/2018	27.00
200263 JOHN HOOPER	7/3/2018	27.00
200264 KAMERON COLLINS	7/3/2018	27.00

200265	LESLIE ARNOLD	7/3/2018	27.00
200266	LINCOLN ANDERSON	7/3/2018	27.00
200267	NICHOLAS FRAZEE	7/3/2018	27.00
200268	SHAWN BROWN	7/3/2018	27.00
200269	STORMIE RICE	7/3/2018	27.00
200270	SUSAN ROSS	7/3/2018	27.00
200271	TARAH MOUTRAY	7/3/2018	27.00
200272	TODD MCCOY	7/3/2018	27.00
200273	ABUNDANT LIFE PROPERTIES, LLC	7/11/2018	13.92
200274	ACUFF, BRITTANY L	7/11/2018	0.84
200275	BRANDT, BETH	7/11/2018	55.36
200276	BRANDT, BETH	7/11/2018	23.29
200277	CALLISON, ANGELA	7/11/2018	69.88
200278	CRABTREE, KENNETH	7/11/2018	45.92
200279	CROSBY, CINDY	7/11/2018	90.00
200280	FISHER, SHANTAE S	7/11/2018	2.82
200281	FRANKLIN, SAMANTHA J	7/11/2018	10.73
200282	HART, KEVIN GENE	7/11/2018	49.81
200283	JAYNE, LILLIAN	7/11/2018	47.03
200284	JONES, KAYLA R	7/11/2018	24.01
200285	LEWIS, JAMES E	7/11/2018	43.87
200286	MORENO MARTINEZ, EDGAR	7/11/2018	5.34
200287	MYERS, DAN	7/11/2018	45.72
200288	PETTIT, JARROD	7/11/2018	38.16
200289	RIEMAN, BRIAN S	7/11/2018	64.05
200290	SHINN, PHILP	7/11/2018	40.73
200291	BLUECROSS/BLUE SHIELD OF OK	7/11/2018	67,479.96

Regular City Council**2.**

Meeting Date: 07/23/2018

Submitted For: Rex Eskridge, Police

Initiator: Chad Farmer, Deputy
Chief

Department: Police

Staff Information Source:

Information**AGENDA ITEM TITLE:**

Approval to accept the 2017 Justice Assistance Grant from the U.S. Department of Justice in the amount of \$34,514.00, or take other necessary action. (Johnny Teehee)

BACKGROUND:

The Justice Assistance Grant program is a yearly award given to law enforcement jurisdictions. The Bureau of Justice Assistance has determined that the combined jurisdictions of the City of Muskogee and the County of Muskogee will be awarded \$34,514.00. The Finance Committee (September 19, 2017) and the City Council (September 21, 2017) approved the Memorandum of Understanding to enter into an agreement between the City of Muskogee and the Board of Commissioners of Muskogee County for the disbursement of these funds should they be awarded and accepted. The grant was awarded on June 26, 2018, and is awaiting acceptance. The memorandum that was approved by City Council and the County Commissioners split the funds with the Muskogee Police Department (grantee) receiving \$17,257.00 and the Muskogee County Sheriff's Office (sub-grantee) receiving \$17,257.00. The Muskogee Police Department will handle the quarterly grant reporting.

The funding for the Muskogee Police Department will be used for the replacement of mobile data computers for our ongoing in-car computer program. This is a non-matching grant and will not cost the City of Muskogee any money.

RECOMMENDED ACTION:

Approve the acceptance of the 2017 Justice Assistance Grant from the U.S. Department of Justice in the amount of \$35,514.00.

Fiscal Impact**FUNDING SOURCE:**

This is a non-matching grant and will not require any funding from the City of Muskogee.

Attachments

2017 JAG Award

Signed MOU Agreement



U.S. Department of Justice

Office of Justice Programs

Office of the Assistant Attorney General

Washington, D.C. 20531

June 26, 2018

Mr. Mike Miller
City of Muskogee
PO Box 1927
Muskogee, OK 74402

Dear Mr. Miller:

On behalf of Attorney General Jefferson Sessions III, it is my pleasure to inform you that the Office of Justice Programs has approved your application for funding under the FY 17 Edward Byrne Memorial Justice Assistance Grant (JAG) Program - Local Solicitation in the amount of \$34,514 for City of Muskogee.

Enclosed you will find the Grant Award and Special Conditions documents. This award is subject to all administrative and financial requirements, including the timely submission of all financial and programmatic reports, resolution of all interim audit findings, and the maintenance of a minimum level of cash-on-hand. Should you not adhere to these requirements, you will be in violation of the terms of this agreement and the award will be subject to termination for cause or other administrative action as appropriate.

If you have questions regarding this award, please contact:

- Program Questions, Olga Santiago, Program Manager at (202) 598-1094; and
- Financial Questions, the Office of the Chief Financial Officer, Customer Service Center (CSC) at (800) 458-0786, or you may contact the CSC at ask.ocfo@usdoj.gov.

Congratulations, and we look forward to working with you.

Sincerely,

A handwritten signature in black ink that reads "Alan R. Hanson".

Alan R. Hanson
Principal Deputy Assistant Attorney General

Enclosures



OFFICE FOR CIVIL RIGHTS

Office of Justice Programs

U.S. Department of Justice

810 7th Street, NW
Washington, DC 20531

Tel: (202) 307-0690

TTY: (202) 307-2027

E-mail: askOCR@usdoj.gov

Website: www.ojp.usdoj.gov/ocr

June 26, 2018

Mr. Mike Miller
City of Muskogee
PO Box 1927
Muskogee, OK 74402

Dear Mr. Miller:

Congratulations on your recent award. In establishing financial assistance programs, Congress linked the receipt of federal funding to compliance with federal civil rights laws. The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) is responsible for ensuring that recipients of financial assistance from the OJP, the Office of Community Oriented Policing Services (COPS), and the Office on Violence Against Women (OVW) comply with the applicable federal civil rights laws. We at the OCR are available to help you and your organization meet the civil rights requirements that come with DOJ funding.

Ensuring Access to Federally Assisted Programs

Federal laws that apply to recipients of financial assistance from the DOJ prohibit discrimination on the basis of race, color, national origin, religion, sex, or disability in funded programs or activities, not only in employment but also in the delivery of services or benefits. A federal law also prohibits recipients from discriminating on the basis of age in the delivery of services or benefits.

In March of 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013. The statute amends the Violence Against Women Act of 1994 (VAWA) by including a nondiscrimination grant condition that prohibits discrimination based on actual or perceived race, color, national origin, religion, sex, disability, sexual orientation, or gender identity. The new nondiscrimination grant condition applies to certain programs funded after October 1, 2013. The OCR and the OVW have developed answers to some frequently asked questions about this provision to assist recipients of VAWA funds to understand their obligations. The Frequently Asked Questions are available at <http://ojp.gov/about/ocr/vawafaqs.htm>.

Enforcing Civil Rights Laws

All recipients of federal financial assistance, regardless of the particular funding source, the amount of the grant award, or the number of employees in the workforce, are subject to prohibitions against unlawful discrimination. Accordingly, the OCR investigates recipients that are the subject of discrimination complaints from both individuals and groups. In addition, based on regulatory criteria, the OCR selects a number of recipients each year for compliance reviews, audits that require recipients to submit data showing that they are providing services equitably to all segments of their service population and that their employment practices meet equal opportunity standards.

Providing Services to Limited English Proficiency (LEP) Individuals

In accordance with DOJ guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, recipients of federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). See U.S. Department of Justice, Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed. Reg. 41,455 (2002). For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website <http://www.lep.gov>.

Ensuring Equal Treatment for Faith-Based Organizations

The DOJ regulation, Equal Treatment for Faith-Based Organizations, 28 C.F.R. pt. 38, requires State Administering Agencies (SAAs) to treat faith-based organizations the same as any other applicant or recipient. The regulation prohibits SAAs from making awards or grant administration decisions on the basis of an organization's religious character or affiliation, religious name, or the religious composition of its board of directors.

The regulation also prohibits faith-based organizations from using financial assistance from the DOJ to fund inherently (or explicitly) religious activities. While faith-based organizations can engage in non-funded inherently religious activities, they must hold them separately from the program funded by the DOJ, and recipients cannot compel beneficiaries to participate in them. The Equal Treatment Regulation also makes clear that organizations participating in programs funded by the DOJ are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. For more information on the regulation, please see the OCR's website at http://www.ojp.usdoj.gov/about/ocr/equal_fbo.htm.

SAAs and faith-based organizations should also note that the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, as amended, 42 U.S.C. § 3789d(c); the Victims of Crime Act of 1984, as amended, 42 U.S.C. § 10604(e); the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, 42 U.S.C. § 5672(b); and VAWA, Pub. L. No. 113-4, sec. 3(b)(4), 127 Stat. 54, 61-62 (to be codified at 42 U.S.C. § 13925(b)(13)) contain prohibitions against discrimination on the basis of religion in employment. Despite these nondiscrimination provisions, the DOJ has concluded that it may construe the Religious Freedom Restoration Act (RFRA) on a case-by-case basis to permit some faith-based organizations to receive DOJ funds while taking into account religion when hiring staff, even if the statute that authorizes the funding program generally forbids recipients from considering religion in employment decisions. Please consult with the OCR if you have any questions about the regulation or the application of RFRA to the statutes that prohibit discrimination in employment.

Using Arrest and Conviction Records in Making Employment Decisions

The OCR issued an advisory document for recipients on the proper use of arrest and conviction records in making hiring decisions. See Advisory for Recipients of Financial Assistance from the U.S. Department of Justice on the U.S. Equal Employment Opportunity Commission's Enforcement Guidance: Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964 (June 2013), available at http://www.ojp.usdoj.gov/about/ocr/pdfs/UseofConviction_Advisory.pdf. Recipients should be mindful that the misuse of arrest or conviction records to screen either applicants for employment or employees for retention or promotion may have a disparate impact based on race or national origin, resulting in unlawful employment discrimination. In light of the Advisory, recipients should consult local counsel in reviewing their employment practices. If warranted, recipients should also incorporate an analysis of the use of arrest and conviction records in their Equal Employment Opportunity Plans (EEOPs) (see below).

Complying with the Safe Streets Act

An organization that is a recipient of financial assistance subject to the nondiscrimination provisions of the Safe Streets Act, must meet two obligations: (1) complying with the federal regulation pertaining to the development of an EEOP (see 28 C.F.R. pt. 42, subpt. E) and (2) submitting to the OCR findings of discrimination (see 28 C.F.R. §§ 42.204(c), .205(c)(5)).

Meeting the EEOP Requirement

If your organization has less than fifty employees or receives an award of less than \$25,000 or is a nonprofit organization, a medical institution, an educational institution, or an Indian tribe, then it is exempt from the EEOP requirement. To claim the exemption, your organization must complete and submit Section A of the Certification Form, which is available online at <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf>.

If your organization is a government agency or private business and receives an award of \$25,000 or more, but less than \$500,000, and has fifty or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare a Utilization Report (formerly called an EEOP Short Form), but it does not have to submit the report to the OCR for review. Instead, your organization has to maintain the Utilization Report on file and make it available for review on request. In addition, your organization has to complete Section B of the Certification Form and return it to the OCR. The Certification Form is available at <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf>.

If your organization is a government agency or private business and has received an award for \$500,000 or more and has fifty or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare a Utilization Report (formerly called an EEOP Short Form) and submit it to the OCR for review within sixty days from the date of this letter. For assistance in developing a Utilization Report, please consult the OCR's website at <http://www.ojp.usdoj.gov/about/ocr/eeop.htm>. In addition, your organization has to complete Section C of the Certification Form and return it to the OCR. The Certification Form is available at <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf>.

To comply with the EEOP requirements, you may request technical assistance from an EEOP specialist at the OCR by telephone at (202) 307-0690, by TTY at (202) 307-2027, or by e-mail at EEOSubmission@usdoj.gov.

Meeting the Requirement to Submit Findings of Discrimination


If in the three years prior to the date of the grant award, your organization has received an adverse finding of discrimination based on race, color, national origin, religion, or sex, after a due-process hearing, from a state or federal court or from a state or federal administrative agency, your organization must send a copy of the finding to the OCR.

Ensuring the Compliance of Subrecipients

SAs must have standard assurances to notify subrecipients of their civil rights obligations, written procedures to address discrimination complaints filed against subrecipients, methods to monitor subrecipients' compliance with civil rights requirements, and a program to train subrecipients on applicable civil rights laws. In addition, SAs must submit to the OCR every three years written Methods of Administration (MOA) that summarize the policies and procedures that they have implemented to ensure the civil rights compliance of subrecipients. For more information on the MOA requirement, see http://www.ojp.usdoj.gov/funding/other_requirements.htm.

If the OCR can assist you in any way in fulfilling your organization's civil rights responsibilities as a recipient of federal financial assistance, please contact us.

Sincerely,



Michael L. Alston
Director

cc: Grant Manager
Financial Analyst



U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

Grant

PAGE 1 OF 21

1. RECIPIENT NAME AND ADDRESS (Including Zip Code)

City of Muskogee
PO Box 1927
Muskogee, OK 74402

4. AWARD NUMBER: 2017-DJ-BX-0638

5. PROJECT PERIOD: FROM 10/01/2016 TO 09/30/2020
BUDGET PERIOD: FROM 10/01/2016 TO 09/30/2020

6. AWARD DATE 06/26/2018

7. ACTION

2a. GRANTEE IRS/VENDOR NO.

736005340

8. SUPPLEMENT NUMBER

00

Initial

2b. GRANTEE DUNS NO.

620224634

9. PREVIOUS AWARD AMOUNT

\$ 0

3. PROJECT TITLE

Muskogee City and Muskogee County FY17 JAG

10. AMOUNT OF THIS AWARD

\$ 34,514

11. TOTAL AWARD

\$ 34,514

12. SPECIAL CONDITIONS

THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).

13. STATUTORY AUTHORITY FOR GRANT

This project is supported under FY17(BJA - JAG State and JAG Local) Title I of Pub. L. No. 90-351 (generally codified at 42 U.S.C. 3711 - 3797ff-5), including subpart 1 of part E (codified at 42 U.S.C. 3750 - 3758); see also 28 U.S.C. 530C(a).

14. CATALOG OF DOMESTIC FEDERAL ASSISTANCE (CFDA Number)

16.738 - Edward Byrne Memorial Justice Assistance Grant Program

15. METHOD OF PAYMENT

GPRS

AGENCY APPROVAL

GRANTEE ACCEPTANCE

16. TYPED NAME AND TITLE OF APPROVING OFFICIAL

Alan R. Hanson
Principal Deputy Assistant Attorney General

18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL

Mike Miller
City Manager

17. SIGNATURE OF APPROVING OFFICIAL

Alan R. Hanson

19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL

19A. DATE

AGENCY USE ONLY

20. ACCOUNTING CLASSIFICATION CODES

FISCAL YEAR	FUND CODE	BUD. ACT.	DIV. REG.	OFC.	SUB.	POMS	AMOUNT
X	B	DJ	80	00	00		34514

21. SDJUGT1517



U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

**AWARD CONTINUATION
SHEET
Grant**

PAGE 2 OF 21

PROJECT NUMBER 2017-DJ-BX-0638

AWARD DATE 06/26/2018

SPECIAL CONDITIONS

1. Requirements of the award; remedies for non-compliance or for materially false statements

The conditions of this award are material requirements of the award. Compliance with any certifications or assurances submitted by or on behalf of the recipient that relate to conduct during the period of performance also is a material requirement of this award.

Failure to comply with any one or more of these award requirements -- whether a condition set out in full below, a condition incorporated by reference below, or a certification or assurance related to conduct during the award period -- may result in the Office of Justice Programs ("OJP") taking appropriate action with respect to the recipient and the award. Among other things, the OJP may withhold award funds, disallow costs, or suspend or terminate the award. The Department of Justice ("DOJ"), including OJP, also may take other legal action as appropriate.

Any materially false, fictitious, or fraudulent statement to the federal government related to this award (or concealment or omission of a material fact) may be the subject of criminal prosecution (including under 18 U.S.C. 1001 and/or 1621, and/or 42 U.S.C. 3795a), and also may lead to imposition of civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. 3729-3730 and 3801-3812).

Should any provision of a requirement of this award be held to be invalid or unenforceable by its terms, that provision shall first be applied with a limited construction so as to give it the maximum effect permitted by law. Should it be held, instead, that the provision is utterly invalid or -unenforceable, such provision shall be deemed severable from this award.

2. Applicability of Part 200 Uniform Requirements

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by DOJ in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this FY 2017 award from OJP.

The Part 200 Uniform Requirements were first adopted by DOJ on December 26, 2014. If this FY 2017 award supplements funds previously awarded by OJP under the same award number (e.g., funds awarded during or before December 2014), the Part 200 Uniform Requirements apply with respect to all funds under that award number (regardless of the award date, and regardless of whether derived from the initial award or a supplemental award) that are obligated on or after the acceptance date of this FY 2017 award.

For more information and resources on the Part 200 Uniform Requirements as they relate to OJP awards and subawards ("subgrants"), see the OJP website at <https://ojp.gov/funding/Part200UniformRequirements.htm>.

In the event that an award-related question arises from documents or other materials prepared or distributed by OJP that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the recipient is to contact OJP promptly for clarification.

3. Compliance with DOJ Grants Financial Guide

The recipient agrees to comply with the DOJ Grants Financial Guide as posted on the OJP website (currently, the "2015 DOJ Grants Financial Guide" available at <https://ojp.gov/financialguide/DOJ/index.htm>), including any updated version that may be posted during the period of performance.



U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

**AWARD CONTINUATION
SHEET
Grant**

PAGE 3 OF 21

PROJECT NUMBER 2017-DJ-BX-0638

AWARD DATE 06/26/2018

SPECIAL CONDITIONS

4. Required training for Point of Contact and all Financial Points of Contact

Both the Point of Contact (POC) and all Financial Points of Contact (FPOCs) for this award must have successfully completed an "OJP financial management and grant administration training" by 120 days after the date of the recipient's acceptance of the award. Successful completion of such a training on or after January 1, 2015, will satisfy this condition.

In the event that either the POC or an FPOC for this award changes during the period of performance, the new POC or FPOC must have successfully completed an "OJP financial management and grant administration training" by 120 calendar days after-- (1) the date of OJP's approval of the "Change Grantee Contact" GAN (in the case of a new POC), or (2) the date the POC enters information on the new FPOC in GMS (in the case of a new FPOC). Successful completion of such a training on or after January 1, 2015, will satisfy this condition.

A list of OJP trainings that OJP will consider "OJP financial management and grant administration training" for purposes of this condition is available at <https://www.ojp.gov/training/fmts.htm>. All trainings that satisfy this condition include a session on grant fraud prevention and detection.

The recipient should anticipate that OJP will immediately withhold ("freeze") award funds if the recipient fails to comply with this condition. The recipient's failure to comply also may lead OJP to impose additional appropriate conditions on this award.

5. Requirements related to "de minimis" indirect cost rate

A recipient that is eligible under the Part 200 Uniform Requirements and other applicable law to use the "de minimis" indirect cost rate described in 2 C.F.R. 200.414(f), and that elects to use the "de minimis" indirect cost rate, must advise OJP in writing of both its eligibility and its election, and must comply with all associated requirements in the Part 200 Uniform Requirements. The "de minimis" rate may be applied only to modified total direct costs (MTDC) as defined by the Part 200 Uniform Requirements.

6. Requirement to report potentially duplicative funding

If the recipient currently has other active awards of federal funds, or if the recipient receives any other award of federal funds during the period of performance for this award, the recipient promptly must determine whether funds from any of those other federal awards have been, are being, or are to be used (in whole or in part) for one or more of the identical cost items for which funds are provided under this award. If so, the recipient must promptly notify the DOJ awarding agency (OJP or OVW, as appropriate) in writing of the potential duplication, and, if so requested by the DOJ awarding agency, must seek a budget-modification or change-of-project-scope grant adjustment notice (GAN) to eliminate any inappropriate duplication of funding.



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7. Requirements related to System for Award Management and Universal Identifier Requirements

The recipient must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at <https://www.sam.gov/>. This includes applicable requirements regarding registration with SAM, as well as maintaining the currency of information in SAM.

The recipient also must comply with applicable restrictions on subawards ("subgrants") to first-tier subrecipients (first-tier "subgrantees"), including restrictions on subawards to entities that do not acquire and provide (to the recipient) the unique entity identifier required for SAM registration.

The details of the recipient's obligations related to SAM and to unique entity identifiers are posted on the OJP web site at <https://ojp.gov/funding/Explore/SAM.htm> (Award condition: System for Award Management (SAM) and Universal Identifier Requirements), and are incorporated by reference here.

This condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

8. All subawards ("subgrants") must have specific federal authorization

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements for authorization of any subaward. This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a "subaward" (and therefore does not consider a procurement "contract").

The details of the requirement for authorization of any subaward are posted on the OJP web site at <https://ojp.gov/funding/Explore/SubawardAuthorization.htm> (Award condition: All subawards ("subgrants") must have specific federal authorization), and are incorporated by reference here.

9. Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed \$150,000

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements to obtain specific advance approval to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold (currently, \$150,000). This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a procurement "contract" (and therefore does not consider a subaward).

The details of the requirement for advance approval to use a noncompetitive approach in a procurement contract under an OJP award are posted on the OJP web site at <https://ojp.gov/funding/Explore/NoncompetitiveProcurement.htm> (Award condition: Specific post-award approval required to use a noncompetitive approach in a procurement contract (if contract would exceed \$150,000)), and are incorporated by reference here.



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10. Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP authority to terminate award)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of recipients, subrecipients ("subgrantees"), or individuals defined (for purposes of this condition) as "employees" of the recipient or of any subrecipient.

The details of the recipient's obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at <https://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm> (Award condition: Prohibited conduct by recipients and subrecipients related to trafficking in persons (including reporting requirements and OJP authority to terminate award)), and are incorporated by reference here.

11. Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable laws, regulations, policies, and official DOJ guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (as that term is defined by DOJ), including the provision of food and/or beverages at such conferences, and costs of attendance at such conferences.

Information on the pertinent DOJ definition of conferences and the rules applicable to this award appears in the DOJ Grants Financial Guide (currently, as section 3.10 of "Postaward Requirements" in the "2015 DOJ Grants Financial Guide").

12. Requirement for data on performance and effectiveness under the award

The recipient must collect and maintain data that measure the performance and effectiveness of work under this award. The data must be provided to OJP in the manner (including within the timeframes) specified by OJP in the program solicitation or other applicable written guidance. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, and other applicable laws.

13. OJP Training Guiding Principles

Any training or training materials that the recipient -- or any subrecipient ("subgrantee") at any tier -- develops or delivers with OJP award funds must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <https://ojp.gov/funding/ojptrainingguidingprinciples.htm>.

14. Effect of failure to address audit issues

The recipient understands and agrees that the DOJ awarding agency (OJP or OVW, as appropriate) may withhold award funds, or may impose other related requirements, if (as determined by the DOJ awarding agency) the recipient does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.

15. Potential imposition of additional requirements

The recipient agrees to comply with any additional requirements that may be imposed by the DOJ awarding agency (OJP or OVW, as appropriate) during the period of performance for this award, if the recipient is designated as "high-risk" for purposes of the DOJ high-risk grantee list.



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16. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 42

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 42, specifically including any applicable requirements in Subpart E of 28 C.F.R. Part 42 that relate to an equal employment opportunity program.

17. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 54

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 54, which relates to nondiscrimination on the basis of sex in certain "education programs."

18. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 38

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 38, specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries. Part 38 of 28 C.F.R., a DOJ regulation, was amended effective May 4, 2016.

Among other things, 28 C.F.R. Part 38 includes rules that prohibit specific forms of discrimination on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38 also sets out rules and requirements that pertain to recipient and subrecipient ("subgrantee") organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to recipients and subrecipients that are faith-based or religious organizations.

The text of the regulation, now entitled "Partnerships with Faith-Based and Other Neighborhood Organizations," is available via the Electronic Code of Federal Regulations (currently accessible at <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>), by browsing to Title 28-Judicial Administration, Chapter 1, Part 38, under e-CFR "current" data.

19. Restrictions on "lobbying"

In general, as a matter of federal law, federal funds awarded by OJP may not be used by the recipient, or any subrecipient ("subgrantee") at any tier, either directly or indirectly, to support or oppose the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government. See 18 U.S.C. 1913. (There may be exceptions if an applicable federal statute specifically authorizes certain activities that otherwise would be barred by law.)

Another federal law generally prohibits federal funds awarded by OJP from being used by the recipient, or any subrecipient at any tier, to pay any person to influence (or attempt to influence) a federal agency, a Member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of a federal grant or cooperative agreement, subgrant, contract, subcontract, or loan, or with respect to actions such as renewing, extending, or modifying any such award. See 31 U.S.C. 1352. Certain exceptions to this law apply, including an exception that applies to Indian tribes and tribal organizations.

Should any question arise as to whether a particular use of federal funds by a recipient (or subrecipient) would or might fall within the scope of these prohibitions, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.



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20. Compliance with general appropriations-law restrictions on the use of federal funds (FY 2017)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions, including from various "general provisions" in the Consolidated Appropriations Act, 2017, are set out at <https://ojp.gov/funding/Explore/FY17AppropriationsRestrictions.htm>, and are incorporated by reference here.

Should a question arise as to whether a particular use of federal funds by a recipient (or a subrecipient) would or might fall within the scope of an appropriations-law restriction, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

21. Reporting potential fraud, waste, and abuse, and similar misconduct

The recipient, and any subrecipients ("subgrantees") at any tier, must promptly refer to the DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection with funds under this award-- (1) submitted a claim that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct.

Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by-- (1) mail directed to: Office of the Inspector General, U.S. Department of Justice, Investigations Division, 950 Pennsylvania Avenue, N.W. Room 4706, Washington, DC 20530; (2) e-mail to: oig.hotline@usdoj.gov; and/or (3) the DOJ OIG hotline: (contact information in English and Spanish) at (800) 869-4499 (phone) or (202) 616-9881 (fax).

Additional information is available from the DOJ OIG website at <https://www.usdoj.gov/oig>.



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22. Restrictions and certifications regarding non-disclosure agreements and related matters

No recipient or subrecipient ("subgrantee") under this award, or entity that receives a procurement contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

1. In accepting this award, the recipient--

a. represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

b. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

2. If the recipient does or is authorized under this award to make subawards ("subgrants"), procurement contracts, or both--

a. it represents that--

(1) it has determined that no other entity that the recipient's application proposes may or will receive award funds (whether through a subaward ("subgrant"), procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

(2) it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and

b. it certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.



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23. Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees)

The recipient (and any subrecipient at any tier) must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant.

The recipient also must inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712.

Should a question arise as to the applicability of the provisions of 41 U.S.C. 4712 to this award, the recipient is to contact the DOJ awarding agency (OJP or OVW, as appropriate) for guidance.

24. Encouragement of policies to ban text messaging while driving

Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), DOJ encourages recipients and subrecipients ("subgrantees") to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this award, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

25. Cooperating with OJP Monitoring

The recipient agrees to cooperate with OJP monitoring of this award pursuant to OJP's guidelines, protocols, and procedures, and to cooperate with OJP (including the grant manager for this award and the Office of Chief Financial Officer (OCFO)) requests related to such monitoring, including requests related to desk reviews and/or site visits. The recipient agrees to provide to OJP all documentation necessary for OJP to complete its monitoring tasks, including documentation related to any subawards made under this award. Further, the recipient agrees to abide by reasonable deadlines set by OJP for providing the requested documents. Failure to cooperate with OJP's monitoring activities may result in actions that affect the recipient's DOJ awards, including, but not limited to: withholdings and/or other restrictions on the recipient's access to award funds; referral to the DOJ OIG for audit review; designation of the recipient as a DOJ High Risk grantee; or termination of an award(s).

26. FFATA reporting: Subawards and executive compensation

The recipient must comply with applicable requirements to report first-tier subawards ("subgrants") of \$25,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients (first-tier "subgrantees") of award funds. The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the OJP web site at <https://ojp.gov/funding/Explore/FFATA.htm> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here.

This condition, including its reporting requirement, does not apply to-- (1) an award of less than \$25,000, or (2) an award made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).



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27. Use of program income

Program income (as defined in the Part 200 Uniform Requirements) must be used in accordance with the provisions of the Part 200 Uniform Requirements. Program income earnings and expenditures both must be reported on the quarterly Federal Financial Report, SF 425.

28. Justice Information Sharing

In order to promote information sharing and enable interoperability among disparate systems across the justice and public safety community, the recipient (and any subrecipient at any tier) must comply with DOJ's Global Justice Information Sharing Initiative (DOJ's Global) guidelines and recommendations for this particular award. The recipient shall conform to the Global Standards Package (GSP) and all constituent elements, where applicable, as described at: https://it.ojp.gov/gsp_grantcondition. The recipient shall document planned approaches to information sharing and describe compliance to the GSP and appropriate privacy policy that protects shared information, or provide detailed justification for why an alternative approach is recommended.

29. Avoidance of duplication of networks

To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems which involve interstate connectivity between jurisdictions, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the recipient can demonstrate to the satisfaction of BJA that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.

30. Compliance with 28 C.F.R. Part 23

With respect to any information technology system funded or supported by funds under this award, the recipient (and any subrecipient at any tier) must comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies, if OJP determines this regulation to be applicable. Should OJP determine 28 C.F.R. Part 23 to be applicable, OJP may, at its discretion, perform audits of the system, as per the regulation. Should any violation of 28 C.F.R. Part 23 occur, the recipient may be fined as per 42 U.S.C. 3789g(c)-(d). The recipient may not satisfy such a fine with federal funds.

31. Protection of human research subjects

The recipient (and any subrecipient at any tier) must comply with the requirements of 28 C.F.R. Part 46 and all OJP policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.

32. Confidentiality of data

The recipient (and any subrecipient at any tier) must comply with all confidentiality requirements of 42 U.S.C. 3789g and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. The recipient further agrees, as a condition of award approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, 28 C.F.R. 22.23.



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33. Verification and updating of recipient contact information

The recipient must verify its Point of Contact(POC), Financial Point of Contact (FPOC), and Authorized Representative contact information in GMS, including telephone number and e-mail address. If any information is incorrect or has changed, a Grant Adjustment Notice (GAN) must be submitted via the Grants Management System (GMS) to document changes.

34. Law enforcement task forces - required training

Within 120 days of award acceptance, each current member of a law enforcement task force funded with award funds who is a task force commander, agency executive, task force officer, or other task force member of equivalent rank, must complete required online (internet-based) task force training. Additionally, all future task force members must complete this training once during the period of performance for this award, or once every four years if multiple OJP awards include this requirement.

The required training is available free of charge online through the BJA-funded Center for Task Force Integrity and Leadership (www.ctfli.org). The training addresses task force effectiveness, as well as other key issues including privacy and civil liberties/rights, task force performance measurement, personnel selection, and task force oversight and accountability. If award funds are used to support a task force, the recipient must compile and maintain a task force personnel roster, along with course completion certificates.

Additional information regarding the training is available through BJA's web site and the Center for Task Force Integrity and Leadership (www.ctfli.org).

35. Required attendance at BJA-sponsored events

The recipient (and its subrecipients at any tier) must participate in BJA-sponsored training events, technical assistance events, or conferences held by BJA or its designees, upon BJA's request.

36. Justification of consultant rate

Approval of this award does not indicate approval of any consultant rate in excess of \$650 per day. A detailed justification must be submitted to and approved by the OJP program office prior to obligation or expenditure of such funds.



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37. Compliance with National Environmental Policy Act and related statutes

Upon request, the recipient (and any subrecipient at any tier) must assist BJA in complying with the National Environmental Policy Act (NEPA), the National Historic Preservation Act, and other related federal environmental impact analyses requirements in the use of these award funds, either directly by the recipient or by a subrecipient. Accordingly, the recipient agrees to first determine if any of the following activities will be funded by the grant, prior to obligating funds for any of these purposes. If it is determined that any of the following activities will be funded by the award, the recipient agrees to contact BJA.

The recipient understands that this condition applies to new activities as set out below, whether or not they are being specifically funded with these award funds. That is, as long as the activity is being conducted by the recipient, a subrecipient, or any third party, and the activity needs to be undertaken in order to use these award funds, this condition must first be met. The activities covered by this condition are:

a. New construction;

b. Minor renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;

c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;

d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and

e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

The recipient understands and agrees that complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. The recipient further understands and agrees to the requirements for implementation of a Mitigation Plan, as detailed at <https://bja.gov/Funding/nepa.html>, for programs relating to methamphetamine laboratory operations.

Application of This Condition to Recipient's Existing Programs or Activities: For any of the recipient's or its subrecipients' existing programs or activities that will be funded by these award funds, the recipient, upon specific request from BJA, agrees to cooperate with BJA in any preparation by BJA of a national or program environmental assessment of that funded program or activity.

38. Establishment of trust fund

If award funds are being drawn down in advance, the recipient (or a subrecipient, with respect to a subaward) is required to establish a trust fund account. (The trust fund may or may not be an interest-bearing account.) The fund, including any interest, may not be used to pay debts or expenses incurred by other activities beyond the scope of the Edward Byrne Memorial Justice Assistance Grant Program (JAG). The recipient also agrees to obligate the award funds in the trust fund (including any interest earned) during the period of performance for the award and expend within 90 days thereafter. Any unobligated or unexpended funds, including interest earned, must be returned to OJP at the time of closeout.



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39. Prohibition on use of award funds for match under BVP program

JAG funds may be used to purchase vests for an agency, but they may not be used as the 50% match for purposes of the DOJ Bulletproof Vest Partnership (BVP) program.

40. Certification of body armor "mandatory wear" policies

The recipient agrees to submit a signed certification that all law enforcement agencies receiving body armor purchased with funds from this award have a written "mandatory wear" policy in effect. The recipient must keep signed certifications on file for any subrecipients planning to utilize funds from this award for ballistic-resistant and stab-resistant body armor purchases. This policy must be in place for at least all uniformed officers before any funds from this award may be used by an agency for body armor. There are no requirements regarding the nature of the policy other than it be a mandatory wear policy for all uniformed officers while on duty.

41. Body armor - compliance with NIJ standards

Ballistic-resistant and stab-resistant body armor purchased with JAG award funds may be purchased at any threat level, make or model, from any distributor or manufacturer, as long as the body armor has been tested and found to comply with applicable National Institute of Justice ballistic or stab standards and is listed on the NIJ Compliant Body Armor Model List (<https://nij.gov/>). In addition, ballistic-resistant and stab-resistant body armor purchased must be American-made. The latest NIJ standard information can be found here: <https://nij.gov/topics/technology/body-armor/pages/safety-initiative.aspx>.

42. Required monitoring of subawards

The recipient must monitor subawards under this JAG award in accordance with all applicable statutes, regulations, award conditions, and the DOJ Grants Financial Guide, and must include the applicable conditions of this award in any subaward. Among other things, the recipient is responsible for oversight of subrecipient spending and monitoring of specific outcomes and benefits attributable to use of award funds by subrecipients. The recipient agrees to submit, upon request, documentation of its policies and procedures for monitoring of subawards under this award.

43. Reporting requirements

The recipient must submit quarterly Federal Financial Reports (SF-425) and semi-annual performance reports through OJP's GMS (<https://grants.ojp.usdoj.gov>). Consistent with the Department's responsibilities under the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, the recipient must provide data that measure the results of its work. The recipient must submit quarterly performance metrics reports through BJA's Performance Measurement Tool (PMT) website (www.bjaperformancetools.org). For more detailed information on reporting and other JAG requirements, refer to the JAG reporting requirements webpage. Failure to submit required JAG reports by established deadlines may result in the freezing of grant funds and future High Risk designation.

44. Required data on law enforcement agency training

Any law enforcement agency receiving direct or sub-awarded funding from this JAG award must submit quarterly accountability metrics data related to training that officers have received on the use of force, racial and ethnic bias, de-escalation of conflict, and constructive engagement with the public.



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45. Prohibited Expenditures List

Award funds may not be used for items that are listed on the Prohibited Expenditure List at the time of purchase or acquisition, including as the list may be amended from time to time. The Prohibited Expenditure List may be accessed here: <https://www.bja.gov/funding/JAGControlledPurchaseList.pdf>

46. Controlled expenditures - prior written approval required

Award funds may not be used for items that are listed on the Controlled Expenditure List at the time of purchase or acquisition, including as the list may be amended from time to time, without explicit written prior approval from BJA. The Controlled Expenditure List, and instructions on how to request approval for purchase or acquisitions are set out at <https://www.bja.gov/funding/JAGControlledPurchaseList.pdf>

47. Controlled expenditures - incident reporting

If an agency uses award funds to purchase or acquire any item on the Controlled Expenditure List at the time of purchase or acquisition, including as the list may be amended from time to time, the agency must collect and retain (for at least 3 years) certain information about the use of-- (1) any federally-acquired Controlled Equipment in the agency's inventory, and (2) any other controlled equipment in the same category as the federally-acquired controlled equipment in the agency's inventory, regardless of source; and the agency must make that information available to BJA upon request. Details about what information must be collected and retained are set out at <https://ojp.gov/docs/LE-Equipment-WG-Final-Report.pdf>.

48. Sale of items on Controlled Expenditure List

Notwithstanding the provision of the Part 200 Uniform Requirements set out at 2 C.F.R. 200.313, no equipment listed on the Controlled Expenditure List that is purchased with award funds may be transferred or sold to a third party, except as described below:

a. Agencies may transfer or sell any controlled equipment, except riot helmets and riot shields, to a Law Enforcement Agency (LEA) after obtaining prior written approval from BJA. As a condition of that approval, the acquiring LEA will be required to submit information and certifications to BJA as if it were requesting approval to use award funds for the initial purchase of items on the Controlled Expenditure List.

b. Agencies may not transfer or sell any riot helmets or riot shields purchased under this award.

c. Agencies may not transfer or sell any Controlled Equipment purchased under this award to non-LEAs, with the exception of fixed wing aircraft, rotary wing aircraft, and command and control vehicles. Before any such transfer or sale is finalized, the agency must obtain prior written approval from BJA. All law enforcement-related and other sensitive or potentially dangerous components, and all law enforcement insignias and identifying markings must be removed prior to transfer or sale.

The recipient must notify BJA prior to the disposal of any items on the Controlled Expenditure List purchased with award funds, and must abide by any applicable laws (including regulations) in such disposal.

49. Prohibited or controlled expenditures - Effect of failure to comply

Failure to comply with an award condition related to prohibited or controlled expenditures may result in denial of any further approvals of controlled expenditures under this or other federal awards.



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SPECIAL CONDITIONS

50. Controlled expenditures - Standards

Consistent with recommendation 2.1 of Executive Order 13688, a law enforcement agency that acquires controlled equipment with award funds must adopt robust and specific written policies and protocols governing General Policing Standards and Specific Controlled Equipment Standards. General Policing Standards includes policies on (a) Community Policing; (b) Constitutional Policing; and (c) Community Input and Impact Considerations. Specific Controlled Equipment Standards includes policies specifically related to (a) Appropriate Use of Controlled Equipment; (b) Supervision of Use; (c) Effectiveness Evaluation; (d) Auditing and Accountability; and (e) Transparency and Notice Considerations. Upon OJP's request, the recipient must provide a copy of the General Policing Standards and Specific Controlled Equipment Standards, and any related policies and protocols.

51. Authorization to obligate (federal) award funds to reimburse certain project costs incurred on or after October 1, 2016

The recipient may obligate (federal) award funds only after the recipient makes a valid acceptance of the award. As of the first day of the period of performance for the award (October 1, 2016), however, the recipient may choose to incur project costs using non-federal funds, but any such project costs are incurred at the recipient's risk until, at a minimum-- (1) the recipient makes a valid acceptance of the award, and (2) all applicable withholding conditions are removed by OJP (via a Grant Adjustment Notice). (A withholding condition is a condition in the award document that precludes the recipient from obligating, expending, or drawing down all or a portion of the award funds until the condition is removed.)

Except to the extent (if any) that an award condition expressly precludes reimbursement of project costs incurred "at-risk," if and when the recipient makes a valid acceptance of this award and OJP removes each applicable withholding condition through a Grant Adjustment Notice, the recipient is authorized to obligate (federal) award funds to reimburse itself for project costs incurred "at-risk" earlier during the period of performance (such as project costs incurred prior to award acceptance or prior to removal of an applicable withholding condition), provided that those project costs otherwise are allowable costs under the award.

Nothing in this condition shall be understood to authorize the recipient (or any subrecipient at any tier) to use award funds to "supplant" State or local funds in violation of the recipient's certification (executed by the chief executive of the State or local government) that federal funds will be used to increase the amounts of such funds that would, in the absence of federal funds, be made available for law enforcement activities.

52. "Certification of Compliance with 8 U.S.C. 1373" required for valid award acceptance by a unit of local government

In order validly to accept this award, the applicant local government must submit the required "Certification of Compliance with 8 U.S.C. 1373" (executed by the chief legal officer of the local government). Unless that executed certification either-- (1) is submitted to OJP together with the fully-executed award document, or (2) is uploaded in OJP's GMS no later than the day the signed award document is submitted to OJP, any submission by a unit of local government that purports to accept the award is invalid.

If an initial award-acceptance submission by the recipient is invalid, once the unit of local government does submit the necessary certification regarding 8 U.S.C. 1373, it may submit a fully-executed award document executed by the unit of local government on or after the date of that certification.

For purposes of this condition, "local government" does not include any Indian tribes.



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53. Ongoing compliance with 8 U.S.C. 1373 is required

1. With respect to the "program or activity" funded in whole or part under this award (including any such "program or activity" of any subrecipient at any tier), throughout the period of performance for the award, no State or local government entity, -agency, or -official may prohibit or in any way restrict-- (1) any government entity or -official from sending or receiving information regarding citizenship or immigration status as described in 8 U.S.C. 1373(a); or (2) a government entity or -agency from sending, requesting or receiving, maintaining, or exchanging information regarding immigration status as described in 8 U.S.C. 1373(b). For purposes of this award, any prohibition (or restriction) that violates this condition is an "information-communication restriction."

2. Certifications from subrecipients. The recipient may not make a subaward to a State or local government or a "public" institution of higher education, unless it first obtains a certification of compliance with 8 U.S.C. 1373, properly executed by the chief legal officer of the jurisdiction or institution that would receive the subaward, using the appropriate form available at <https://ojp.gov/funding/Explore/SampleCertifications-8USC1373.htm>. Similarly, the recipient must require that no subrecipient (at any tier) may make a further subaward to a State or local government or a "public" institution of higher education, unless it first obtains a certification of compliance with 8 U.S.C. 1373, properly executed by the chief legal officer of the jurisdiction or institution that would receive the further subaward, using the appropriate OJP form.

3. The recipient's monitoring responsibilities include monitoring of subrecipient compliance with the requirements of this condition.

4. Allowable costs. Compliance with these requirements is an authorized and priority purpose of this award. To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated (including for authorized reimbursements) for the reasonable, necessary, and allocable costs (if any) that the recipient, or any subrecipient at any tier that is a State or local government or a "public" institution of higher education, incurs to implement this condition.

5. Rules of Construction

A. For purposes of this condition:

(1) "State" and "local government" include any agency or other entity thereof, but not any institution of higher education or any Indian tribe.

(2) A "public" institution of higher education is one that is owned, controlled, or directly funded by a State or local government.

(3) "Program or activity" means what it means under title VI of the Civil Rights Act of 1964 (see 42 U.S.C. 2000d-4a).

(4) "Immigration status" means what it means for purposes of 8 U.S.C. 1373 (Illegal Immigration Reform and Immigrant Responsibility Act of 1996); and terms that are defined in 8 U.S.C. 1101 (Immigration and Nationality Act) mean what they mean under that section 1101, except that the term "State" also shall include American Samoa (cf. 42 U.S.C. 901(a)(2)).

(5) Pursuant to the provisions set out at (or referenced in) 8 U.S.C. 1551 note ("Abolition ... and Transfer of Functions"), references to the "Immigration and Naturalization Service" in 8 U.S.C. 1373 are to be read as references to particular components of the Department of Homeland Security (DHS).

B. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, any State or local government, any "public" institution of higher education, or any other entity (or individual) to violate any federal law, including any applicable civil rights or nondiscrimination law.



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IMPORTANT NOTE: Any questions about the meaning or scope of this condition should be directed to OJP, before award acceptance.

54. Authority to obligate award funds contingent on compliance with 8 U.S.C. 1373; unallowable costs; obligation to notify

1. If the recipient is a State or local government--

A. The recipient may not obligate award funds if, at the time of the obligation, the "program or activity" of the recipient (or of any subrecipient at any tier that is either a State or unit of local government or a "public" institution of higher education) that is funded in whole or in part with award funds is subject to any "information-communication restriction."

B. In addition, with respect to any project costs it incurs "at risk," the recipient may not obligate award funds to reimburse itself if -- at the time it incurs such costs -- the "program or activity" of the recipient (or of any subrecipient at any tier that is either a State or unit of local government or a "public" institution of higher education) that would be reimbursed in whole or in part with award funds was subject to any "information-communication restriction."

C. Any drawdown of award funds by the recipient shall be considered, for all purposes, to be a material representation by the recipient to OJP that, as of the date the recipient requests the drawdown, the recipient and all subrecipients (regardless of tier) are in compliance with 8 U.S.C. 1373.

D. The recipient must promptly notify OJP (in writing) if the recipient, from its requisite monitoring of compliance with award conditions or otherwise, has credible evidence that indicates that the funded "program or activity" of the recipient, or of any subrecipient at any tier that is either a State or a local government or a "public" institution of higher education, may be subject to any "information-communication restriction." In addition, any subaward (at any tier) to a subrecipient that is either a State or a local government or a "public" institution of higher education must require prompt notification to the entity that made the subaward, should the subrecipient such credible evidence regarding an "information-communication restriction."

2. Any subaward (at any tier) to a subrecipient that is either a State or a local government or a "public" institution of higher education must provide that the subrecipient may not obligate award funds if, at the time of the obligation, the "program or activity" of the subrecipient (or of any further such subrecipient at any tier) that is funded in whole or in part with award funds is subject to any "information-communication restriction."

3. Absent an express written determination by DOJ to the contrary, based upon a finding by DOJ of compelling circumstances (e.g., a small amount of award funds obligated by the recipient at the time of a subrecipient's minor and transitory non-compliance, which was unknown to the recipient despite diligent monitoring), any obligations of award funds that, under this condition, may not be made shall be unallowable costs for purposes of this award. In making any such determination, DOJ will give great weight to evidence submitted by the recipient that demonstrates diligent monitoring of subrecipient compliance with the requirements set out in the award condition entitled "Ongoing compliance with 8 U.S.C. 1373 is required."

4. Rules of Construction

A. For purposes of this condition "information-communication restriction" has the meaning set out in the award condition entitled "Ongoing compliance with 8 U.S.C. 1373 is required."

B. Both the "Rules of Construction" and the "Important Note" set out in the award condition entitled "Ongoing compliance with 8 U.S.C. 1373 is required" are incorporated by reference as though set forth here in full.



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SPECIAL CONDITIONS

55. Required State-level rules or practices related to aliens; allowable costs

The following provisions apply to the recipient of this award, if the recipient is a State government, and also apply to any State-government subrecipient at any tier (whether or not the recipient is a State government).

1. Requirements

With respect to the "program or activity" that is funded (in whole or in part) by this award, as of the date the recipient accepts this award, and throughout the remainder of the period of performance for the award--

A. A State statute, or a State rule, -regulation, -policy, or -practice, must be in place that is designed to ensure that agents of the United States acting under color of federal law in fact are given to access any State (or State-contracted) correctional facility for the purpose of permitting such agents to meet with individuals who are (or are believed by such agents to be) aliens and to inquire as to such individuals' right to be or remain in the United States.

B. A State statute, or a State rule, -regulation, -policy, or -practice, must be in place that is designed to ensure that, when a State (or State-contracted) correctional facility receives from DHS a formal written request authorized by the Immigration and Nationality Act that seeks advance notice of the scheduled release date and time for a particular alien in such facility, then such facility will honor such request and -- as early as practicable (see para. 4.B. of this condition) -- provide the requested notice to DHS.

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with the requirements of this condition.

3. Allowable costs

Compliance with these requirements is an authorized and priority purpose of this award. To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated (including for authorized reimbursements) for the reasonable, necessary, and allocable costs (if any) of-- (1) developing and putting into place statutes, rules, regulations, policies, and practices to satisfy this condition, and (2) permitting access as described in para. 1.A. above, and (3) honoring any request from DHS that is encompassed by para. 1.B. above.

4. Rules of construction

A. For purposes of this condition--

(1) the term "alien" means what it means under section 101 of the Immigration and Nationality Act (see 8 U.S.C. 1101(a)(3)).

(2) the term "correctional facility" means what it means under the Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (see 42 U.S.C. 3791(a)(7)).

B. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, any State or local government, or any other entity or individual to maintain (or detain) any individual in custody beyond the date and time the individual would have been released in the absence of this condition.

Current DHS practice is ordinarily to request advance notice of scheduled release "as early as practicable (at least 48 hours, if possible)." (See DHS Form I-247A (3/17)). In the event that (e.g., in light of the date DHS made such request) the scheduled release date and time for an alien are such as not to permit the advance notice that DHS has requested, it shall not be a violation of this condition to provide only as much advance notice as practicable.



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NOTE: Current DHS practice is to use one form (DHS Form I-247A (3/17)) for two distinct purposes -- to request advance notice of scheduled release, and to request that an individual be detained for up to 48 hours AFTER the scheduled release. This condition imposes NO requirements as to such DHS requests for detention.

C. Both the "Rules of Construction" and the "Important Note" set out in the award condition entitled "Ongoing compliance with 8 U.S.C. 1373 is required" are incorporated by reference as though set forth here in full.

56. Required local-government-level rules or practices related to aliens; allowable costs

The following provisions apply to the recipient of this award, if the recipient is a unit of local government, and also apply to any local-government subrecipient of this award at any tier (whether or not the recipient itself is a unit of local government).

1. Requirements

With respect to the "program or activity" that is funded (in whole or in part) by this award, as of the date the recipient accepts this award, and throughout the remainder of the period of performance for the award--

A. A local ordinance, -rule, -regulation, -policy, or -practice (or an applicable State statute, -rule, -regulation, -policy, or -practice) must be in place that is designed to ensure that agents of the United States acting under color of federal law in fact are given access a local-government (or local-government-contracted) correctional facility for the purpose of permitting such agents to meet with individuals who are (or are believed by such agents to be) aliens and to inquire as to such individuals' right to be or remain in the United States.

B. A local ordinance, -rule, -regulation, -policy, or -practice (or an applicable State statute, -rule, -regulation, -policy, or -practice) must be in place that is designed to ensure that, when a local-government (or local-government-contracted) correctional facility receives from DHS a formal written request authorized by the Immigration and Nationality Act that seeks advance notice of the scheduled release date and time for a particular alien in such facility, then such facility will honor such request and -- as early as practicable (see "Rules of Construction" incorporated by para. 4.B. of this condition) -- provide the requested notice to DHS.

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with the requirements of this condition.

3. Allowable costs

Compliance with these requirements is an authorized and priority purpose of this award. To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated (including for authorized reimbursements) for the reasonable, necessary, and allocable costs (if any) of-- (1) developing and putting into place statutes, ordinances, rules, regulations, policies, and practices to satisfy this condition, (2) permitting access as described in para. 1.A. above, and (3) honoring any request from DHS that is encompassed by para. 1.B. above.

4. Rules of construction

A. The "Rules of Construction" and the "Important Note" set out in the award condition entitled "Ongoing compliance with 8 U.S.C. 1373 is required" are incorporated by reference as though set forth here in full.

B. The "Rules of Construction" set out in the award condition entitled "Required State-level rules or practices related to aliens; allowable costs" are incorporated by reference as though set forth here in full.



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SPECIAL CONDITIONS

57. Use of funds for DNA testing; upload of DNA profiles

If award funds are used for DNA testing of evidentiary materials, any resulting eligible DNA profiles must be uploaded to the Combined DNA Index System ("CODIS," the DNA database operated by the FBI) by a government DNA laboratory with access to CODIS.

No profiles generated under this award may be entered or uploaded into any non-governmental DNA database without prior express written approval from BJA.

Award funds may not be used for the purchase of DNA equipment and supplies unless the resulting DNA profiles may be accepted for entry into CODIS.

58. Encouragement of submission of "success stories"

BJA strongly encourages the recipient to submit annual (or more frequent) JAG success stories. To submit a success story, sign in to a My BJA account at <https://www.bja.gov/Login.aspx> to access the Success Story Submission form. If the recipient does not yet have a My BJA account, please register at <https://www.bja.gov/profile.aspx>. Once registered, one of the available areas on the My BJA page will be "My Success Stories." Within this box, there is an option to add a Success Story. Once reviewed and approved by BJA, all success stories will appear on the BJA Success Story web page at <https://www.bja.gov/SuccessStoryList.aspx>.

59. Requirement to disclose whether recipient is designated "high risk" by a federal grant-making agency outside of DOJ

If the recipient is designated "high risk" by a federal grant-making agency outside of DOJ, currently or at any time during the course of the period of performance under this award, the recipient must disclose that fact and certain related information to OJP by email at OJP.ComplianceReporting@ojp.usdoj.gov. For purposes of this disclosure, high risk includes any status under which a federal awarding agency provides additional oversight due to the recipient's past performance, or other programmatic or financial concerns with the recipient. The recipient's disclosure must include the following: 1. The federal awarding agency that currently designates the recipient high risk, 2. The date the recipient was designated high risk, 3. The high-risk point of contact at that federal awarding agency (name, phone number, and email address), and 4. The reasons for the high-risk status, as set out by the federal awarding agency.

60. Reclassification of various statutory provisions to a new Title 34 of the United States Code

On September 1, 2017, various statutory provisions previously codified elsewhere in the U.S. Code were editorially reclassified to a new Title 34, entitled "Crime Control and Law Enforcement." The reclassification encompassed a number of statutory provisions pertinent to OJP awards (that is, OJP grants and cooperative agreements), including many provisions previously codified in Title 42 of the U.S. Code.

Effective as of September 1, 2017, any reference in this award document to a statutory provision that has been reclassified to the new Title 34 of the U.S. Code is to be read as a reference to that statutory provision as reclassified to Title 34. This rule of construction specifically includes references set out in award conditions, references set out in material incorporated by reference through award conditions, and references set out in other award requirements.

61. Withholding of funds: Required certification from the chief executive of the applicant government

The recipient may not obligate, expend, or draw down any award funds until the recipient submits the required "Certifications and Assurances by the Chief Executive of the Applicant Government," properly-executed (as determined by OJP), and a Grant Adjustment Notice (GAN) has been issued to remove this condition.



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SPECIAL CONDITIONS

62. Withholding of funds: Memorandum of Understanding

The recipient may not obligate, expend, or draw down any award funds until OJP has reviewed and approved the Memorandum of Understanding (MOU), and a Grant Adjustment Notice (GAN) has been issued to remove this condition.



U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

Washington, D.C. 20531

Memorandum To: Official Grant File

From: Orbin Terry, NEPA Coordinator

Subject: Incorporates NEPA Compliance in Further Developmental Stages for City of Muskogee


The Edward Byrne Memorial Justice Assistance Grant Program (JAG) allows states and local governments to support a broad range of activities to prevent and control crime and to improve the criminal justice system, some of which could have environmental impacts. All recipients of JAG funding must assist BJA in complying with NEPA and other related federal environmental impact analyses requirements in the use of grant funds, whether the funds are used directly by the grantee or by a subgrantee or third party. Accordingly, prior to obligating funds for any of the specified activities, the grantee must first determine if any of the specified activities will be funded by the grant.

The specified activities requiring environmental analysis are:

- a. New construction;
- b. Any renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
- c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
- d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
- e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

Complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. Further, for programs relating to methamphetamine laboratory operations, the preparation of a detailed Mitigation Plan will be required. For more information about Mitigation Plan requirements, please see <https://www.bja.gov/Funding/nepa.html>.

Please be sure to carefully review the grant conditions on your award document, as it may contain more specific information about environmental compliance.

 <div>U.S. Department of Justice Office of Justice Programs Bureau of Justice Assistance</div>	GRANT MANAGER'S MEMORANDUM, PT. I: PROJECT SUMMARY	
	Grant	
	PROJECT NUMBER 2017-DJ-BX-0638	PAGE 1 OF 1
This project is supported under FY17(BJA - JAG State and JAG Local) Title I of Pub. L. No. 90-351 (generally codified at 42 U.S.C. 3711 - 3797ff-5), including subpart 1 of part E (codified at 42 U.S.C. 3750 - 3758); see also 28 U.S.C. 530C(a).		
1. STAFF CONTACT (Name & telephone number) Olga Santiago (202) 598-1094	2. PROJECT DIRECTOR (Name, address & telephone number) Chad Farmer Deputy Chief 112 South 3rd Street Muskogee, OK 74401-7007 (918) 683-8000	
3a. TITLE OF THE PROGRAM BJA FY 17 Edward Byrne Memorial Justice Assistance Grant (JAG) Program - Local Solicitation		3b. POMS CODE (SEE INSTRUCTIONS ON REVERSE)
4. TITLE OF PROJECT Muskogee City and Muskogee County FY17 JAG		
5. NAME & ADDRESS OF GRANTEE City of Muskogee PO Box 1927 Muskogee, OK 74402	6. NAME & ADDRESS OF SUBGRANTEE	
7. PROGRAM PERIOD FROM: 10/01/2016 TO: 09/30/2020	8. BUDGET PERIOD FROM: 10/01/2016 TO: 09/30/2020	
9. AMOUNT OF AWARD \$ 34,514	10. DATE OF AWARD 06/26/2018	
11. SECOND YEAR'S BUDGET	12. SECOND YEAR'S BUDGET AMOUNT	
13. THIRD YEAR'S BUDGET PERIOD	14. THIRD YEAR'S BUDGET AMOUNT	
15. SUMMARY DESCRIPTION OF PROJECT (See instruction on reverse) The Edward Byrne Memorial Justice Assistance Grant Program (JAG) allows states and units of local government, including tribes, to support a broad range of criminal justice related activities based on their own state and local needs and conditions. Grant funds can be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice, including for any one or more of the following purpose areas: 1) law enforcement programs; 2) prosecution and court programs; 3) prevention and education programs; 4) corrections and community corrections programs; 5) drug treatment and enforcement programs; 6) planning, evaluation, and technology improvement programs; 7) crime victim and witness programs (other than compensation); and 8) mental health programs and related law enforcement and corrections programs, including behavioral programs and crisis intervention teams. This Local JAG award will be shared by the County and one or more jurisdictions identified as disparate within the current Fiscal Year eligibility list (www.bja.gov/Jag). JAG funding will be used to support criminal justice initiatives that fall under one or more of the allowable program areas above. Any		

equipment purchases or funded initiatives such as overtime, task forces, drug programs, information sharing, etc. will be aimed at reducing crime and/or enhancing public/officer safety.

NCA/NCF

**THE STATE OF OKLAHOMA
COUNTY OF MUSKOGEE**

KNOW ALL BY THESE PRESENT

**AGREEMENT
BETWEEN THE CITY OF MUSKOGEE, OKLAHOMA AND COUNTY OF MUSKOGEE, OKLAHOMA**

2017 EDWARD R. BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD

This Agreement is made and entered into this 1st day of November, 2017, by and between the COUNTY of Muskogee, acting by and through its governing body, the Board of County Commissioners of Muskogee County, hereinafter referred to as COUNTY, and the CITY of Muskogee, acting by and through its governing body, the City Council, hereinafter referred to as CITY, both of Muskogee, State of Oklahoma, witnesseth:

WHEREAS, the respective parties, in performing governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments from current revenues legally available to that party; and

WHEREAS, the respective parties find that the performance of this Agreement is in the best interest of both parties, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing party for the service or functions under this agreement; and

WHEREAS, the respective parties acknowledge that legislation authorizing the JAG grant requires that the COUNTY and CITY cooperate in facilitating any law enforcement programs, services or obtaining equipment pursuant to the expenditure of the JAG grant funds; however, the COUNTY agrees to allocate its entitlement to a portion of the award directly to the CITY for the purpose of obtaining needed law enforcement equipment.

WHEREAS, the parties believe that such a reallocation of JAG funds will positively affect law enforcement county-wide, and thus advance the purpose of the JAG Grant.

NOW THEREFORE, the COUNTY and CITY agree as follows:

Section 1.

The entire Award for the 2017 JAG Grant program is \$34,514.00

Section 2.

The City of Muskogee will act as the recipient for the grant and will receive an award of \$17,257.00?

The County of Muskogee will be the subrecipient of the grant and will receive an award of \$17,257.00.

Section 3.

Nothing in the performance of this Agreement shall impose any liability of claims against the COUNTY other than claims for which liability may be imposed by the Oklahoma Governmental Tort Claims Act, 51 Okla. Stat. 151 *et seq.*

Section 4.

Nothing in the performance of this Agreement shall impose any liability of claims against the CITY other than claims for which liability may be imposed by Oklahoma Governmental Tort Claims Act, 51 Okla. Stat. 151 *et seq.*

Section 5.

Each party to this Agreement will be responsible for its own actions in providing services under this Agreement and shall not be liable for any civil liability that may arise from the furnishing of the services by the other party.

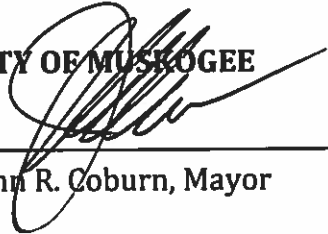
Section 6.

The parties to this Agreement do not intend for any third party to obtain a right of virtue of this Agreement.

Section 7.

By entering into this Agreement, the parties do not intend to create any obligation express or implied other than those set out herein; further, this Agreement shall not create any rights in any party not a signatory hereto.

CITY OF MUSKOGEE



John R. Coburn, Mayor

Attest:



Tammy Tracy, City Clerk

(seal)

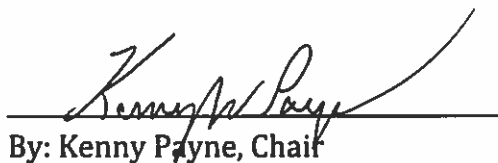


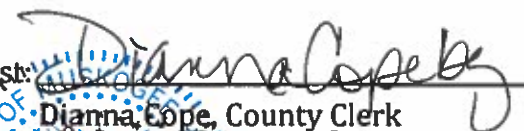


Approved as to form and legality this 29 day of Sept, 2017.








Roy Tucker, City Attorney
and

BOARD OF COUNTY COMMISSIONERS
OF MUSKOGEE COUNTY


By: Kenny Payne, Chair

Attest: 
Dianna Cope, County Clerk

(seal) 

18th day of Sept 2017
Chairman 
Member 
Member 
Attest: 
 County Clerk

Approved as to form and legality this 18th day of Sept, 2017.



Orvil Loge, District Attorney

Regular City Council

3.

Meeting Date: 07/23/2018

Submitted For: Michael O'Dell, Fire Department Initiator: Michael O'Dell, Fire Chief

Department: Fire Department

Staff Information Source: Darrell Jones, Fire Marshal

Information

AGENDA ITEM TITLE:

Approval to accept a Fire Prevention Grant in the amount of \$2,500.00 from FM Global to be used for the purchase of smoke detectors, or take other necessary action. (Mike O'Dell)

BACKGROUND:

Fire Prevention Grant from FM Global in the amount of \$2,500.00 to purchase smoke detectors for the Fire Dept. smoke detector program.

RECOMMENDED ACTION:

Authorize the Fire Chief to accept the grant award from FM Global in the amount of \$2,500.00 or take other necessary action.

Fiscal Impact

Attachments

Fire Prevention Grant

Fire Prevention Grant Award Letter

FOR IMMEDIATE RELEASE

DATE: *Enter Current Date*

Media Contact: *Enter Name of Contact for Press*

Phone Number: *Enter Phone Number of Contact for Press*

E-Mail: *Enter E-Mail of Contact for Press*

Muskogee Fire Department to Bolster Fire Prevention Efforts with FM Global Grant

MUSKOGEE, Okla.—The **Muskogee Fire Department** has received a **US\$2,500** fire prevention grant from FM Global, one of the world’s largest commercial property insurers.

FM Global representatives presented the award to *Enter who from your agency will be accepting the grant award* at the *Enter the location of the award presentation* located on *Enter the street address of the award presentation* in *Enter the city of the award presentation*. The award will be used to assist with fire prevention activities in the community to help educate the community and reduce the number of fires.

Because fire continues to be the leading cause of property damage worldwide, during the past 40 years FM Global has contributed millions of dollars in fire prevention grants to fire service organizations around the globe. Locally, the company has awarded grants to a number of **Oklahoma**-based organizations.

“At FM Global, we strongly believe the majority of property damage is preventable, not inevitable,” said Michael Spaziani, assistant vice president—manager of the fire prevention grant program. “Far too often, inadequate budgets prevent those organizations working to prevent fire from being as proactive as they would like to be. With additional financial support, grant recipients are actively helping to improve property risk in the communities they serve.”

Through its Fire Prevention Grant Program, FM Global awards grants to fire departments—as well as national, state, regional, local and community organizations worldwide—that best demonstrate a need for funding, where dollars can have the most demonstrable impact on preventing fire, or mitigating the damage it can quickly cause.

To learn more about FM Global’s Fire Prevention Grant Program and other resources for the fire service, please visit www.fmglobal.com/fireservice.

Established nearly 200 years ago, [FM Global](http://www.fmglobal.com) is a mutual insurance company whose capital, scientific research capability and engineering expertise are solely dedicated to property risk management and the resilience of its client-owners. These owners, who share the belief that the majority of property loss is preventable, represent many of the world’s largest organizations, including one of every three Fortune 500 companies. They work with FM Global to better understand the hazards that can impact their business continuity in order to make cost-effective risk management decisions, combining property loss prevention with insurance protection.

June 20, 2018



Fire Marshal Jones
Muskogee Fire Department
505 Columbus
Muskogee, Oklahoma 74401

Dear Fire Marshal Jones:

Congratulations. Your grant application for an FM Global fire prevention grant stood out among the hundreds we received, and we will be funding \$2500 to purchase photoelectric smoke detectors. We hope the additional funding will help to strengthen your efforts to ultimately, and more effectively prevent fire—the leading cause of property destruction worldwide.

In the coming weeks, you will be contacted by an FM Global representative to set up a formal presentation. In the meantime, award checks will be mailed in July to your attention at the address above. Please feel free to use the attached news release that we've prepared for you to promote news media interest—be it in advance of or after the formal presentation.

During the past 40 years, FM Global has awarded millions of dollars in funding to fire departments and related agencies worldwide. With a shared philosophy that the majority of property loss is preventable—not inevitable—we can make a difference in preventing the frequency and severity of fire...together.

Once again, congratulations on your recent fire prevention grant awarded by FM Global, one of the world's largest commercial property insurers.

If you have any questions regarding your award, please feel welcome to e-mail me.

Best wishes for continued success in your fire prevention endeavors.

A handwritten signature in black ink, appearing to read "Michael Spaziani".

Michael Spaziani
Assistant Vice President, Manager - Fire Service Programs

*CC: Carter Whiteside - Dallas Operations
18-123 - Muskogee Fire Department*

Regular City Council

4.

Meeting Date: 07/23/2018

Submitted For: Tammy Tracy, City Clerk

Initiator: Tammy Tracy, City Clerk

Department: City Clerk

Staff Information Source:

Information

AGENDA ITEM TITLE:

Approval of the appointment of Jaime Stout to serve a two (2) year term on the City of Muskogee Foundation Board, beginning September 1, 2018, and ending August 31, 2020, replacing Dan Hall, or take other necessary action. (Councilor Dan Hall)

BACKGROUND:

Mr. Hall was appointed to the City of Muskogee Foundation Board on September 1, 2016. His term will expire August 31, 2018.

RECOMMENDED ACTION:

Recommend approval.

Fiscal Impact

Attachments

No file(s) attached.

Regular City Council

5.

Meeting Date: 07/23/2018

Submitted For: Roy Tucker, City Attorney

Initiator: Roy Tucker, City Attorney

Department: City Attorney

Staff Information Source:

Information

AGENDA ITEM TITLE:

Approval of the appointment of Glenda Shelton to the War Memorial Trust Authority, filling the unexpired term of Joshua Caserez, ending on April 30, 2019, or take other necessary action. (Marlon Coleman)

BACKGROUND:

Councilor Coleman would like to appoint Glenda Shelton to the War Memorial Trust Authority.

RECOMMENDED ACTION:

Approve the appointment.

Fiscal Impact

Attachments

No file(s) attached.

Regular City Council**6.**

Meeting Date: 07/23/2018

Submitted For: Greg Riley, Public Works Initiator: Prag Mahajan, Civil Engineer II

Department: Public Works

Staff Information Source: Greg Riley, Director of Public Works; Jim Wixom, Assistant Director of Public Works-Operation; Prag Mahajan, Civil Engineer; Donnie Wimbley Purchasing Director;

Information**AGENDA ITEM TITLE:**

Approval to award a contract in the amount of \$728,807.90 to the sole bidder, Intermountain Slurry Seal Inc., inclusive of Add Alternate Nos. 1 and 2, for the Micro Surfacing Project for the Central Business District, or take other necessary action. (Greg Riley)

BACKGROUND:

This project includes micro surfacing of approximately eight (8) miles of streets including two (2) miles of Broadway within the Central Business District. Micro Surfacing is a mixture of modified asphalt emulsion, hi-quality aggregates and specialty additives properly proportioned, mixed and spread on paved roads. The product is known for its macro-texture and rapid traffic return. This product has a history of superior performance for all types of roads and is typically applied at approximately 3/8"; capable of filling ruts and restoring sections, improving safety. We have found great results with this product in Muskogee as it extends the life of pavement and has been researched by the Street Committee and Staff. This includes crack sealing of the pavement as part of the process as Add Alternate No.1 and Add Alternate No. 2 is for traffic striping which includes re-striping Dennison to have bicycle lanes and handicap spaces on Broadway.

The original Scope of the project has been modified and Elgin from Main to 7th Street was removed. This was done to accommodate it through the Depot District Project and bring the project within budget.

The Street Committee and Staff recommend going with the only bid received from Intermountain Slurry, Inc. The price is higher than previous micro sealing bids but is in line with recent ODOT bid amounts for the same type work and this project will have some night and weekend work.

Original Bid Schedule is attached for your reference.

The project is budgeted as part of Contractual Services in Street and Traffic. It was delayed from 2016-2017 budget year in anticipation of the start of the Main Street project. The Main Street portion has been removed and this project is for the remainder of the streets.

RECOMMENDED ACTION:

Approve awarding a Micro Surfacing project for the Central Business District (with Add Alternate No.1 and Add Alternate No.2) as the only Bid in the amount of \$728,807.90 to Intermountain Slurry Seal Inc.

Fiscal Impact

Attachments

Bid Schedule

Bid Form

Owner: City of Muskogee
P.O. Box 1927
Muskogee, OK 74402

Project: MICRO SURFACING
ZONE V-YEAR 5
5- YEAR STREET PROGRAM

Project No.: 2018019

1. The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an Agreement with OWNER in the form included in the Contract Documents to complete all Work as specified or indicated in the Contract Documents for the Contract Price and within the Contract Time indicated in this Bid and in accordance with the Contract Documents.
2. BIDDER accepts all of the terms and conditions of the Information for Bidders, including without limitation those dealing with the disposition of Bid Security. This Bid will remain open for 45 days after the day of Bid opening. BIDDER shall sign the Agreement and submit the Contract Security and other documents required by the Contract Documents within fifteen days after the date of OWNER'S Notice of Award.
3. In submitting this Bid, the BIDDER represents, as more fully set forth in the Agreement, that:

A. BIDDER has examined copies of all the Contract Documents and Bidding Documents and of the following addenda:

Date 6/13/18 Number 1

(Receipt of all of which is hereby acknowledged) and also copies of the Advertisement and the Information for Bidders;

B. BIDDER has examined the site and locality where the Work is to be performed, the legal requirements (federal, state and local laws, ordinances, rules and regulations) and the conditions affecting cost, progress or performance of the Work and has made such independent investigations as BIDDER deems necessary.

C. This Bid is genuine and not made in the interest or on behalf of any undisclosed person, firm or corporation and is not submitted in conformity with any agreement or rules of any group, association, organization or corporation; BIDDER has not directly or indirectly induced or solicited any other Bidder to submit a false or sham Bid; BIDDER has not solicited or induced any person, firm or a corporation to refrain from bidding; and BIDDER

has not sought by collusion to obtain for himself any advantage over any other Bidder or over OWNER.

4. In submitting this Bid, BIDDER represents that:

A. The total bid for each Bid Schedule includes all work necessary to complete that portion of the project described in each Bid Schedule, and the total of all Bid Schedules represents the entire scope of work covered by the Contract Documents. If a particular item of work is not specifically separated as a bid item, the cost therefore is to be considered included in the bid item most nearly related.

B. The total bid for each Bid Schedule is based on the quantities shown on the Bid Form and on the dimensions shown on the drawings where specific quantities are not itemized. When Bid Schedules are based upon unit prices, the Contract Amount will be adjusted by change order at the corresponding unit prices according to the actual quantities and measurement of the finished construction as determined by the Engineer upon completion of construction.

BID SCHEDULE I (REVISED)

C. BIDDER will complete the work for the following price(s):

For the performance of all the work necessary to complete the work under Bid Schedule I, as defined in the Contract Documents.

ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	UNIT	TOTAL COST
1.	BASE BID Micro Surfacing as shown on the Plans and as described in these Contract Documents	131355.00 S.Y.	@ \$ 3.98	= \$ 522,792.90

TOTAL OF BASE BID SCHEDULE I

\$ 522,792.90 * Price does not include Asphalt for base repair *

2.	ADD ALTERNATE 1 Crack sealing surfaces for streets Mentioned in the description of work	Lump Sum	@ \$ 115,000.00	= \$ 115,000.00
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TOTAL OF ADD ALTERNATE 1

\$ 115,000.00

3.	ADD ALTERNATE 2 Striping as described in these contract documents: Multi-polymer applied per ODOT Specs
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4" solid yellow line	45000 ft. @ \$.47	= \$ 21,150.00
4" solid white line	10000 ft. @ \$.47	= \$ 4,700.00
6" gore yellow line	6000 ft. @ \$.69	= \$ 4,140.00
8" gore yellow line	500 ft. @ \$.69	= \$ 345.00
8" gore white line	600 ft. @ \$ 1.00	= \$ 600.00

24" Stop bars	2500 ft. @ \$ <u>11.50</u> = \$ <u>28,750.00</u>
24" Continental Crosswalk	3600 ft. @ \$ <u>15.75</u> = \$ <u>56,700.00</u>
Arrow	45 @ \$ <u>150.00</u> = \$ <u>6,750.00</u>
Only	10 @ \$ <u>250.00</u> = \$ <u>2,500.00</u>
Bicycle Symbols	40 @ \$ <u>350.00</u> = \$ <u>14,000.00</u>
Removal of existing traffic striping	36000 ft. @ \$ <u>.75</u> = \$ <u>27,000.00</u>

TOTAL OF ADD ALTERNATE 2

\$ 166,635.00

5. BIDDER agrees that the Work will be substantially completed within 70 consecutive calendar days after the date when the Contract Time commences to run.

BIDDER accepts the provisions of the Agreement for liquidated damages in the event of failure to complete the Work on time.

6. The following documents are attached to and made a condition of this Bid:

- A. Required Bid Security in the form of (Bid Bond) (Certified Check).
- B. A tabulation of Subcontractors and other persons and organizations required to be identified in the bid.
- C. Project superintendent and Supervision Roster.
- D. Other forms required by Item No. 12 of Information to Bidders.

7. Communications from Owner to Bidder will be sent to the address below.

8. The terms used in this Bid which are defined in the General Conditions of the Construction Contract are included as part of the Contract Documents and have the meaning assigned to them in the General Conditions

THE BIDDER SHALL COMPLETE THE FOLLOWING AS APPLICABLE:

AN INDIVIDUAL

By _____ N/A _____ (Individual's Name)

doing business as _____ N/A _____

A PARTNERSHIP

By _____ N/A _____ (Firm Name)

A CORPORATION

By _____ Intermountain Slurry Seal, Inc. _____ (Corporation Name)

State of Incorporation is _____ Wyoming _____

By  _____ /Gary R. Price
(Name)

Vice President

(Title)

Attest  _____ /Scott J. Curtis, Assistant Secretary
(Secretary)

(Corporate Seal)

Business address: _____

_____ 520 North 400 West _____

_____ North Salt Lake, UT 84054 _____

Phone No.: _____ 801.532.8200 _____

FAX No.: _____ 469.635.6054 _____

SUBMITTED on _____ June 20 _____, 2018.

Bid Bond

KNOW ALL MEN BY THESE PPESENTS:

That we, the undersigned Intermountain Slurry Seal, Inc. as Principal, and Travelers Casualty and Surety Company of America as Surety, are hereby held and firmly bound unto City of Muskogee as Owner in the penal sum of \$ Five Percent (5%) of Bid Amount for the payment of which, well and truly to be made, we hereby jointly and severally bind ourselves, successors, and assigns. Signed, this 13th day of June 2018.

The condition of the above obligation is such that whereas the principal has submitted to the City of Muskogee a certain Bid, attached hereto and hereby made a part hereof to enter into a contract in writing, for the construction of:

NOW, THEREFORE,

- (A) If said Bid shall be rejected, or in the alternate,
- (B) If said Bid shall be accepted and the Principal shall execute and deliver a contract in the Form of Contract attached hereto (properly completed in accordance with said Bid) and shall furnish a bond for his faithful performance of said contract, and for the payment of all persons performing labor or furnishing materials in connection therewith, and shall in all other respects perform the agreement created by the acceptance of said Bid,

then this obligation shall be void, otherwise the same shall remain in force and effect; it being expressly understood and agreed that the liability of the Surety for any and all claim hereunder shall, in no event, exceed the penal amount of this obligation as herein stated.

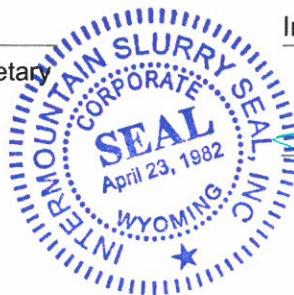
The Surety, for value received, hereby stipulates and agrees that the obligations of said Surety and its bond shall be in no way impaired or affected by an extension of the time within which the Owner may accept such Bid; and said Surety does hereby waive notice of any such extension.

IN WITNESS WHEREOF, the Principal and the Surety have hereunto set their hands and seals, and such of these are corporations have caused their corporate seals to be hereto affixed and these presents to be signed by proper officers, the day and year first set forth above.

(SEAL)
ATTEST:



Scott J. Curtis, Assistant Secretary



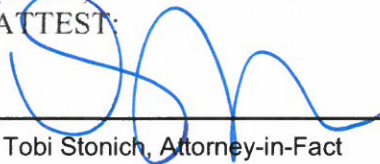
Intermountain Slurry Seal, Inc.

Principal



/Gary R. Price,
Title: Vice President

(SEAL)
ATTEST:



Tobi Stonich, Attorney-in-Fact

Travelers Casualty and Surety Company of America

Surety



/ Isabel Barron

By: Attorney-in Fact

IMPORTANT - Surety Companies executing bonds for federally assisted contracts must appear on the Treasury Department's most current list (Circular 570 as amended) and be authorized to transact business in the state where the Project is located.

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

ACKNOWLEDGMENT

State of California

County of Santa Cruz

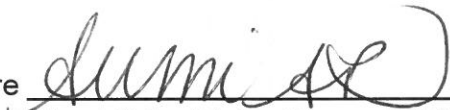
On June 13, 2018 before me, Sumi Sohn-Rigler, Notary Public
(insert name and title of the officer)

personally appeared Isabel Barron & Tobi Stonich,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

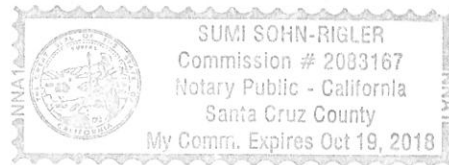
WITNESS my hand and official seal.

Signature



Sumi Sohn-Rigler, Notary Public

(Seal)





POWER OF ATTORNEY

**Travelers Casualty and Surety Company of America
Travelers Casualty and Surety Company
St. Paul Fire and Marine Insurance Company**

Attorney-In-Fact No. 232494

KNOW ALL MEN BY THESE PRESENTS: That Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company are corporations duly organized under the laws of the State of Connecticut (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint **Isabel Barron**, of the City of **Watsonville**, State of **California**, their true and lawful Attorney-in-Fact to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

This Power of Attorney is limited to bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof for Granite Construction Incorporated and all subsidiaries and affiliates, alone or in joint venture.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this **3rd** day of **February, 2017**.

**Travelers Casualty and Surety Company of America
Travelers Casualty and Surety Company
St. Paul Fire and Marine Insurance Company**



State of Connecticut

City of Hartford ss.

By:


Robert L. Raney, Senior Vice President

On this the **3rd** day of **February, 2017**, before me personally appeared **Robert L. Raney**, who acknowledged himself to be the Senior Vice President of Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

In Witness Whereof, I hereunto set my hand and official seal.

My Commission expires the **30th** day of **June, 2021**




Marie C. Tetreault, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company, which resolutions are now in full force and effect, reading as follows:

RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

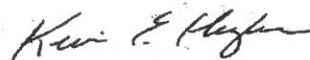
FURTHER RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

FURTHER RESOLVED, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

FURTHER RESOLVED, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

I, **Kevin E. Hughes**, the undersigned, Assistant Secretary of Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which will remain in full force and effect through December 31, 2018.

Bond Executed on June 13, 2018



Kevin E. Hughes, Assistant Secretary



To verify the authenticity of this Power of Attorney, call 1-800-421-3880 to contact us. Please refer to the Attorney-In-Fact number, the above-named individual and the details of the bond to which the power is attached.



POWER OF ATTORNEY

**Travelers Casualty and Surety Company of America
Travelers Casualty and Surety Company
St. Paul Fire and Marine Insurance Company**

Attorney-In-Fact No. **232494**

KNOW ALL MEN BY THESE PRESENTS: That Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company are corporations duly organized under the laws of the State of Connecticut (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint **Tobi Stonich**, of the City of **Watsonville**, State of **California**, their true and lawful Attorney-in-Fact to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

This Power of Attorney is limited to bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof for Granite Construction Incorporated and all subsidiaries and affiliates, alone or in joint venture.

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**Travelers Casualty and Surety Company of America
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State of Connecticut

City of Hartford ss.

By:

Robert L. Raney, Senior Vice President

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In Witness Whereof, I hereunto set my hand and official seal.

My Commission expires the **30th** day of **June, 2021**



Marie C. Tetreault, Notary Public

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RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

FURTHER RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

FURTHER RESOLVED, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

FURTHER RESOLVED, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

I, **Kevin E. Hughes**, the undersigned, Assistant Secretary of Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which will remain in full force and effect through December 31, 2018.



Kevin E. Hughes, Assistant Secretary



To verify the authenticity of this Power of Attorney, call 1-800-421-3880 to contact us. Please refer to the Attorney-In-Fact number, the above-named individual and the details of the bond to which the power is attached.

Project Superintendent and Supervision Roster

In accordance with Article 6.01 of the General Conditions, the following individual or individuals will be assigned to this project as resident superintendent and Contractor's representative at the work site (Contractor complete):

Last five projects of similar size:	Project Owner and Phone No.	Contact Person
1. See Appendix A1 - Completed Jobs		
2.		
3.		
4.		
5.		

CONTRACTOR: Intermountain Slurry Seal, Inc.

BY:  /Gary R. Price

TITLE: Vice President

Business Relationship Affidavit

STATE OF ~~OKLAHOMA~~ UTAH
COUNTY OF DAVIS

Gary R. Price, of lawful age, being first duly sworn, on oath says that (s)he is the agent authorized by the bidder to submit the attached bid. Affiant further states that the nature of any partnership, joint venture, or other business relationship presently in effect or which existed within one (1) year prior to the date of this statement with the architect, engineer, or other party to the project is as follows:

None

Affiant further states that any such business relationship presently in effect or which existed within one (1) year prior to the data of this statement between any officer or director of the bidding company and any officer or director of the architectural or engineering firm or other party of the project is as follows:

None

Affiant further states that the names of all persons having any such business relationships and the positions they hold with their respective companies or firms are as follows:

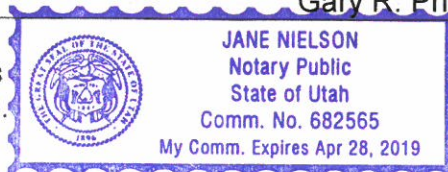
None

If none of the business relationships here in above mentioned exist, affiant should so state).

None

Subscribed *Gary R. Price* Gary R. Price, Vice President

Subscribed and sworn to before me this 14th day of June, 2018.



Jane Nielson
Notary

April 28, 2019
My Commission expires on:

Noncollusion Affidavit

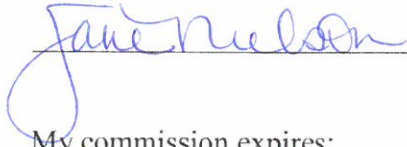
STATE OF ~~OKLAHOMA~~ UTAH
COUNTY OF ~~XXXXXXXXXX~~ DAVIS

Gary R. Price, Vice President, of lawful age, being first duly sworn, on oath says, that (s)he is the agent authorized by Intermountain Slurry Seal, Inc., the contractor herein, to submit the attached bid to the City of Muskogee. Affiant further states that the said contractor has not paid, given or donated or agreed to pay, give or donate to any officer or employee of the City of Muskogee any money or thing of value, either directly or indirectly, for special consideration in the letting of a contract.


Signature

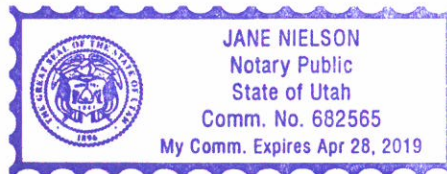
/Gary R. Price, Vice President

Subscribed and sworn to me this 14th day of June, 2018.

 Notary Public

My commission expires:

April 28, 2019



CERTIFICATE OF NON-SEGREGATED FACILITIES

The federally assisted construction contractor certifies that he does not maintain or provide for his employee any segregated facilities at any of his establishments, and that he does not permit his employees to perform their services at any location, under his control, where segregated are maintained. The federally assisted construction contractor certifies further that he will not maintain or provide for his employees any segregated facilities at any of his establishments, and that he will not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. The federally assisted construction contractor agrees that a breach of this certification is a violation of the equal opportunity clause in this contract. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, restrooms and washroom, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, color, religion, sex, or national origin, because of habit, local custom, or other reason. The federally assisted construction contractor agrees that (except where he has obtained identical certifications from proposed subcontractors for specific time periods) he will obtain identical certifications from proposed subcontractors prior to the award of subcontracts exceeding \$10,000 which are not exempt from the provisions of the equal opportunity clause, and that he will retain such certifications in his files.

NOTICE TO PROSPECTIVE CONTRACTORS OF REQUIREMENT FOR CERTIFICATION OF NONSEGREGATED FACILITIES:

A Certification of Non-segregated Facilities must be submitted prior to the award of a contract or subcontract exceeding \$10,000, which is not exempt from the provisions of the Equal Opportunity Clause.

Certification - The information above is true and complete to the best of my knowledge and belief.

Gary R. Price, Vice President

Name and Title of Signatory

(Please Print)


Signature

June 20, 2018

Date

Note: The penalty for making false statements in offers is prescribed in 18 U.S.C. 1001.

CERTIFICATE OF NON-DISCRIMINATION

In connection with the performance of work under this contract, the contractor agrees as follows:

A. The contractor agrees not to discriminate against any employee or applicant for employment because of race, creed, color, sex, national origin, or ancestry. The Contractor shall take affirmative action to insure that employees are treated without regard to their race, creed, color, national origin, sex, or ancestry. Such actions shall include, but not be limited to the following: Employment, upgrading, demotion or transfer, recruiting or recruitment advertising, layoff or termination, rates of pay or other forms of compensation and selection for training, including apprenticeship. The contractor and sub-contractor shall agree to post such notices in a conspicuous place, available to employees and applicants for employment.

B. In the event of the contractor's non-compliance with this non-discrimination clause, the contractor may be canceled or terminated. The contractor may be declared ineligible for further contracts with the CITY OF MUSKOGEE until satisfactory proof of intent to comply shall be made by the contractor.

C. The contract agrees to include this non-discrimination clause in any sub-contracts connected with the performance of this agreement.

I have read the above stated clause and agree to abide by its requirements.

Intermountain Slurry Seal, Inc.



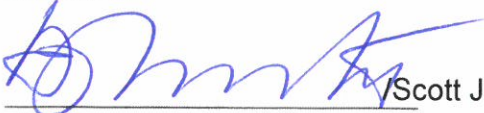
Contractor

/Gary R. Price

Vice President

Title:

ATTEST:



Secretary

/Scott J. Curtis, Assistant Secretary

**CERTIFICATION OF BIDDER REGARDING
EQUAL EMPLOYMENT OPPORTUNITY**

GENERAL

BIDDER NAME Intermountain Slurry Seal, Inc.

ADDRESS 520 North 400 West North Salt Lake, UT 84054

INTERNAL REVENUE SERVICE EMPLOYER IDENTIFICATION NUMBER 87-0307259

NONSEGREGATED FACILITIES

NOTICE TO PROSPECTIVE FEDERALLY ASSISTED CONSTRUCTION CONTRACTORS:

(1) A Certification of Non-segregated Facilities must be submitted prior to the award of a federally assisted construction contract exceeding \$10,000 which is not exempt from the provisions of the equal opportunity clause.

(2) Contractors receiving federally assisted construction contract awards exceeding \$10,000, which are not exempt from the provisions of the equal opportunity clause, will be required to provide for the forwarding of the following notice to prospective subcontractors for supplies and construction contracts where the subcontractors exceed \$10,000 and are not exempt from the provisions of the equal opportunity clause.

NOTE: The penalty for making false statements in offers is prescribed in 18 U.S.C. 1001.

**NOTICE TO PROSPECTIVE SUBCONTRACTORS OF REQUIREMENT FOR
CERTIFICATION ON NONSEGREGATED FACILITIES:**

(1) Certification of Non-segregated Facilities must be submitted prior to the award of a subcontract exceeding \$10,000 which is not exempt from the provisions of the equal opportunity clause.

(2) Contractors receiving subcontract awards exceeding \$10,000 which are not exempt from the provisions of the equal opportunity clause will be required to provide for the forwarding of this notice to prospective subcontracts exceed \$10,000 and are not exempt from the provisions of the equal opportunity clause.

Note: The penalty for making false statements in offers is prescribed in 18 U.S.C. 1001.

RESOLUTION 2392

A RESOLUTION DECLARING THE POLICY AND PURPOSE OF THE CITY OF MUSKOGEE TO UTILIZE A LOCAL LABOR PREFERENCE IN THE BIDDING OF PUBLIC CONSTRUCTION CONTRACTS AND PUBLIC IMPROVEMENT PROJECTS AS DEFINED BY THE PUBLIC COMPETITIVE BIDDING ACT OF 1974; CREATING A LOCAL EMPLOYMENT PREFERENCE PROGRAM; DEFINING BONA FIDE RESIDENTS; CREATING LOCAL EMPLOYMENT PREFERENCE STANDARDS, SELECTION CRITERIA, AND REPORTING STANDARDS; PROVIDING FOR LIQUIDATED DAMAGES FOR NON-COMPLIANCE; DECLARING BIDDING UNDER PREFERENCE PROGRAM AS PERMISSIVE; REPEALING CONFLICTING RESOLUTION; AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Muskogee supports the concept of maximizing the employment of bona fide residents of the City in the performance of certain contracts for public construction when the project is funded wholly by City funds as a means to promote and preserve the economic and social well-being of the residents of the City and those who live within a fifteen (15) mile radius of the center of the intersection of 3rd Street and Okmulgee Avenue in the City of Muskogee; and

WHEREAS, the City Council of the City of Muskogee has been informed by the United States Department of Labor that the unemployment rate within the City was 7.6% during 2010 and 6.5% for 2011 compared to the statewide unemployment rate of 7.1% for 2010 and 5.9% for 2011; and,

WHEREAS, the City Council of the City of Muskogee finds that it is in the public interest and welfare to ensure the maximization of the employment of residents of the City and those in close proximity thereto in the performance of certain public construction contracts in order to promote local economic revitalization and stability, reduce the level of unemployment among residents of the City, and according to some studies, the consequent crime increase related to unemployment; and,

WHEREAS, the City Council finds that this resolution fully confirms to the pronouncements made by the United States Supreme Court in *United Building and Construction Trades Council of Camben County and Vicinity v. the City of Camden, et al.*, 465 U.S. 208 (1984) (relating to finding that certain preferential hiring practices may violate the privileges and immunities clause of the U.S. Constitution, unless such preference is specifically tailored remedy a municipal issue), and *White v. Massachusetts Council of Const. Employers*, 460 U.S. 204 (1983) (holding that where a municipality seeks bids for projects it funds it is acting as a market participant, not a market regulator).

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA:

Section 1. DECLARATION OF POLICY AND PURPOSE. It is the policy and purpose of the City Council of the City of Muskogee to promote and preserve the economic and social well-being of bona fide residents of the City through the enactment of a local resident employment preference program. This program will ensure the maximization of the employment of local residents of the City in the performance of certain contracts for public construction, as defined herein, by providing bidders with a five percent (5%) differential preference on the cost of goods and services for committing to employ fifty percent (50%) of its workforce on the project from bona fide residents of the City of Muskogee.

Section 2. LOCAL EMPLOYMENT PREFERENCE PROGRAM APPLICABILITY. This resolution shall apply to all contracts for public construction or public improvement projects as defined by Public Competitive Bidding Act of 1974 ("Act"), 61 Okla. Stat. §102 (2001).

Section 3. BONA FIDE RESIDENTS . For purposes of this resolution, "bona fide residents" includes on those persons who (1) have maintained a domicile within the corporate limits of City or within fifteen (15) miles of the City within the last six (6) months; and (2) have no claim of residency elsewhere.

Section 4. LOCAL EMPLOYMENT PREFERENCE STANDARDS. Every employee and/or agent of the City of Muskogee charged or involved with the preparation of plans and specifications for any public improvement as defined by the Act funded wholly with funds of the City of Muskogee or its trust authorities, is hereby charged to include in said plans and specifications the following provisions of which shall be binding upon the successful bidders and subcontractors or agents of such bidders:

- a. Each bid shall include a cost option for employing not less than fifty percent (50%) of the total payroll for bona fide residents of the City by the general contractor and all subcontractors.
- b. Each bid shall also be accompanied by a sworn statement that the bidder, if selected based on the local employment preference, is committed to spending or insuring the spending of at least fifty percent (50%) of the total payroll by the general contractor and all sub-contractors to employ bona fide residents of the City.

Section 5: SELECTION CRITERIA BASED ON LOCAL EMPLOYMENT PREFERENCE STANDARDS. The City Council, upon consideration of all bids for which this resolution applies, shall give a five percent (5%) differential preference to the combined cost of goods and services to bidder who has committed to meet the local employment preference, and whose cost option is within the amount encumbered for the contract or project. Should no bidder submit a bid which includes a cost option, no differential preference shall be provided in calculating the lowest and best bid.

Section 6. REPORTING PROCEDURES AND REQUIREMENTS. The following reporting procedures are required for those bidders who are selected based upon the local preference program and must be provided at the time of the Notice to Proceed is issued.

(a) A sworn statement signed by each employee of the contractor, and by each employee of each of the contractor's subcontractors, who has been hired to perform work on the project, declaring the employee's residency status and the employee's date of initial hiring for the project; provided, however, a sworn statement by an employee shall not be required to be filed more than once unless the residence of the employee changes. If an employee's residence changes during the course of the project, a new employee sworn statement shall be filed not later than ten days after the date of the change of residency. The sworn statements shall be on a form provided by the City Manager and shall contain such information, and be accompanied by such documentation and verification, as may be required by the City Manager; and

(b) Such further affidavits and other supporting documentation and information as deemed necessary by the City Manager to verify an employee's residency status.

(c) Certification of compliance prior to final payment. A contractor to whom the bid was let based on the local employment preference program, shall at the time of filing a request for final payment, submit a sworn statement certifying full compliance with the local employment preference standard and requirement of this resolution by the contractor, and by all of the contractor's subcontractors. Such statement shall be on a form provided by the manager and shall contain such information, and be accompanied by such documentation, as may be required by the City Manager. The City Manager may require submittal of further and additional affidavits or other supporting documentation and information as deemed necessary to verify full compliance with all of the provisions and requirements.

(d) Failure to submit information. Failure of the contractor to submit any of the required reports, information, sworn statements, affidavits, documentation, or other verification, shall constitute sufficient grounds to determine that the contractor has failed to comply with the local employment preference program.

Section 7. FAILURE TO COMPLY. If, during the course of the project or immediately prior to completion of the project, it becomes apparent that the successful bidder has failed to comply with any provision of this resolution, the City Manager shall notify the bidder of the deficiency and shall provide an opportunity to respond in a manner consistent with principles of due process. The City Manager shall then order withheld from the retainage, the monetary value of the differential preference granted to the bidder as liquidated damages. Additionally, the bidder will be disqualified from bidding on any project funded by the City of Muskogee for a period of five (5) years.

Section 8: UNRESPONSIVE BIDS. The failure to submit a cost option in accordance with this resolution shall not render a bid unresponsive.


Section 9: REPEALER. This resolution repeals and replaces prior Resolution No. 1682.

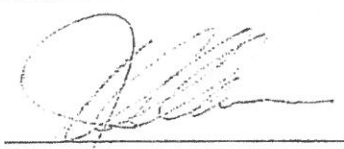
Section 10: SAVINGS: If any part of this resolution is deemed unenforceable or otherwise void by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

Section 11: EFFECTIVE DATE. This resolution shall take effect as of the 23rd day of April, 2012, and apply to those contracts advertised for bid after this date.

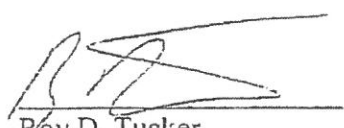
PASSED AND APPROVED THIS 23RD DAY APRIL, 2012.

ATTEST:


Pamela S. Bates, City Clerk


John R. Coburn, Mayor

Approved as to form and legality this 23 day of April, 2012.


Roy D. Tucker
City Attorney



Intermountain Slurry Seal, Inc.
2017 Completed Jobs Greater than \$500,000

Job Number	Name and Address of Owner	Name, Location of Project, and Kind of Work	Name of Engineer in Charge (Owner), Phone, Fax, and E-mail (if available).	Contract Amount	Actual Completion Date
663715	City of Healdsburg 401 Grove Street Healdsburg, CA 95448-4723	Healdsburg Pavement Rehabilitation Contract No.: 2016-02 Healdsburg, CA Cape Seal and Micro Seal	Mario Landeros (707) 431-3346 (707) 431-2710 (F) mlanderos@ci.healdsburg.ca.us	1,722,237	12/31/2017
664896	Utah Department of Transportation 4501 South 2700 West Salt Lake City, UT 84114	I-15, Arizona State Line to Cottonwood Creek Contract No.: F-115-1(117)11 Washington County, UT Microsurfacing	Ray Bentley (435) 627-8125 (435) 627-8417 (F) rbentley@utah.gov	2,259,090	8/12/2017
671064	City of Gilroy 613 Old Gilroy Road Gilroy, CA 95020-6233	District 4 West Chip Contract No.: 17-PW-237 Gilroy, CA Cape Seal and Micro Seal	Christine Salmo (408) 846-0413 (408) 846-0429 (F) christine.salmo@ci.gilroy.ca.us	1,279,827	12/31/2017
509766	Idaho Transportation Department PO Box 7129 Boise, ID 83707-1129	US-89 Chip Seal Contract No.: 7922 US-89 Third Street, NV Chip seal	Dan Harelson (208) 239-3377 Fax: N/A Dan.Harelson@itd.idaho.gov	627,701	8/31/2017
679053	Texas Transportation Department 135 Slaton Road Lubbock, TX 79404-5201	2017 Lubbock District Scrub Seal Contract No.: 12163030 Parmer ETC County, TX Scrub Seal	Laura Alwan (806) 637-4501 (806) 748-4380 (F) laura.alwan@txdot.gov	1,792,985	5/29/2017
683969	City of Clayton 6000 Heritage Trail Clayton, CA 94517-1250	Surface Treatment Portion of the 2016 Arterial Rehabilitation Project Contract No.: 10437A Contra Costa County, CA Type II Microsurfacing	Rick Angrisani (925) 363-7433 (925) 672-4917 (F) ricka@permcoengineering.com	780,377	6/30/2017



Intermountain Slurry Seal, Inc.
2017 Completed Jobs Greater than \$500,000

Job Number	Name and Address of Owner	Name, Location of Project, and Kind of Work	Name of Engineer in Charge (Owner), Phone, Fax, and E-mail (if available).	Contract Amount	Actual Completion Date
689472	City of Sunnyvale PO Box 3707 Sunnyvale, CA 94088-3707	Slurry Seal 2017 Contract No.: PW 17-08 Santa Clara County, CA Type II and Type III Slurry Seal	Mike Pizano (408) 730-7612 (408) 737-4950 (F) mpizano@sunnyvale.ca.gov	514,793	5/16/2017
692816	Federal Highway Administration 610 East Fifth Street Vancouver, WA 98661-3801	FHWA Olympia Phase II Contract No.: DTFH6812D00005/0008 US-101, FORKS, WA Microsurfacing A&B	CRAIG SANDERS (360) 619-7985 (360) 619-7932 (F) craig.sanders@dot.gov	3,595,772	8/18/2017
694239	Utah Department of Transportation 4501 South 2700 West Salt Lake City, UT 84114	I-15, Scipio to Juab County, UT Contract No.: F-115-4(64)188 Millard County, UT Microsurfacing	Ryan Anderson (435) 893-4761 Fax: N/A randerson@utah.gov	1,377,049	9/7/2017
695477	Nevada Department of Transportation 1263 S Stewart Street Carson City, NV 89712	US 6 Route Contract No.: 3663 Counties of Esmeralda and Nye, NV Chip Seal and Flush	Greg Mindrum (775) 888-7865 Fax: N/A gmindrum@dot.state.nv.us	795,002	6/16/2017
695947	Wyoming Department of Transportation 5300 Bishop Blvd Cheyenne, WY 82009-3340	Hulett South Dakota State Line & Sundance Four Corners Contract No.: SCP-TC-2303016 Crook, County, WY Microsurfacing	Warren Oyler (307) 283-1135 (307) 283-1977 (F) warren.oyler@wyo.gov	1,851,832	10/31/2017
701875	City of Albuquerque PO Box 1293 Albuquerque, NM 87103-1293	FY2018 Micro-Program Contract No.: 61-805-15-13307 Bernalillo County, NM Microsurfacing	Stephen Woodall (505) 857-8021 Fax: N/A swoodall@cabq.gov	1,052,464	5/16/2017
709211	City of Sioux Falls 224 West Ninth Street Sioux Falls, SD 57117	Surface Treatment Sioux Falls Contract No.: 17-1046 Sioux Falls and Surrounding Areas Slurry Seal	Nick Traupel (605) 367-8661 (605) 367-8114 (F) ntraupel@siouxfalls.org	1,415,829	9/8/2017



Intermountain Slurry Seal, Inc.
2017 Completed Jobs Greater than \$500,000

Job Number	Name and Address of Owner	Name, Location of Project, and Kind of Work	Name of Engineer in Charge (Owner), Phone, Fax, and E-mail (if available).	Contract Amount	Actual Completion Date



**Intermountain Slurry Seal, Inc.
2017 Completed Jobs Greater than \$500,000**

Job Number	Name and Address of Owner	Name, Location of Project, and Kind of Work	Name of Engineer in Charge (Owner), Phone, Fax, and E-mail (if available).	Contract Amount	Actual Completion Date
709243	City of Fort Worth 200 Texas Street Fort Worth, TX 76102	Microsurfacing 2017 at Various Locations Contract No.: 100629 Tarrant County, TX Microsurfacing	Tariqul Islam (817) 392-2486 Fax: N/A tariqul.islam@fortworthtexas.gov	837,218	10/4/2017
709461	Federal Highway Administration 12300 West Dakota Avenue Lakewood, CO 80228-2595	Rocky Mountain National Park 17 Contract No.: DTFH6813D00003/0006 Larimer County, CO Microsurfacing	James Kerrigan (720) 963-3362 Fax: N/A james.kerrigan@dot.gov	2,616,650	9/12/2017
710098	City of Lubbock 1625 13th Street, Room 204 Lubbock, TX 79401-3830	City of Lubbock 2017 Contract No.: 13315 Lubbock County, TX Microsurfacing, Scrub and Pavement Markings	Dwayne Mitchell (806) 775-3680 Fax: N/A dmitchell@mail.ci.lubbock.tx.us	3,879,952	8/15/2017
710135	City of Vancouver PO Box 1995 Vancouver, WA 98668-1995	Joint City-County Preservation Contract No.: 87202 Clark County, WA Chip, AR Chip, Slurry Seal, Microsurfacing	Matt Hausman (360) 487-8432 (360) 487-8433 (F) matt.hausman@cityofvancouver.us	1,881,384	10/20/2017
711696	Clark County 1300 Franklin Street Vancouver, WA 98660-2865	2017 Joint City-County Road Preservation Contract No.: 011206 Clark County, WA Slurry Seal, Chip Sealing, and Microsurfacing	Nicollette Roth (360) 397-6118 Ext. 4017 (360) 397-6087 (F) Nicollette.Roth@clark.wa.gov	1,396,764	9/12/2017
724487	County of Pierce 930 Tacoma Avenue South, Room 737 Tacoma, WA 98402-2100	W Pierce County Cape Seal Contract No.: N/A Pierce County, WA Cape Seal and Microsurfacing	Brett Sontag (253) 798-6397 Fax: N/A bsontag@co.pierce.wa.us	1,075,596	9/1/2017



**Intermountain Slurry Seal, Inc.
2017 Completed Jobs Greater than \$500,000**

Job Number	Name and Address of Owner	Name, Location of Project, and Kind of Work	Name of Engineer in Charge (Owner), Phone, Fax, and E-mail (if available).	Contract Amount	Actual Completion Date
724885	Utah Department of Transportation 4501 South 2700 West Salt Lake City, UT 84114	SR-36, 3 O'Clock Dr to 2000 N Contract No.: F-0036(42)52 Tooele County, UT Microsurfacing	Rodney Ruby (801) 975-4856 Fax: N/A rjruby@utah.gov	1,054,477	10/27/2017
731106	City of Santa Maria 110 S. Pine Street, #101 Santa Maria, CA 93458-5078	W Santa Maria Chip Seal Contract No.: 2017/03 Santa Barbara County, CA Chip Seal	Eric Riddiough (805) 925-0951 Fax: N/A eriddiough@cityofsantamaria.org	515,302	10/30/2017
733326	City of Santa Maria 110 S. Pine Street, #101 Santa Maria, CA 93458-5078	W Santa Maria Slurry Contract No.: 2017/05 Santa Barbara County, CA Slurry Seal	Eric Riddiough (805) 925-0951 Fax: N/A eriddiough@cityofsantamaria.org	641,513	10/17/2017
739121	Cooperative Education Services 4216 Balloon Park Road Northeast Albuquerque, NM 87109-5801	C Las Cruces Micro 17-18 Contract No.: 17-18-051 Dona Ana County, NM Microsurfacing	Eric Chavez (575) 528-3309 Fax: N/A eric.chavez@las-cruces.org	1,210,535	11/13/2017

Regular City Council

7.

Meeting Date: 07/23/2018
Submitted For: Donnie Wimbley, Purchasing
Initiator: Donnie Wimbley, Purchasing Director
Department: Purchasing
Staff Information Source:

Information

AGENDA ITEM TITLE:

Approval of awarding the lowest and best bid to Todays Roofing for Muskogee Emergency Management Building Roof in the amount of \$243,210.16, or take other necessary action. (Mike Stewart)

BACKGROUND:

Rebuild the Muskogee Emergency Management Building Roof.

Bids received as shown below:

Todays Roofing Bid amount - \$243,210.16

Sooner Recon Bid Amount - \$285,588.05

RECOMMENDED ACTION:

Approval of Lowest and best bid from Todays Roofing in the amount of \$243,210.16 for Muskogee Emergency Management Building Roof.

Fiscal Impact

Attachments

Tabulation Sheet



Tabulation Sheet

City of Muskogee

Department: Facilities Maintenance

Approved by City Council: _____

Approved by: _____

Regular City Council

8.

Meeting Date: 07/23/2018

Submitted For: Tammy Tracy, City Clerk

Initiator: Tammy Tracy, City Clerk

Department: City Clerk

Staff Information Source:

Information

AGENDA ITEM TITLE:

Approval of the reappointment of Jack Farr to serve a three (3) year term on the Muskogee Housing Authority Board, beginning July 23, 2018, and ending on May 31, 2021, or take other necessary action. (Councilor Derrick Reed)

BACKGROUND:

Mr. Farr's term on the Muskogee Housing Authority Board expired May 31, 2018. He is requesting reappointment to the Board.

RECOMMENDED ACTION:

Approval of reappointment

Fiscal Impact

Attachments

Jack Farr

APPLICATION FOR APPOINTMENT TO A BOARD OR COMMISSION



**CITY OF MUSKOGEE
CITY COUNCIL**

**APPLICATION FOR CITY COUNCIL APPOINTMENT TO A BOARD
OR COMMISSION**

Application Instructions:

- Complete the entire application form (copies of the form are acceptable).
- Applicants are strongly encouraged to attach a current resume or biography.
- Specifically list the names of the boards or commissions to which you are applying (multiple selections are allowed). Paperwork cannot be appropriately processed unless specific boards or commissions are listed.
- Return application along with your resume to:
Office of the City Clerk, 229 W. Okmulgee, Muskogee, OK 74403 or by fax 918-684-6395.
- This form can be obtained electronically at <http://www.cityofmuskogee.com>, or by calling the City Clerk's Office at: (918) 684-6270.

Board(s) or Commission(s) for which you would like to be considered:

Your Full Legal Name: JACK H. FARR Your Preferred Name: JACK

Business Name: RETIRED Home Address: _____

Job Title/Employment Date: _____ City Zip: MUSKOGEE, OK 74401

Business Address: SAME Ward: 1 2 3 4

Home Phone: _____

Business Phone: 918 683-3006 Cell Phone: _____

Fax: _____ Home Email: _____

Business Email: JACK.FARR@SUNDOWNLINKMAIL.COM

Are you registered to vote in City of Muskogee Elections? ☒ Yes ☐ No

Are you a citizen of the United States? ☒ Yes ☐ No

Personal Information:

The Mayor and Council desire a broad representation of backgrounds on boards and commissions.

Education (high school, name and location of college or university, year graduated, and degree):

Clinton OK. High School
OKLA STATE UN BA - 1950
ANGELA COLLEGE - CLU C.F.C. LTTC

APPLICATION FOR APPOINTMENT TO A BOARD OR COMMISSION

Current employment (job description, employment date, supervisor):

Previous employment or experience:

NEW YORK LIFE Ins Co - AGENT 1975-2016
MUSKOGEE Public Schools BUSINESS MANAGER, 1972-75
CITY OF EL Reno - CITY MANAGER
CITY OF ALVA, OK CITY MANAGER
CITY OF DRUMRIGHT CITY MANAGER
CITY OF MUSKOGEE ASST CITY MANAGER 1960-65

Professional Licenses Held (if applicable):

OK CHFC - LUTC - LIFE Insurance Sales

Professional References (name, title, contact phone number):

Memberships in professional or civic organizations (please include offices held and dates of terms):

ROTARY Club - Sec 10th PRESIDENT

Military Service Record (including awards, decorations, etc.):

ARMY 1946-47

Have you ever been elected or appointed to any public office, board or commission in the City of Muskogee? No ☒ Yes (If yes, please list with dates served)

Housing Authority Park Board

Do you currently hold a public office? Public offices include elected or appointed officials of a municipality (it does not have to be Muskogee it could be any town or city), elected or appointed official of any county or the state or federal government, are a trustee of a public trust, are employed by any entity as a police officer, fire fighter, deputy sheriff, assistant district attorney or similar position or the member of a school board or appointed official of a school system or any other public or similar position.

Public Housing Authority - Board

Do you have any financial or other interests that might present a conflict of interest, or the appearance of such a conflict, if you were to be appointed to the position for which you have applied? ☒ No Yes (If yes, please explain)

APPLICATION FOR APPOINTMENT TO A BOARD OR COMMISSION

Please list any special interests or characteristics which might be important to serve on a Board or Commission:

HAVE BEEN ON THE HOUSING AUTHORITY BOARD FOR
MANY YEARS. AS A SENIOR CITIZEN I THINK I HELP
BALANCE THE BOARD - ALSO I FEEL MY PAST EXPERIENCE HELP

RELEASE OF INFORMATION

I authorize the use of any information contained in the **APPOINTMENTS APPLICATION** to verify my statements made in the Application. I authorize my past employers, all references, and any other persons to answer all questions asked concerning my ability, character, reputation and previous education or employment record. I release all such persons from any liability or damages on account of having furnished such information. I consent to such investigations as Tammy Tracy, City Clerk or her authorized representatives may make regarding law enforcement records and my general background.

I certify under penalty of perjury under the laws of the State of Oklahoma, that the above information is true, complete and correct to the best of my knowledge.

Jack L. Fann
Signature of Nominee

06-07-2018
Date

Submitted by the Mayor for approval by the City Council this _____ day of _____, 20____

Signature of Sponsor

Regular City Council**9.****Meeting Date:** 07/23/2018**Submitted For:** Roy Tucker, City Attorney**Initiator:** Ashley Wallace,
Office Adm 1**Department:** City Clerk**Staff Information Source:**

Information**AGENDA ITEM TITLE:**

Consider approval of Ordinance No. 4051-A amending the City of Muskogee Code of Ordinances, by Amending Chapter 1, General Provisions; Section 1-14, General Penalties; Continuing Violations; Establishing Maximum Fine and Costs for Speed Limit Violations of 10 or less; Providing for Repealer, Severability and Declaring an Emergency, or take other necessary action. (Roy D. Tucker)

BACKGROUND:

This Session the Oklahoma Legislature passed Senate Bill 1203, effective August 2, 2018. This bill limits the amount of fines and costs that can be assessed for speed violations of ten (10) or less miles per hour to \$100.00, rather than our current fee of \$211.00. This represents a reduction of \$111.00 per citation. No other fines were impacted. Amending our code will bring us into compliance with state statute by the effective date of the bill.

RECOMMENDED ACTION:

Approve the ordinance.

Fiscal Impact**Attachments**

4051-A Speed Limit Violation Fees

ORDINANCE NO. 4051-A

AN ORDINANCE AMENDING THE CITY OF MUSKOGEE CODE OF ORDINANCES BY AMENDING CHAPTER 1, GENERAL PROVISIONS; SECTION 1-14, GENERAL PENALTIES; CONTINUING VIOLATIONS; ESTABLISHING MAXIMUM FINE AND COSTS FOR SPEED LIMIT VIOLATION OF 10 OR LESS; PROVIDING FOR REPEALER, SEVERABILITY AND DECLARING AN EMERGENCY.

AN EMERGENCY ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA, AS FOLLOWS:

Section 1. Section 1-14, General Penalties; continuing violations of Chapter 1, General Provisions, of the City of Muskogee Code of Ordinances is hereby amended as follows:

SEC. 1-14. - GENERAL PENALTIES; CONTINUING VIOLATIONS.

- (a) In this section, the term "violation of this Code" means any of the following:
 - (1) Doing an act that is prohibited or made or declared unlawful, an offense, a violation or a misdemeanor by ordinance or by rule or regulation authorized by ordinance.
 - (2) Failure to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance.
 - (3) Failure to perform an act if the failure is prohibited or is made or declared unlawful, an offense, a violation or a misdemeanor by ordinance or by rule or regulation authorized by ordinance.
- (b) In this section, the term "violation of this Code" does not include the failure of a city officer or city employee to perform an official duty unless it is specifically provided that the failure to perform the duty is to be punished as provided in this section.
- (c) In this section, the general penalties are determined as follows:
 - (1) The council has the power to prescribe fines or imprisonment, not exceeding 60 days, or both the fine and imprisonment, as well as associated court costs.
 - (2) The maximum fine or deferral fee in lieu of a fine for speeding or illegal parking shall not exceed \$200.00; provided, however, any person convicted of a speeding violation of one (1) to ten (10) miles per hour over the speed limit shall be punished by a fine of not more than five dollars (\$5), nor assessed costs in excess of Ninety-Five Dollars (\$95.00), with revenue from the same apportioned in accordance with Title 47, Section 11-801, Oklahoma Statutes as may be amended from time to time.
 - (3) The maximum fine or deferral fee in lieu of a fine for alcohol-related or drug-related offenses shall not exceed \$800.00.

- (4) All other offenses shall be limited to a maximum fine or deferral fee in lieu of a fine of \$750.00.
- (5) No penalty, including fine and costs, shall be greater than that established by statute for the same offense.
- (6) A person convicted of a violation of this Code pertaining to the pretreatment of wastewater or regulating stormwater discharges shall be punished by a fine not exceeding \$1,000.00 and costs or imprisonment not exceeding 90 days, or both such fine and imprisonment.
- (7) A person who is charged with such an offense that carries a possible imprisonment penalty shall have a right to a jury trial.
- (d) Except as otherwise provided by law or ordinance:
 - (1) As to violations of this Code that are continuous with respect to time, each day that the violation continues is a separate offense.
 - (2) As to other violations, each act is a separate offense.
 - (3) The specific penalty or punishment shall be determined by a schedule, adopted by the city council and maintained in the offices of the city clerk and the municipal court clerk, which shall provide the prescribed punitive measures for violations of this Code.
- (e) Any person fined for a violation of this Code who is financially able but refuses or neglects to pay the fine or costs may be compelled to satisfy the amount owed by working on the streets, alleys, avenues, areas and public grounds of the city, subject to the direction of the city manager, at the minimum rate allowed by statute for useful labor, or at a rate prescribed by ordinance, until the fine or costs are satisfied.
- (f) The imposition of a penalty does not prevent suspension or revocation of a license, permit or franchise or other administrative sanctions.
- (g) Violations of this Code that are continuous with respect to time are a public nuisance and may be abated by injunctive or other equitable relief. The imposition of a penalty does not prevent injunctive relief.
- (h) The city shall not have authority to enact any ordinance making unlawful any act or omission declared a felony by state statute.
- (i) The city shall not levy a fine or deferral fee in lieu of a fine over \$50.00 until it has compiled and published its penal ordinances as required by state statute.
- (j) The city shall not levy a fine of more than \$10.00 nor court costs of more than \$15.00 for exceeding the posted speed limit by no more than ten miles per hour upon any portion of the national system of interstate and defense highways, federal-aid primary highways, and the state highway system which are located on the outskirts of the municipality as determined by state statute.

Section 2. REPEALER. All other ordinances or parts of ordinances in direct conflict herewith are repealed to the extent of the conflict only.

Section 3. SEVERABILITY. Should any part section, subsection, sentence, provision, clause or phrase hereof be held invalid, void, or unconstitutional for any reason, such holding shall not render invalid, void, or unconstitutional any other section, subsection, sentence, provision, clause, or phrase of this ordinance, and the same are deemed severable for this purpose.

Section 4. EMERGENCY. This ordinance being designated to protect the public health, safety and welfare of the inhabitants of the City of Muskogee, Oklahoma, and its passage being immediately necessary, an emergency is hereby declared to exist and by reason whereof this ordinance shall take effect immediately upon its passage, approval and publication as provided by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE,
OKLAHOMA, THIS ____ DAY OF JULY, 2018.

CITY OF MUSKOGEE

JOHN R. COBURN, MAYOR

ATTEST:

TAMMY L. TRACY, CITY CLERK

(seal)

Approved as to form and legality this 23rd day of July, 2018.

ROY TUCKER, CITY ATTORNEY

Regular City Council

10.

Meeting Date: 07/23/2018

Submitted For: Mike Miller, City Manager

Initiator: Mike Miller, City Manager

Department: City Manager

Staff Information Source:

Information

AGENDA ITEM TITLE:

Receive report from the Greater Muskogee Area Chamber of Commerce as to project status and progress towards achieving the objectives outlined in the 2017-2018 Program of Work for the City's tourism contract, and take any necessary action. (Mike Miller)

BACKGROUND:

This report from the city's contracted tourism development partner, the Greater Muskogee Area Chamber of Commerce, is intended to brief the council on what the organization has done in the past twelve months and what its plans and projects are for the next year. The funding for a renewal of the tourism contract for FY2018-2019 was approved as part of the overall city budget.

RECOMMENDED ACTION:

Receive report

Fiscal Impact

Attachments

Tourism Highlights

GMACC'S Tourism Program Highlights

2017/2018

- We successfully combined the Community Support Grant program with the Annual Support Grant program for one seamless application and approval process. Our program funded \$40,000 through our Community Support Grants to 17 different local events
 - Bedouin Shrine Muskogee Shootout ATV Races
 - USS Batfish Living History Day Cruise
 - Real Okie Classic Statewide Bowling Tournament
 - The Barracks Biketoberfest
 - Masonic Building Assoc. Raising the Roof Poker Run
 - Castle of Muskogee Zombie Run
 - Ride Muskogee Facebook Campaign
 - Bare Bones International Film & Music Festival
 - Five Civilized Tribes Museum Master's Art Show
 - USS Batfish Living History Day Winter Cruise
 - Muskogee County Master Gardeners State Conference
 - Main Street Muskogee Intertribal Celebration
 - Friends of Honor Heights Park Real Okie Craft Beer Fest
 - Muskogee Exchange Club Chili and BBQ Cookoff
 - KTFX Okie Country 101.7 Paws & Claws Disc Golf Classic
 - OMHOF Summer Concert Series Soul Fest
 - OMHOF Summer Concert Series Gospel Fest
 - OMHOF Annual Induction Event
 - Oklahoma Movie Hall of Fame Induction Event
- Our sponsorships totaled \$61,000 through our Large Special Projects fund to 4 different major events
 - Oklahoma Festival of Ballooning
 - APT Pro Golf Tournament
 - Bassmaster Opens
 - Exchange Club of Muskogee Chili Cookoff Kickoff Party- Jason Boland concert
- We provided graphic design services and digital billboard exposure free of cost for local event promotion
- We continued design, printing, and distribution of Muskogee literature
 - Activities Guide 2018
 - Official City Map
 - Motorcycle Ride Guide
 - City Bikes & Trails Map

GMACC'S Tourism Program Highlights

2017/2018

- Continued trade show co-ops for 13 different regional shows
 - The Denver Travel & Adventure Show
 - Ft. Smith Women's Living Expo
 - NW Arkansas Women's Living Expo
 - Overland Park RV & Outdoor Show
 - Tulsa Home & Garden Expo
 - Wichita Women's Fair
 - Springfield Boat, Sport, & RV Show
 - St. Louis Working Women's Show
 - Tulsa Women's Living Expo
 - OKC RV & Boat Show
 - South Padre Market Days
 - Dallas Travel & Adventure Show
 - OKC Bike & Car Show
 - Great Outdoor Recreation Expo
 - Tulsa Boat, Sport, & Travel Show

- We welcomed a record number of visitors this year to Muskogee

2,132,804 visitors to Muskogee in 2017/2018

- We've taken a new approach to trade shows in an effort to broaden our exposure both nationally and internationally with a booth in the nation's most highly attended Travel Trade Show in the United States, The Travel & Adventure Show in Denver, CO.

- The Visit Muskogee App rolled out in Summer of last year. We have geofencing with personalized messaging around all Muskogee attractions and Museums, as well as the entire City Limits, welcoming visitors to Muskogee and promoting events.

- We continued to provide Tourist Information Bags containing Activities Guides, Official Maps, lapel pins, guitar picks, and local publications

- Professional Development is key to staying on top of our industry's trends and techniques and continuing to promote Muskogee as an innovative destination.
 - TTIA Travel & Tourism College
 - OCCE Chamber Management Institute
 - OTIA Tourism Conference

GMACC'S Tourism Program Highlights

2017/2018

- Convention recruitment efforts are a central focus, with an annual subscription to an online database of contact information for Organizations and their meeting planners across the United States.
- In an effort to foster and promote growth in our relationships with Attractions in Muskogee, we have implemented a Muskogee Attraction Directors' Association luncheon once a month for a casual discussion about our collective approach to tourism.
- We joined and contributed to the legislative efforts to stop the Highway 69 bypass and have focused on becoming a recognizable presence at the Capitol as representatives of Muskogee tourism.
- We are still researching our options for digital visitor tracking. Unfortunately, the technology is still developing and quite costly. We are vigilantly searching for an affordable solution.

Plans for 2018/2019

- A partnership with the Merle Haggard estate with exclusive rights and access to his likeness for merchandise and marketing purposes
- A new format for our Large Special Projects program that focuses on 2-3 large scale events, with earmarked funds for event specific advertisement
- A focus on convention recruitment with funds earmarked for recruiting and incentivizing bringing these meetings and events to Muskogee
- Continued partnership with the City of Muskogee on planning and executing Phase II of the Wayfinding Signage project
- Welcoming back the Adams Pro Tour pro golf tournament for a second year

Regular City Council**11.**

Meeting Date: 07/23/2018
Initiator: Tammy Tracy, City Clerk
Department: City Clerk
Staff Information Source:

Information**AGENDA ITEM TITLE:**

Consider approval to renumber the following resolutions: "A Resolution Approving and Adopting a Best Practices Handbook for Oklahoma Municipalities" from Resolution No. 2732 to Resolution No. 2734, as previously approved by the City Council on June 25, 2018, and "A Resolution Authorizing Participation in the OMAG Recognition Program" from Resolution No. 2733 to Resolution No. 2735, as previously approved by City Council on July 9, 2018, or take other necessary action. (Roy Tucker)

BACKGROUND:

Due to an error, two resolutions recently adopted were inadvertently assigned the same resolution number. Therefore, this item is necessary to correct the numbering of said resolutions.

RECOMMENDED ACTION:

Approve the assignment of a new resolution numbers.

Fiscal Impact**Attachments**

RES2734 - Best Practices Handbook
RES2735 - OMAG Rec Pro

RESOLUTION NO. ~~2732~~ 2734

A RESOLUTION APPROVING AND ADOPTING A BEST PRACTICES HANDBOOK FOR OKLAHOMA MUNICIPALITIES.

WHEREAS, the City Council of City of Muskogee desires to adopt a best practices handbook, providing for a one-stop resource of relevant Council Policies, practices, ordinances, and excerpts of state law, all for use by its members;

WHEREAS, the City Council of the City of Muskogee finds that having such a resource will be beneficial tool in ensuring public transparency, council accountability and engagement in the operations of the City, as well as, staff responsibility.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, MUSKOGEE COUNTY, OKLAHOMA:

SECTION 1. The Best Practices Handbook of the City of Muskogee is hereby adopted.

ADOPTED THIS ~~25th~~ 23rd DAY OF ~~June~~ July, 2018.

CITY OF MUSKOGEE

JOHN R. COBURN, MAYOR

ATTEST:

TAMMY L. TRACY, CITY CLERK

(SEAL)

Approved as to form and legality this ~~25th day of June, 2018~~ 23rd day of July, 2018.

ROY D. TUCKER, CITY ATTORNEY

RESOLUTION NO. ~~2733~~ 2735

**A RESOLUTION AUTHORIZING PARTICIPATION IN THE OMAG
RECOGNITION PROGRAM**

WHEREAS, the City of Muskogee believes the best run municipalities have fewer liability claims and the claims they have place fewer demands on municipal resources; and

WHEREAS, the City of Muskogee participates in the Municipal Liability Protection Plan provided by OMAG (the Oklahoma Municipal Assurance Group); and

WHEREAS, OMAG is the City of Muskogee's provider of insurance and risk management solutions; and

WHEREAS, OMAG has established a program to recognize member municipalities which have committed themselves to obtaining training above and beyond the legally required training and which have taken certain actions which show that the member is committed to operating under certain best practice recommendations; and

WHEREAS, during the current fiscal year:

- ° Each member of the governing body received, either in person or by distance learning, the training required for participation in the OMAG recognition program; and
- ° The governing body has adopted a governing body handbook or, if a handbook had previously been adopted, the body has reviewed and updated the handbook to reflect the best practice recommendations from OMAG; and
- ° Each member of the governing body completed the OMAG recommended Stability Test and the results of the test were reviewed by the governing body to self-audit its performance; and
- ° The governing body reviewed the Declarations and Explanation of Coverage page for its liability policy with OMAG; and

WHEREAS, due to the above actions by the governing body and its members, the City of Muskogee is now eligible to participate in the OMAG Recognition program.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF MUSKOGEE THAT THE CITY OF MUSKOGEE REQUESTS THAT IT BE CONSIDERED FOR PARTICIPATION IN THE OMAG RECOGNITION PROGRAM.

ADOPTED by the City of Muskogee of Muskogee, Oklahoma, after full compliance with the Oklahoma Open Meeting Act.

JOHN R. COBURN, CHAIRMAN

ATTEST:

TAMMY L. TRACY, CITY CLERK
(seal)

APPROVED as to form and legality this _____ day of _____, 2018.

ROY D. TUCKER, CITY ATTORNEY

Regular City Council

12. a.

Meeting Date: 07/23/2018
Submitted For: Kelly Plunkett, Personnel
Initiator: Kelly Plunkett, Director of Human Resources
Department: Personnel
Staff Information Source: Kelly Plunkett

Information

AGENDA ITEM TITLE:

Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in Executive Session to discuss negotiations with the Fraternal Order of Police, Lodge No. 95, and if necessary, take appropriate action in open session. (Kelly Plunkett)

BACKGROUND:

The City's negotiating team desires to discuss with the Mayor and City Council the ongoing negotiations with the FOP, Lodge No. 95. The City Council should determine that disclosure of ongoing negotiations between the City and the FOP will seriously impair the ability of the City to continue negotiations. Therefore, the Council should convene in executive session to discuss this matter.

RECOMMENDED ACTION:

Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, convene in executive session to discuss negotiations with the Fraternal Order of Police, Lodge No. 95, and if necessary, take appropriate action in open session.

Fiscal Impact

Attachments

No file(s) attached.

Regular City Council

12. b.

Meeting Date: 07/23/2018

Initiator: Gary Garvin, Planning Director

Department: Planning

Staff Information Source: Gary D. Garvin, Director of Planning & Economic Development

Information

AGENDA ITEM TITLE:

Pursuant to Section 307 B.3 and C.10, Title 25, Oklahoma Statutes, consider convening in Executive Session to discuss the purchase of real property, as well as, to confer on matters pertaining to an economic development project within the City of Muskogee, and if necessary, take appropriate action in open session. (Gary D. Garvin)

BACKGROUND:

The Director of Planning and Economic Development desires to discuss with City Council the purchase of certain parcels of real property located within the City of Muskogee, as well as, confer on matters pertaining to economic development. The Director further notifies the Council that public disclosure of the matter discussed would interfere with the development of the project.

RECOMMENDED ACTION:

Convene in Executive Session for purposes of discussing the purchase of real property located within the City of Muskogee, and take any necessary action in open session.

Fiscal Impact

Attachments

No file(s) attached.
