



Together, Investing in Municipal Excellence

CITY COUNCIL MEETING AGENDA

AUGUST 19, 2024

723 S. Lewis Street, Room 1122 B

Stillwater, OK 74074

5:30 PM

Mayor Will Joyce, Vice Mayor Amy Dzialowski, Councilors Kevin Clark, Christie Hawkins,
& Tim Hardin

1. Call Meeting to Order
2. Pledge of Allegiance
3. Proclamations and Presentations

a.	International Overdose Awareness Day
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4. Consent Docket

Items listed on the consent docket are routine administrative matters that may be approved without discussion. The Council will take action on these items collectively with a single vote. The requested City Council action is indicated for each item listed. Should a Councilor elect to discuss, amend, revise, or table any item listed on the consent docket, the item will be moved to the section of the agenda titled "Items Removed from the Consent Docket" for consideration and possible action. Additionally, a Councilor or the City Manager may simply ask the Mayor to remove an item from the consent docket prior to action by the City Council and no action will be taken on the removed item at this meeting.

a.	Approve August 5, 2024 regular session meeting minutes	
b.	Approve Amendment No. 3 to the Fire Station #2 CMAR Agreement; authorize the City Manager to sign the amendment; and approve associated budget amendments.	CC-24-107 Candy Staring
c.	Approve appropriation of funds for holiday season carriage rides and Santa as reflected in the attached budget amendment.	Barbara Bliss

5. Public Comment on Items not Scheduled for Public Hearings

Stillwater City Code, Section 2-53(a) & (b), provides that taxpayers or residents of the city, or their authorized legal representatives, may address the Council at a regularly scheduled meeting on **any item of business listed on the meeting agenda** provided they have submitted a written request prior to the meeting either online at Request to speak form or via the form found in the lobby outside Council chambers prior to meetings.

6. Items Removed from the Consent Docket

Items removed from the consent docket are placed on this section of the agenda for discussion, revision, amendment and/or tabling prior to action by the City Council. The City Council may take action, including a vote or series of votes, on items removed to this section of the agenda after the requested discussion, revision or amendment.

7. Public Hearings

The Council will hear public comments, discuss, and take action including a vote or series of votes on each item listed as presented or as amended by the City Council unless the agenda entry specifically states that no action will be taken.

a.	First public hearing, pursuant to 62 O.S. § 859, and presentation of the proposed Stillwater Data Center Economic Development Project Plan and its supporting six (6) incentive districts for the purpose of providing information, including an analysis of potential positive or negative impacts, and answering questions regarding the proposed Project Plan and Incentive Districts.	Lisa Harden
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8. General Orders

The City Council will hear a staff presentation, discuss, and take action including a vote or series of votes on each item listed as presented or as amended or revised by the City Council unless the agenda entry specifically states that no action will be taken. The requested action is indicated in each agenda entry but may be amended or revised prior to action by the City Council.

a.	Lake McMurtry Annual Report	Barbara Bliss, Jill VanEgmond
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9. Resolutions

The City Council will hear a staff presentation, discuss, and take action including a vote or series of votes on each resolution listed as presented or as amended or revised by the City Council.

a.	RESOLUTION NO. CC-2024-25: A RESOLUTION OF THE STILLWATER CITY COUNCIL ADOPTING THE STILLWATER REGIONAL AIRPORT TITLE VI PLAN AS REQUIRED BY THE FEDERAL AVIATION ADMINISTRATION (FAA) FOR RECIPIENTS OF FEDERAL FINANCIAL ASSISTANCE	Kellie Reed
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10. Ordinances

The City Council will hear a staff presentation, discuss, and take action including a vote or series of votes on each ordinance listed as presented or as amended or revised by the City Council.

First Read

a.	ORDINANCE NO. 3543: AN ORDINANCE GRANTING TO THE OKLAHOMA GAS AND
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	ELECTRIC COMPANY, AN OKLAHOMA CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO PRODUCE, TRANSMIT, DISTRIBUTE AND SELL ELECTRICITY FOR ALL PURPOSES FOR WHICH IT MAY BE USED BY KIPPER LLC, ITS AFFILIATES AND SUBSIDIARIES, ON SPECIFIC PROPERTY MORE PARTICULARLY DESCRIBED ON EXHIBIT A ATTACHED HERETO, AND THE RIGHT TO CONSTRUCT, MAINTAIN AND OPERATE A SYSTEM OF POLES, WIRES, CONDUITS AND OTHER FACILITIES AND EQUIPMENT IN, UPON, ACROSS, UNDER AND OVER THE STREETS, ALLEYS, PUBLIC GROUNDS OR WAYS IN THE CITY FOR THE LIMITED PURPOSE OF PROVIDING ELECTRICITY TO SAID PROPERTY, IN ACCORDANCE WITH THE CITY’S RIGHT OF WAY MANAGEMENT ORDINANCES AND POLICIES; FOR A PERIOD OF TWENTY-FIVE (25) YEARS; PROVIDING COMPENSATION TO THE CITY; ORDERING AN ELECTION, AND DECLARING AN EMERGENCY.
b.	ORDINANCE NO. 3544: AN ORDINANCE APPROVING AND ADOPTING THE STILLWATER DATA CENTER ECONOMIC DEVELOPMENT PROJECT PLAN AND SUPPORTING INCENTIVE DISTRICTS, PURSUANT TO THE OKLAHOMA LOCAL DEVELOPMENT ACT; IDENTIFYING AND ESTABLISHING SIX INCENTIVE DISTRICTS; DESIGNATING AND ADOPTING PROJECT AREA AND INCENTIVE DISTRICT BOUNDARIES; DEFERRING THE NUMERICAL DESIGNATIONS AND EFFECTIVE DATES FOR THE INCENTIVE DISTRICTS; ADOPTING CERTAIN FINDINGS; AUTHORIZING THE CITY OF STILLWATER AND THE STILLWATER ECONOMIC DEVELOPMENT AUTHORITY TO CARRY OUT AND ADMINISTER THE PROJECT PLAN; RATIFYING AND CONFIRMING THE ACTIONS, RECOMMENDATIONS AND FINDINGS OF THE REVIEW COMMITTEE AND THE STILLWATER PLANNING COMMISSION; APPROVING AND ADOPTING A TAX INCENTIVE AGREEMENT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY

11. Reports from Officers and Boards

Announcements and remarks of general interest may be made by Councilors, City Manager or City Attorney. Items of City business that may require discussion or action including a vote or series of votes are listed below.

a.	Miscellaneous items from the City Attorney
b.	Miscellaneous items from the City Manager
c.	Miscellaneous items from the City Council
i.	Announcement of September 9, 2024, as the date of the Second Public Hearing and presentation of the Stillwater Data Center Economic Development Project Plan, at which time any interested persons shall have the opportunity to be heard in support of or opposition to the proposed Project Plan prior to any action with regard to adoption of the proposed Project Plan.

12. Questions and Inquiries

13. Adjourn

On August 16, 2024 at 12:00 p.m., a true and correct copy of this agenda was posted on the kiosk outside City Hall, 723 S. Lewis Street, Stillwater, OK.

1. The City of Stillwater encourages participation from all citizens. If participation at any public meeting is not possible due to a disability, please notify the City Manager's office at least 48 hours prior to the meeting by calling 405.742.8243.
 - Meetings are televised on AT&T U-verse channel 99 and Optimum channel 14.
 - Find meeting agendas and minutes online at [Agendas and Minutes](#)
 - Official minutes are archived in the City Clerk's office.

Proclamation
Stillwater OKLAHOMA
stillwaterok.gov
Together, Investing in Municipal Excellence

WHEREAS, the City of Stillwater does affirm and acknowledge the harm and hardship caused by drug overdose; and

WHEREAS, we recognize the purpose of International Overdose Awareness Day as remembering loved ones lost to overdose and ending the stigma of drug-related deaths; and,

WHEREAS, we resolve to do our part in reducing the toll of overdose in our community, which claimed the lives of more than 350 in Payne County, Oklahoma from 2021 to 2023, with countless more people forever affected; and,

WHEREAS, we affirm that those affected by overdose are our children, parents, other family members and friends, and they are deserving of love, compassion and support.

NOW, THEREFORE, I, William H. Joyce, Mayor of Stillwater, Oklahoma, do hereby proclaim August 31, 2024, as International Overdose Awareness Day in the City of Stillwater.

WILLIAM H. JOYCE, MAYOR

ATTEST:

TERESA KADAVY, CITY CLERK

**IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING LAW
THE AGENDA WAS POSTED AUGUST 1, 2024 AT 4:30 P.M.
AT THE MUNICIPAL BUILDING, 723 SOUTH LEWIS, STILLWATER, OKLAHOMA**

**MINUTES
STILLWATER CITY COUNCIL
REGULAR MEETING
COUNCIL HEARING ROOM
723 S. LEWIS
AUGUST 5, 2024**

PRESENT: MAYOR WILLIAM H. JOYCE, VICE MAYOR AMY DZIALOWSKI,
COUNCILORS CHRISTIE HAWKINS, KEVIN CLARK AND TIM HARDIN
ABSENT: NONE

1. CALL MEETING TO ORDER

Mayor Joyce called the meeting to order at 5:30 p.m.

2. PLEDGE OF ALLEGIANCE

The Stillwater City Council led the audience in the Pledge of Allegiance.

3. CONSENT DOCKET

- a. Approve July 15, 2024 regular and executive session meeting minutes
- b. Approve budget amendments reflecting receipt and appropriation of \$825 in federal grants to the Stillwater Public Library.
- c. Acknowledge receipt of the Stillwater Public Library Trust report reflecting FY23 activities.
- d. Approve appropriation of funds in the amount of \$5,880 to purchase books in accordance with the provisions of the Mabel M. King Endowment Fund and approve associated budget amendment
- e. Approve compensation for the Municipal Judge at \$60,000 per year.
- f. Approve Rails to Trails Phase 1 budget amendments as the project was inadvertently omitted from the carry forward list that was approved by Council on July 15, 2024. Approval of budget amendments reappropriates \$1.5 million in expenditure and \$1.2 million in revenue.
- g. Reject all bids for Airport T-Hangar 2 Overlay and New Driveway Project due to bids being over the project budget.
- h. Approve contract amendment with McFarland Architects in an amount not to exceed \$542,485, authorize the Mayor and City Manager to sign all documents related to McFarland's agreement for services and approve associated budget amendments.
- i. Approve appropriation of funds to cover grant management services for terminal construction project. Funding is from fund balance of Airport Grant Funds.

MOTION BY COUNCILOR CLARK, SECOND BY VICE MAYOR DZIALOWSKI TO APPROVE THE CONSENT DOCKET AS PRESENTED.

ROLL CALL VOTE: JOYCE-YEA, DZIALOWSKI-YEA, HAWKINS-YEA, CLARK-YEA, HARDIN-YEA.
NAY-NONE. MOTION CARRIED WITH FIVE YEA VOTES.

4. PUBLIC COMMENT ON AGENDA ITEMS NOT SCHEDULED FOR PUBLIC HEARING

There were no requests to speak on agenda items not scheduled for public hearing.

5. ITEMS REMOVED FROM CONSENT DOCKET

None.

6. GENERAL ORDERS

- a. Receive Henderson Golf Management FY24 Update and consider approval of the FY25 Operation and Maintenance Agreement for Lakeside Memorial Golf Course.

Assistant City Manager and Human Resources Director Christy Driskel introduced Michael Henderson, with Henderson Golf Management, LLC.

Mr. Henderson gave an annual update on Lakeside Memorial Golf Course. He presented the history of Henderson Golf Management and the current status of their management business. Mr. Henderson reported on community programming, capital improvements, program attendance, expenses and revenues and explained that it is in the plans to purchase new golf carts. Mr. Henderson answered Council's questions.

Mayor Joyce verified that this is a new contract for the coming year and is renewable for up to three years.

Ms. Driskel stated that staff's recommendation is to approve the agreement for the operation and maintenance of Lakeside Memorial Golf Course with Henderson Golf Management, LLC.

MOTION BY COUNCILOR HAWKINS, SECOND BY COUNCILOR HARDIN TO APPROVE THE AGREEMENT FOR THE OPERATION AND MAINTENANCE OF LAKESIDE MEMORIAL GOLF COURSE WITH HENDERSON GOLF MANAGEMENT, LLC.

ROLL CALL VOTE: JOYCE-YEA, DZIALOWSKI-YEA, HAWKINS-YEA, CLARK-YEA, HARDIN-YEA. NAY-NONE. MOTION CARRIED WITH FIVE YEA VOTES.

- b. Approve Amendment No.1 to the CMAR Agreement regarding a conversion from Interim Guaranteed Maximum Price (IGMP) to Guaranteed Maximum Price (GMP), authorize the City Manager to execute said Amendment No. 1 and approve associated budget amendments.

Airport Director Kellie Reed gave a brief history of the current airport terminal and then presented and explained the plans and designs for the new airport terminal and parking areas. She presented the terminal construction timeline and the summary of Phase 1 funding for the terminal. Ms. Reed answered Council's questions.

MOTION BY COUNCILOR CLARK, SECOND BY VICE MAYOR DZIALOWSKI TO APPROVE AMENDMENT NO. 1 TO THE CMAR AGREEMENT REGARDING A CONVERSION FROM INTERIM GUARANTEED MAXIMUM PRICE (IGMP) TO GUARANTEED MAXIMUM PRICE (GMP), AUTHORIZE THE CITY MANAGER TO EXECUTE SAID AMENDMENT NO. 1 UPON APPROVAL OF ALL BONDS AND RELEASE OF ALL APPLICABLE GRANT FUNDS, AND APPROVE ASSOCIATED BUDGET AMENDMENTS.

ROLL CALL VOTE: JOYCE-YEA, DZIALOWSKI-YEA, HAWKINS-YEA, CLARK-YEA, HARDIN-YEA. NAY-NONE. MOTION CARRIED WITH FIVE YEA VOTES.

7. RESOLUTIONS

- a. Resolution No. CC-2024-24: Official Ballot-A resolution of the City of Stillwater, Oklahoma casting a vote for Trustee of the Oklahoma Municipal Retirement Fund (OkMRF) to fill the expiring term of At-Large Trustee representing the entire membership

Assistant City Manager and Human Resources Director Christy Driskel stated that OkMRF is the 401k provider for the general City employees so the City has a membership vote. The City Manager reviewed the candidates and selected the incumbent and that is the name listed in the resolution.

MOTION BY VICE MAYOR DZIALOWSKI, SECOND BY COUNCILOR HAWKINS TO ADOPT RESOLUTION NO. CC-2024-24 AS PRESENTED.

ROLL CALL VOTE: JOYCE-YEA, DZIALOWSKI-YEA, HAWKINS-YEA, CLARK-YEA, HARDIN-YEA. NAY-NONE. MOTION CARRIED WITH FIVE YEA VOTES.

8. ORDINANCES

- a. Second Reading

Ordinance No. 3540: An ordinance rezoning tracts of land located at Tract 2 of 1302 West Lakeview Road and 2323 North Garfield Street from Small Lot Single-Family Residential (RSS) to Two-Family and Multi-Family Residential (RTM).

MOTION BY COUNCILOR HAWKINS, SECOND BY COUNCILOR CLARK TO ADOPT ORDINANCE NO. 3540 AS PRESENTED.

ROLL CALL VOTE: JOYCE-YEA, DZIALOWSKI-YEA, HAWKINS-YEA, CLARK-YEA, HARDIN-YEA. NAY-NONE. MOTION CARRIED WITH FIVE YEA VOTES.

Ordinance No. 3541: An ordinance rezoning tracts of land located at 1302 West Lakeview Road Tract 1; 1412 West Lakeview Road; 1424 West Lakeview Road; 1508 West Lakeview Road; and a tract of land on West Lakeview Road between 1508 and 1412 West Lakeview Road from Small Lot Single-Family Residential (RSS) to Commercial Shopping (CS).

MOTION BY COUNCILOR HARDIN, SECOND BY COUNCILOR HAWKINS TO ADOPT ORDINANCE NO. 3541 AS PRESENTED.

ROLL CALL VOTE: JOYCE-YEA, DZIALOWSKI-YEA, HAWKINS-YEA, CLARK-YEA, HARDIN-YEA. NAY-NONE. MOTION CARRIED WITH FIVE YEA VOTES.

Ordinance No. 3542: An ordinance rezoning tracts of land located at 424 South Husband Street and 212 West 5th Avenue from Two-Family and Multi-Family Residential (RTM) to Commercial Business

MOTION BY COUNCILOR CLARK, SECOND BY VICE MAYOR DZIALOWSKI TO ADOPT ORDINANCE NO. 3542 AS PRESENTED.

ROLL CALL VOTE: JOYCE-YEA, DZIALOWSKI-YEA, HAWKINS-YEA, CLARK-YEA, HARDIN-YEA. NAY-NONE. MOTION CARRIED WITH FIVE YEA VOTES.

9. REPORTS FROM OFFICERS & BOARDS

- a. Miscellaneous items from the City Attorney: None.
- b. Miscellaneous items from the City Manager:

- City Manager Kimberly Meek reminded residents that it's back to school in Stillwater, with Meridian Technology Center beginning August 13th, Stillwater Public Schools beginning August 15th and Oklahoma State University and Northern Oklahoma College both on August 19th. There will be an increase of walkers near campuses, bus stops and in crosswalks. Please be mindful when driving. Always stop at crosswalks and let pedestrians pass, obey school zone speed limits and do not pass another vehicle in a school zone. Be an attentive driver, put your cell phone away, and be aware of what or who may be around you and on the road. Additionally, vehicles must stop at least 20 feet before reaching a school bus that is stopped with its red lights flashing.
- c. Miscellaneous items from the City Council:
 - Councilor Hardin announced that the deadline is quickly approaching for students to participate in the Stillwater Art Integration's first utility box art program. The contest is open to all students from Stillwater Public Schools, Meridian Technology, Oklahoma State University, and Northern Oklahoma College. All artwork must be submitted by Thursday, August 15, 2024, at 5:30 p.m. This year's theme is "It's Electric," to celebrate and educate the community on the importance of electricity and energy saving efforts.
 - Councilor Clark invited residents to come on Wednesday, August 7, beginning at 9 a.m., for an exciting announcement at Our Daily Bread, located at 701 E. 12th Ave., Stillwater. As many know, Our Daily Bread is the regional food and resource center. Not only do they serve Stillwater residents and families, but also those in nearby communities. If anyone cannot join in person, please consider joining via Our Daily Bread's Facebook live.
 - Councilor Hawkins announced that the City is accepting applications to fill a position on the Audit Committee. The duties of the Audit Committee include recommendation of accounting firm to perform annual audit; maintenance of good communications with City staff and independent accountants; review and evaluation of year-end financial statements and independent accountants' audit reports; review and evaluation of independent accountants' management letter; review any reported deficiencies in internal control; and to report to the City Council as required. The committee is made up of members representing banking/financial institutions, business professionals, and certified public accountants. The current vacancy is that of a businessperson. The term length is three years.
 - Vice Mayor Dzialowski invited residents to join the City on Tuesday August 6 from 6 to 8 p.m. at Southern Woods Park for Stillwater Police Department's National Night Out. This annual event helps build and strengthen relations with Stillwater families, friends, emergency responders and community organizations. There will be games, free food and drinks, and fun.
 - Mayor Joyce invited citizens to the 2024 Payne County Free Fair from August 28th through the 31st. City of Stillwater departments Waste Management, Public Library, Communications, Public Works, and more will share a booth near Emergency Management, Fire, and Police in the Community Building. Please stop by, pick up some swag, and let the City know how we can help you and our community.
- i. Discussion about scheduling items for future meetings.

10. QUESTIONS & INQUIRIES

None.

11. ADJOURN

MOTION BY COUNCILOR CLARK, SECOND BY COUNCILOR HARDIN TO ADJOURN THE AUGUST 5, 2024 REGULAR MEETING OF THE STILLWATER CITY COUNCIL.

ROLL CALL VOTE: JOYCE-YEA, DZIALOWSKI-YEA, HAWKINS-YEA, CLARK-YEA, HARDIN-YEA. NAY-NONE. MOTION CARRIED WITH FIVE YEA VOTES.

The August 5, 2024 regular meeting of the Stillwater City Council adjourned at 6:07 p.m.

**WILLIAM H. JOYCE, MAYOR
STILLWATER CITY COUNCIL**

**TERESA KADAVY
CITY CLERK**

REPORT TO: CITY COUNCIL

MEETING DATE: AUGUST 19, 2024



Agenda Item:

4.b. CC-24-107

Previous/Related Action:

- April 5, 2022: Fire Station #2 Bond Issue approval by voters.
- August 15, 2022, CC-22-150: Authorization for City Manager to enter into architectural design services and construction manager at risk agreements.
- December 19, 2022, CC-22-219: Approval for agreement with OSU for Owner's Representative Construction Services.
- December 18, 2023, CC-23-170: Work Pkg 1 Bid Award.
- January 8, 2024, CC-24-04: IGMP Increase and Partial Lump Sum Conversion.
- March 4, 2024, CC-24-20: Approval for Crossland's Award of WP2 Construction Contracts.
- March 25, 2024, CC-24-25: Approve Amendment No. 2 and Exhibit C-2 to the CMAR Agreement.

Background/Issue:

- On April 5, 2022, Stillwater residents approved a \$9 Million bond issue to construct a new fire station to replace the existing Fire Station No. 2.
- Through qualification-based processes, Kirkpatrick Architecture Studio (now Brandstetter Carroll, Inc.) was selected as the Architect and Crossland Construction Co. was selected as the Construction Manager at Risk (CMAR).
- Work Package 1 (WP1) was awarded in December 2023 and the IGMP, Project Schedule and WP1 Partial Lump Sum Conversion were approved in January 2024.
- Work Package 2 (WP2) bid opening occurred on February 7, 2024, approval for Crossland to award the WP2 contracts occurred on March 4, 2024; and on March 25, 2024, execution of the WP2 Lump Sum Conversion exhibits was approved.
- Work Package 3 (WP3) bids have been opened. WP3 Lump Sum Conversion exhibits must be executed in order for Crossland to contract with its subcontractors.

Proposal/Solution:	• On April 5, 2022, Stillwater residents approved a \$9 Million bond issue to construct a new fire station to replace the existing Fire Station No. 2. • Through qualification-based processes, Kirkpatrick Architecture Studio (now Brandstetter Carroll, Inc.) was selected as the Architect and Crossland Construction Co. was selected as the Construction Manager at Risk (CMAR). • Work Package 1 (WP1) was awarded in December 2023 and the IGMP, Project Schedule and WP1 Partial Lump Sum Conversion were approved in January 2024. • Work Package 2 (WP2) bid opening occurred on February 7, 2024, approval for Crossland to award the WP2 contracts occurred on March 4, 2024; and on March 25, 2024, execution of the WP2 Lump Sum Conversion exhibits was approved. • Work Package 3 (WP3) bids have been opened. WP3 Lump Sum Conversion exhibits must be executed in order for Crossland to contract with its subcontractors.
Financial Source/Impact:	The project is funded through the proceeds of the \$9 Million bond sale, its interest earnings and a \$150,000 OSU contribution for the shared road.
Related Strategic Priority:	#3 SAFE COMMUNITY
Recommended Action/Motion:	Staff recommends a motion to: • Approve Amendment No. 3 and Exhibit C-3 to the CMAR Services Agreement regarding lump sum conversion for Work Package #3 to Guaranteed Maximum Price; • authorize the City Manager to execute Amendment No. 3; and • approve associated budget amendments.
Prepared By:	Candy Staring, Engineering Dir.
Reviewed By:	Candy Staring Brady Moore Teresa Kadavy
Submitted By:	Kimberly Meek, City Manager

Attachments

1. Engineering -FS#2 Funding - 8.19.2024 - Expenditure
2. Engineering -FS#2 Funding - 8.19.2024 - Revenue
3. Exhibit C-3 v1 - TKE3 - FINAL

Budget Amendment Request
For Budget Year _____

Department of Finance
723 S. Lewis Street/P.O. Box 1449
Stillwater, OK 74076-1449

Office: 405.372.0025
Web: stillwater.org

Date: _____

Department: _____

Requested by: _____

Explanation:

Increase:

Account Name	Account Number (xxxxxxx-xxxxx)	Project Number	Current Budget Amount	Amount of Change	New Budget Amount
	-				
	-				
	-				
	-				
	-				

Decrease:

	-				
	-				
	-				
	-				
	-				

Net Change: (will usually result in a total increase or decrease)

Reviewed by Department Manager: _____

Date: _____

Reviewed by Finance: _____

Date: _____

Approved by CMO: _____

Date: _____

Approved by City Council: ☐ Yes

☐ No

Date: _____

Processed by Finance: _____

Date: _____

Set ID: _____

Date Sent to SA&I: _____

--Print on Yellow Paper--

Budget Amendment Request

For Budget Year _____

Department of Finance
 723 S. Lewis Street/P.O. Box 1449
 Stillwater, OK 74076-1449

Office: 405.372.0025
 Web: stillwater.org

Date: _____

Department: _____

Requested by: _____

Explanation:

Account Name	Account Number (xxxxxxx-xxxxx)	Project Number	Current Budget Amount	Amount of Change	New Budget Amount
Increase:	-				
	-				
	-				
	-				
	-				
Decrease:	-				
	-				
	-				
	-				
	-				

Net Change: (will usually result in a total increase or decrease)

Reviewed by Department Manager: _____

Date: _____

Reviewed by Finance: _____

Date: _____

Approved by CMO: _____

Date: _____

Approved by City Council: ☐ Yes

☐ No

Date: _____

Processed by Finance: _____

Date: _____

Set ID: _____

Date Sent to SA&I: _____

--Print on Yellow Paper--

**AMENDMENT TO
AGREEMENT FOR CONSTRUCTION MANAGEMENT AT RISK SERVICES**

Amendment No. 3

1. Background Data:

- a. Effective Date of Owner-CMAR Agreement: October 10, 2023
- b. Owner: City of Stillwater, Oklahoma
- c. CMAR: Crossland Construction Company, Inc.
- d. Project: Stillwater Fire Station #2 Construction

2. Background Information:

- a. The contract identified above (“Agreement”) was executed as a construction manager at risk contract in accordance with the Oklahoma Construction Management Act for Political Subdivisions, 61 O.S. 215-221.
- b. 61 O.S. 217,D.4, provides, in part: “Once the bids are accepted by the construction manager and awards made by the subdivision and the subdivision indicates its bonding preference, as noted below, but before written agreements are executed, the construction manager will prepare a guaranteed maximum price (GMP) for the project or relevant portion of the work, as an amendment to the contract.”
- c. A portion of the work identified as “Bid Package 1” was previously awarded by the Owner and is underway. The Agreement was amended on January 9, 2024 to adopt the parties’ agreement that the Guaranteed Maximum Price for the portion of the work including Pre-Construction Services and Bid Package #1 is \$1,330,888.13.
- d. A second portion of the work identified as “Bid Package 2” was previously awarded by the Owner and is underway. The Agreement was amended on March 26, 2024 to adopt the parties’ agreement that the Guaranteed Maximum Price for the portion of the work including Pre-Construction Services, Bid Package #1 and Bid Package #2 is \$6,375,989.85.
- e. A third portion of the work identified as “Bid Package 3” has been awarded by the Owner and the CMAR is prepared to enter into written agreements with subcontractors and suppliers.

3. Amendment:

The Agreement is amended as follows:

- a. The parties agree that the IGMP is converted to the Guaranteed Maximum/Lump Sum Price of \$8,254,547.50, as detailed in Exhibit C-3 to this Amendment No. 3. Exhibit C-3 shall become Exhibit C-3 to the Original Agreement.
- b. Under Article 6, “Personnel,” Ronald Smith is replaced with Aaron Stoops as the Project Manager.

Agreement for At Risk Construction
Management Services for
Stillwater Fire Station # 2 Project No. 22GO01330

- c. Article 13, "Conversion of IGMP to Lump Sum Price," is amended to read as follows:

Once bids have been received and determination has been made regarding the portions of the Work to be accomplished by Construction Manager's own forces and those to be accomplished by subcontractors, the IGMP will be converted to a Lump Sum Price based on the bids accepted as set forth in Article 3.(e). At this point, the sum of the Preconstruction Phase Services, Cost of the Work, Direct Project Management Support, Construction Contingency, and the Construction Manager's Fee are guaranteed by the Construction Manager and the Lump Sum Price will not exceed \$8,254,547.50. Costs which would cause the Lump Sum Price to be exceeded will be paid by the Construction Manager without reimbursement by the Owner except in the event of a change in the scope of Work by written change order.

4. Entirety of Agreement: Except as amended herein and pursuant to all other properly executed amendments, the terms and provisions of the Original Agreement continue in full force and effect.

5. Effective Date: This Amendment No. 3 is effective upon signature of both parties.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment No. 3 to be executed by their duly authorized officers or representatives on the dates set forth below.

OWNER:

City of Stillwater, Oklahoma

By: _____

Title: Kimberly Meek, City Manager

Date Signed: _____

CONSTRUCTION MANAGER AT RISK:

Crossland Construction Company, Inc.

By: _____

Title: Aaron Stoops, Vice President

Date Signed: _____

EXHIBIT C-3

TO THE AGREEMENT FOR AT RISK CONSTRUCTION MANAGEMENT SERVICES
LUMP SUM PRICE
Fire Station #2

Summary of Guaranteed Maximum/Lump Sum Price

Work Package #1 (Exhibit C-1 Executed on January 9, 2024)

Preconstruction Services

Preconstruction	<u>\$33,825.00</u>	\$33,825.00
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Cost of Direct Project Support	\$ 54,111.43	
Cost of the Work	<u>\$1,168,803.48</u>	\$1,222,914.91

Fee (4% of Cost of the Work)	\$ 42,370.41	
Construction Contingency (3% of Cost of Work)	<u>\$ 31,777.81</u>	<u>\$ 74,148.22</u>

Total Work Package #1 Partial Guaranteed Maximum Price	\$1,330,888.13
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<continued>

Work Package #2 (Exhibit C-2 Executed on March 26, 2024)

Cost of Direct Project Support	\$ 198,408.57	
Cost of the Work ⁽¹⁾	<u>\$ 4,675,966.68</u>	
		\$4,874,375.25
Fee (4% of Cost of the Work ⁽²⁾)	\$ 170,726.47	
Construction Contingency ⁽³⁾	<u>\$ 0.00</u>	
		<u>\$ 170,726.47</u>

Alternates Accepted:

- Accept 350 kW Generator
- Remove Entry Element
- Remove 4-Fold Doors
- Remove Generator Enclosure
- Remove Grade Beams
- Remove Roof Mechanical Screen

Alternates Sub-Total: **INCORPORATED ABOVE**

Notes:

- (1) Includes \$25,000 for embedments.
- (2) Modifications to contingency will include an accounting of the proportionate modification to the Construction Manager's Fee.
- (3) Owner and CMAR agree to work cooperatively to increase contingency through reductions to Cost of the Work. Refer to Attachment 1 to this Exhibit C-2 for a list of potential reductions.

Total Work Package #2 Partial Guaranteed Maximum Price \$5,045,101.72

<continued>

Work Package #3

Cost of Direct Project Support

*(included in WP#2)*Cost of the Work ⁽¹⁾\$ 1,757,472.00

\$1,757,472.00

Fee (4% of Cost of the Work⁽²⁾)

\$ 69,191.80

Construction Contingency⁽³⁾\$ 51,893.85\$ 121,085.65**Alternates:**

- Accept Quartz Countertops
- Accept Graphite Metal Panels

Alternates Sub-Total: **INCORPORATED ABOVE****Notes:**

- (1) Modifications to contingency will include an accounting of the proportionate modification to the Construction Manager's Fee.

Total Work Package #3 Partial Guaranteed Maximum Price \$1,878,557.65**Guaranteed Maximum/Lump Sum Price: \$8,254,547.50**

RECOMMENDED:

By: _____

Candy Staring, City Engineer

Owner: City of Stillwater

ACCEPTED:

By: _____

Kimberly Meek, City Manager

Owner: City of Stillwater

ACCEPTED:

By: _____

Aaron Stoops, Vice President

Construction Manager: Crossland Const. Co., Inc.

Date: _____

Date: _____

Date: _____

Budget Amendment Request

For Budget Year 2025

Department of Finance
723 S. Lewis Street/P.O. Box 1449
Stillwater, OK 74076-1449

Office: 405.372.0025
Web: stillwater.org

Date: 08/05/2024

Department: Events and Recreation

Requested by: Barb Bliss

Explanation: Expenditures:
Appropriate funds for holiday season carriage rides and santa. Project funded from the Merry Main Street Fund.

Account Name	Account Number (xxxxxxx-xxxxx)	Project Number	Current Budget Amount	Amount of Change	New Budget Amount
Increase: Special Event	2341020 - 53105		\$ 0	\$ 6,398	\$ 6,398
	-				\$ 0
	-				\$ 0
	-				\$ 0
	-				\$ 0
Decrease:	-				\$ 0
	-				\$ 0
	-				\$ 0
	-				\$ 0
	-				\$ 0

Net Change: (will usually result in a total increase or decrease)

\$ 6,398

Reviewed by Department Manager: [Signature]

Date: 8/6/24

Reviewed by Finance: [Signature]

Date: 8-6-2024

Approved by CMO: _____

Date: _____

Approved by City Council: ☐ Yes ☐ No

Date: _____

Processed by Finance: _____

Date: _____

Set ID: _____

Date Sent to SA&I: _____

--Print on Yellow Paper--



STILLWATER DATA CENTER ECONOMIC DEVELOPMENT PROJECT PLAN

A Project Plan under the Oklahoma Local Development Act, 62 O.S. §§ 850–869

PREPARED BY:

THE CITY OF STILLWATER, OKLAHOMA

**Mayor Will Joyce
Vice Mayor Amy Dzialowski
Councilor Christie Hawkins
Councilor Kevin Clark
Councilor Tim Hardin**

WITH THE ASSISTANCE OF:

**CENTER FOR ECONOMIC DEVELOPMENT LAW
301 North Harvey, Suite 200
Oklahoma City, Oklahoma 73102
(405) 232-4606
www.econlaw.com**

**RECOMMENDED FOR APPROVAL BY REVIEW COMMITTEE: JULY 10, 2024
RECOMMENDED FOR APPROVAL BY PLANNING COMMISSION: JULY 16, 2024**

STILLWATER DATA CENTER ECONOMIC DEVELOPMENT PROJECT PLAN

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STILLWATER DATA CENTER ECONOMIC DEVELOPMENT PROJECT PLAN

I. INTRODUCTION

A leading company specializing in artificial intelligence and data processing, acting through a subsidiary entity, Kipper LLC (the “**Company**”), has proposed to undertake the development of a data center campus in the City of Stillwater. The proposed development may consist of up to six phases, with each phase estimated to cost at least \$500 million. This Project Plan will offer incentives to the Company for each phase of the development to help offset its costs of infrastructure and utility capacity required to serve the data center development. In exchange, the local taxing jurisdictions and the City of Stillwater (“**City**”) will receive certain annual payments from the Company, as provided below. This additional source of funding will bolster the City’s economic development initiatives, contribute to the financing of vital public infrastructure needs, and fulfill the capital and operational needs essential to the City’s growth.

II. PROJECT DESCRIPTION

This “**Project Plan**,” adopted under the Local Development Act, 62 O.S. § 850, *et seq.* (the “**Act**”), is designed to provide the economic incentives necessary to stimulate at least five hundred million dollars (\$500,000,000) in initial private investment by the Company in the City of Stillwater with the potential for five (5) additional phases of development of similar magnitude (the “**Project**”).¹ The Company constructs and operates data centers, and intends to construct a data center campus within the Project Area (as defined below).

The Company intends to proceed with the Project in phases. The term “**Phase**” as used herein refers to all new investments in real and personal property within an Incentive District. Each developed Phase will include a data center comprised of approximately 300,000 square feet (each a “**Data Center**”), together with certain ancillary buildings, structures and infrastructure that support or are related to the data center campus operations, including but not limited to, utility buildings, structures, and appurtenances and office buildings; however, the precise number and size of Data Centers is subject to change.²

Each Phase of the Project will be undertaken in accordance with this Project Plan and the terms of an Economic Development Agreement among the City, the Stillwater Economic Development Authority, a public trust (“**SEDA**”), and the Company (“**Economic Development Agreement**”). The Economic Development Agreement will establish a mutually beneficial relationship to implement long-term obligations of the parties and incentivize implementation.

¹ The term “Project” shall refer to all Phases that are constructed in the Project Area.

² The Taxing Entities (as defined below) acknowledge that the Company desires to build six (6) Phases, with a Data Center in each of the Incentive Districts but may construct fewer Data Centers resulting in fewer Phases.

Using the tools of the Act to create six (6) tax incentive districts (the “**Incentive Districts**”), one for each potential Data Center, the City aims to ensure that the Project occurs within the City. In addition to stimulating new private investment, this Project Plan also aims to ensure that the Taxing Entities (as defined herein) receive direct revenue as a result of the Project in the form of annual payments in lieu of taxes (“**PILOTs**”) for each Data Center developed, as further described in Section X.B. herein and in a tax incentive agreement by and between the City, the Company, and each of the Taxing Entities (the “**Tax Incentive Agreement**”). Because of the potential scope of the Company’s investment, the Project is likely to promote further private investment and economic development from related businesses throughout the area, including new businesses that locate to the area and existing local businesses that supply goods or services to the Project.

The combination of increased revenue to local taxing entities and private economic development from the Project is likely to enhance the value of other real property in the area and to promote the general public interest.

III. BOUNDARIES OF PROJECT AREA AND INCENTIVE DISTRICTS

A. The “**Project Area**” is the area in which Project activities will take place. The Project Area contains approximately 386.698 acres of land located in the City of Stillwater. The Project Area is divided into six (6) Incentive Districts, where the tax incentives described herein will be provided, with each Incentive District encompassing one Phase of the Project. All the Phases and Incentive Districts will be located within the jurisdictional boundaries of the Stillwater Public School District. The Incentive Districts are contiguous, and the boundaries of the combined Incentive Districts are identical to the boundaries of the Project Area.

B. Depictions of both the Project Area and each Incentive District are included in **Exhibit A** to this Project Plan.

C. The Project Area can be generally described as a portion of land located south of East Richmond Road, north of East Airport Road, east of North Perkins Road (Hwy-177) and west of North Jardot Road. Detailed legal descriptions of the boundaries of the Project Area and each Incentive District are included in **Exhibit B** to this Project Plan.

IV. ELIGIBILITY

The entirety of the Project Area and the Incentive Districts are within an “enterprise area,” as defined by 62 O.S. § 853(6), due to its location within an enterprise zone designated by the Oklahoma Department of Commerce. The entirety of the Project Area is also a reinvestment area, as defined by the Oklahoma Local Development Act. Public improvements are required to reverse economic stagnation or decline, to serve as a catalyst for expanding employment, to attract investment, and to preserve and enhance the tax base.

V. OBJECTIVES

The principal objectives of this Project Plan and the Incentive Districts are:

- A. To attract the Project and the accompanying investment and development to the City, which would not occur without the tax incentives described in this Project Plan.
- B. To generate new revenues for Stillwater Public Schools, the Meridian Technology Center, Payne County, and the Payne County Department of Health (collectively, the “**Taxing Entities**”) in the form of annual PILOTs for each Phase developed as part of the Project, in accordance with Section X.B and as more particularly described in the Tax Incentive Agreement and the Economic Development Agreement.
- C. To generate new revenues for the City through Community Betterment Payments and Franchise Fees (each as defined below), in accordance with Section 11, and as more particularly described in the Economic Development Agreement.
- D. To achieve the City’s economic development goals and objectives.
- E. To spur economic development in the surrounding area and generate additional wealth for local and regional businesses through the Company’s consumption of local services for its data center campus.
- F. To foster research, technological, and career-training partnerships between the Company and community institutions, including OSU and Meridian Technology Center.
- G. To create and attract new temporary and permanent high-quality jobs to the community.

VI. STATEMENT OF PRINCIPAL ACTIONS

Implementation actions for this Project Plan, including all necessary, appropriate and supportive steps will consist principally of (i) offering tax incentives available under the Act to support the Project, which have designed to attract and expand investment and quality employment opportunities within the Project Area, (ii) administering this Project Plan, (iii) supporting and accelerating the City’s economic development initiatives, and (iv) enhancing the City’s capabilities to fund capital projects and operational requirements.

VII. ESTABLISHMENT OF INCENTIVE DISTRICTS

- A. This Project Plan creates six (6) Incentive Districts, identified herein as Incentive Districts “1,” “2,” “3,” “4,” “5,” and “6”, and as illustrated on **Exhibit B** attached hereto. Pursuant to 62 O.S. §856(B)(2), the City Council is authorized to defer determination of the effective date of each Incentive District. All Incentive Districts must be made effective within ten (10) years of the date of adoption of this Project Plan.
- B. Concurrently with approval of this Project Plan, the City, SEDA, and the Company shall enter into an Economic Development Agreement providing for the development of Phase 1 and Phase 2 of the Project. The Company must provide written notice to the City that it intends to commence Phase 2 within two (2) years of completion of Phase 1. If the Company fails to

commence development of Phase 2 within two (2) years of such notice, the City may terminate the undeveloped Incentive Districts.

C. Upon execution of a Supplemental Economic Development Agreement by the City, SEDA, and the Company for Phases 3 through 6 of the Project, whether one or more, the Company shall undertake the development of each such Phase in accordance with the Supplemental Economic Development Agreement(s).

D. The effective date for the Incentive Districts for Phases 1 and 2 shall be the later of: (i) the completion of a Data Center within that Incentive District as evidenced by the issuance of the final, unrestricted certificate of occupancy for the Data Center (“**Certificate of Occupancy**”), or (ii) January 1 after the date of issuance of the Certificate of Occupancy. In lieu of a Certificate of Occupancy, the Company may deliver notice of substantial completion to the City to trigger the effective date, which shall be January 1 immediately following the issuance of the notice of substantial completion.

E. If the Company has completed Phase 2 but the development of Phase 3 has not commenced within 10 years of adoption of this Project Plan, then the undeveloped Incentive Districts for Phases 3, 4, 5, and 6 shall terminate.

F. If Phase 2 has been completed and the Company thereafter commences Phase 3 pursuant to an executed Supplemental Economic Development Agreement (including design, engineering, permitting, construction for the site and/or associated infrastructure) within 10 years of the adoption of this Project Plan, then the Incentive Districts for Phases 3, 4, 5, and 6 will become effective as of January 1 of the year in which the tenth anniversary of approval of this Project Plan occurs.

G. If the Company has not commenced Phase 4 of the Project pursuant to an executed Supplemental Economic Development Agreement within 12 years of the adoption of this Project Plan, then the undeveloped Incentive Districts for Phases 4, 5, and 6 shall terminate. If the Company has not commenced Phase 5 of the Project pursuant to an executed Supplemental Economic Development Agreement within 14 years of the adoption of the Project Plan, then the undeveloped Incentive Districts for Phases 5 and 6 shall terminate. If the Company has not commenced Phase 6 of the Project pursuant to an executed Supplemental Economic Development Agreement within 16 years of the adoption of the Project Plan, then the Incentive District for Phase 6 shall terminate.

H. Each Incentive District shall have a term of twenty-five years from its effective date (“**Term**”). For each Incentive District, all qualifying new investments in real and personal property in the Incentive District made after approval of this Project Plan and throughout the Term shall be afforded a one hundred percent (100%) exemption and no ad valorem taxes shall be assessed against such property.

I. Because the Project site plan is subject to change, if a Data Center is constructed that is located within the boundaries of more than one Incentive District, then the City, Taxing Entities,

and Company agree to the following: First, if an adjustment of the Incentive District boundaries can be made that would result in the Data Center being located within a single Incentive District and would not result in an addition to an Incentive District constituting more than five percent of that Incentive District in accordance with 62 O.S. § 858(D), the City Manager will administratively adjust the Incentive District boundaries via a minor amendment in accordance with Sections VIII.E and VIII.F without any further legislative action required. If such an adjustment of the Incentive District boundaries cannot be made, then the exemption for all Incentive Districts in which the Data Center is located will be made effective on January 1 following the issuance of a Certificate of Occupancy or notice of substantial completion for the Data Center in accordance with Section VII.D. Any subsequently constructed qualifying Project buildings, including Data Centers, that are completed within an Incentive District for which the effective date has already commenced, will still be subject to the ad valorem tax exemption for the remaining Term of that Incentive District. The Company will pay an annual PILOT for each Data Center constructed.

VIII. PROJECT AND INCENTIVE DISTRICT AUTHORIZATIONS

A. Principal Entity. The City is designated and authorized as the principal public entity to carry out and administer the provisions of this Project Plan and to exercise all powers necessary or appropriate thereto pursuant to 62 O.S. § 854, including all powers set forth in this Project Plan and the Tax Incentive Agreement. SEDA is authorized to enter into the Economic Development Agreement and Supplemental Economic Development Agreements, and to assist in performing obligations thereunder.

B. Economic Development Agreement. Concurrent with the adoption of this Project Plan, the Company shall enter into an Economic Development Agreement with the City for development of Phase 1 and Phase 2. The Economic Development Agreement shall provide for the joint and complementary endeavors of the parties with respect to the data center development, the provision and expansion of public infrastructure and utility services, Community Betterment Payments and Franchise Fees, pursuant to Section XI, and the continuing efforts of the parties to stimulate and implement economic development activities for the benefit of the community with respect to Phase 1 and 2. Thereafter, the City, SEDA, and the Company may enter into one or more Supplemental Economic Development Agreements setting forth the terms with respect to Phases 3 through 6.

C. Tax Incentive Agreement. Within sixty (60) days of the adoption of this Project Plan, the Company shall enter into a Tax Incentive Agreement with the City and every Taxing Entity, as required by 62 O.S. § 865(A) and (B).

D. Person in Charge. The City Manager Kimberly Meek, or her successor in office or her designee, shall be the person in charge of implementation of the Project Plan in accordance with the provisions, authorizations, and respective delegations of responsibilities contained in this Project Plan.

E. Implementation Authorizations and Delegation of Authority. The City is authorized to enter into the Tax Incentive Agreement with the Company and other Taxing Entities. The City shall not determine the effective date of any Incentive District until the Tax Incentive Agreement has been approved and executed by every Taxing Entity whose taxes will be subject to the

incentives provided under this Project Plan, as required by 62 O.S. § 865(A) and (B). The City officers, SEDA, and the City Manager are authorized to provide such information, to execute, certify or furnish documents, and to take any measures necessary and incidental to carrying out the provisions of this Project Plan, and to make minor amendments to this Project Plan as provided in Section F of this Article.

F. Minor Amendments. The City reserves the right to approve minor amendments to the Project Plan, as provided in the 62 O.S. § 858(D), where desirable and appropriate to implement and achieve the objectives of this Project Plan, as long as any such amendment does not change the character or purpose of the plan. These minor amendments include adding to the area of any Incentive District, so long as the additions, considered on a cumulative basis during the twenty-five (25) year term of each Incentive District, do not exceed five (5) percent of the area of the Incentive District.

IX. COSTS OF THE PROJECT

The costs of the Project, including any required public infrastructure, will be funded by the Company, and would not occur without the incentives provided pursuant to this Project Plan.

X. PRIVATE AND PUBLIC INVESTMENTS EXPECTED FOR THE PROJECT, AND ASSOCIATED FINANCIAL IMPACTS

A. Projected Private Investment. The total estimated private investment is expected to be at least Five Hundred Million Dollars (\$500,000,000.00) for each Phase. The Company plans to develop up to two Phases in the near term, with an additional four Phases potentially planned for future development. Private investment in the Project Area is expected to consist of the construction, operation, and maintenance of the Project. The direct, indirect, and induced economic impacts are estimated to range between \$750 million to \$1.25 billion per Phase.

B. Projected Public Revenues.

1. PILOT Payments to Taxing Entities. Pursuant to this Project Plan and the Tax Incentive Agreement, the Company shall make annual PILOT payments to the Taxing Entities, as follows:

a. Phase 1 and 2. For each of Phase 1 and Phase 2 of the Project, the Company shall make annual PILOT payments to the Taxing Entities beginning in the year immediately following the year in which a Certificate of Occupancy or notice of substantial completion is issued for a Data Center per Section VII.D. (the “**PILOT Commencement Year**”). The initial annual PILOT payment for Phase 1 will total Eight Hundred Sixty-Seven Thousand Five Hundred Sixty-Eight and No/100 Dollars (\$867,568.00). This amount will be disbursed to the Taxing Entities as follows:

Taxing Entity	Initial Annual Payment for Phase 1	Share of Total PILOT Payments
Stillwater Public Schools	\$624,022.98	71.93%
Meridian Technology Center	\$135,599.18	15.63%
Payne County	\$89,984.51	10.37%
County Health Department	\$17,961.33	2.07%
Total	\$867,568.00	100%

After the first annual payment, the PILOT payments to each Taxing Entity will increase by one percent (1.00%) each year. The PILOT payments for Phase 2 will be set using the same schedule as Phase 1. For instance, if Phase 1 is completed in 2026 with a PILOT Commencement Year of 2027, and Phase 2 is completed in 2032 with a PILOT Commencement Year of 2033, then in 2033, the Company shall pay two equal PILOTS, each in the total amount of \$920,940.00. These payments will be allocated to the Taxing Entities in the same proportions established above for Phase 1.

b. Phases 3 through 6. For Phases 3 through 6 of the Project, the initial PILOT for each Phase will be the product of the PILOT applicable to Phase 1 in the amount indicated in the table above and the quotient of the CPI in the PILOT Commencement Year for the applicable Phase divided by the CPI in the year 2024. In other words, the initial PILOT for each Phase shall be calculated as follows:

Phase 1 PILOT from the table above $\times$ $\frac{\text{CPI in PILOT Commencement Year for applicable Phase}}{\text{CPI in 2024}}$

Thereafter, the PILOT for that Phase will increase by one percent (1.00%) each year. For purposes of this Project Plan, CPI refers to the annual average of United States Department of Labor, Bureau of Labor Statistics, Revised Consumer Price Index for All Urban Consumers (CPI-U): U.S. Cities Average, all items index (Reference Base 1982-84 equal 100) (“CPI”).

Projections for the PILOT Payments payable to the Taxing Entities for all Phases are contained in the attached Financial Projections Appendix.

C. Financial Impact on Taxing Jurisdictions. In general, each potential Phase of the Project is likely to result in a modest increase in demand for services from the affected Taxing Entities, both during the construction and operation of each Phase. Thus, for instance, each potential Phase may result in modest increases in enrollment in Stillwater Public Schools and demands for Health Department services. However, any new costs associated with additional Phases are likely to be substantially outweighed by both the direct PILOTs to these Taxing Entities described in Section X.B. herein and further direct and indirect economic development that may result from the Project.

With respect to Stillwater Public Schools in particular, valuation increases associated with the Project will not cause a reduction in the calculation of state school aid. The Oklahoma State School Aid formula specifically excludes any such increased valuation within active Incentive Districts in calculating chargeable income in both Foundation Aid and Salary Incentive Aid. Such values

also are excluded from the valuations used to set debt limitations and sinking fund levies (for all taxing jurisdictions, not just school districts).

D. Financial Impacts on Business Activities. The Project will have a positive economic impact and impacts on business activities within the Project Area and the greater Stillwater community, region, and state, primarily due to the relatively low number of permanent employees anticipated, which mitigates the impact on the affected taxing jurisdictions, and due to expenditures with local contractors.

The Project is anticipated to create thirty (30) high quality jobs per phase, along with hundreds of construction jobs and significant expenditures with local contractors during both the construction and the operation of each Phase, all of which may draw additional payroll/income to the area per Phase. Most importantly, the Project Plan revenues will enable the City to enhance quality of life through public improvements and accelerate investment and development activities through approved economic development plans.

XI. ECONOMIC DEVELOPMENT FINANCING AND REVENUE SOURCES

The City and SEDA will plan, approve, finance, and implement public funding initiatives and economic development activities utilizing funding sources created by the undertaking of this Project Plan.

A. Financing Revenue Sources. The revenue sources expected to finance eligible Project Costs pursuant to this Project Plan, are those funds provided to the City pursuant the Economic Development Agreement between the City and the Company for Phases 1 and 2, and any Supplemental Economic Development Agreement for the future Phases, described as follows:

1. Community Betterment Payments. The Company shall make an annual payment to the City, herein a “Community Betterment Payment”, for each Phase of the Project, beginning in the PILOT Commencement Year. The initial annual Community Betterment Payment for Phase 1 shall be One Hundred Thirty-Two Thousand Four Hundred Thirty-Two and No/100 Dollars (\$132,432.00). After the first annual payment, the amount of the Community Betterment Payment to the City will increase by one percent (1.00%) each year for each Phase. The Community Betterment Payment for Phase 2 will follow the same payment schedule as Phase 1. For example, if Phase 1 is complete in 2026, with a PILOT Commencement Year of 2027, and Phase 2 is complete in 2032, with a PILOT Commencement Year of 2033, then in 2033, the Company shall make two equal Community Betterment Payments to the City, one for each Phase, each in the amount of \$140,579. For Phases 3 through 6 of the Project, the Community Betterment Payment for each Phase will be determined as provided in Supplemental Development Agreement(s) between the City and the Company.

2. Franchise Fee. During the Term of the Incentive Districts for Phase 1 and Phase 2 of the Project, to the extent the Company uses OG&E, the City shall receive a franchise fee equal to three percent (3%) of gross revenues generated from the sale of electric power to the Company. This fee shall not exceed an annual maximum cap of \$4.5 million. Upon reaching this cap, it shall

be subject to an annual increase of two percent (2%). This franchise fee shall be in lieu of any other City franchise, excise, license, occupation, privilege, permit, or other fees, taxes or assessments on purchases of electricity from OG&E. Upon termination or expiration of the Incentive Districts for Phase 1 and Phase 2, the cap shall expire. The City and the Company shall thereafter negotiate in good faith to establish a suitable franchise fee. These provisions apply exclusively to Phase 1 and Phase 2 and shall remain subject to change for all future Phases.

In the event OG&E is not the Company's selected provider, the Company and the City will engage in good faith discussions to establish an equitable revenue obligation payable to the City is in place, on mutually agreeable terms, provided the benefit to the City shall be no less than that stipulated for Phase 1 and Phase 2.

B. Other Contributions and Payments. The City and SEDA may utilize revenues from other sources, as well as Community Betterment Payments and Franchise Fees to pay eligible Project Costs. Additional financing may be provided by state local government matching payments pursuant to the Oklahoma Local Development and Enterprise Zone Incentive Leverage Act, 62 O.S. § 840, *et seq.*

C. Financial Reports and Audits. The activities undertaken by the City or SEDA pursuant to this Project Plan shall be accounted for and publicly reported by the appropriate and necessary annual fiscal year audits and reports. Annual reports on the operation of each Incentive District shall be prepared and submitted to the Oklahoma Department of Commerce and each Taxing Entity pursuant to 62 O.S. §§ 860(F) and 867(B). A summary of these annual reports shall be published in a newspaper of general circulation in the City of Stillwater, as required by 62 O.S. § 867(C).

D. Other Necessary and Supporting Costs. SEDA or another public entity designated by the City is authorized to issue bonds and notes and to apply for and obtain grants from other sources for costs incurred or to be incurred in connection with the Project Plan and the construction of improvements therein in addition to Project Costs to be financed pursuant to this Project Plan.

XII. ESTIMATED REVENUES AND BUDGET OF PROJECT COSTS

The projected revenue and expenditures attributable to Phase 1 and Phase 2 of the Project, over 25 years, are:

Revenues:

Phase 1 Community Betterment Payments	\$ 3,740,303
Phase 2 Community Betterment Payments	\$ 3,815,483
Phase 1 Franchise Fees	\$ 51,750,000
Phase 2 Franchise Fees	\$ 51,750,000

Total Project Revenues³ **\$ 111,055,786**

Eligible Project Costs:

Project Administration (1%)	\$ 1,110,558
Parks & Public Spaces Operations/Facilities Maint. (30%)	\$ 33,316,736
Parks & Public Amenities/Facilities Improvements (29%)	\$ 32,206,178
Public Infrastructure and Economic Development (40%)	\$ 44,206,178

Total Eligible Project Costs⁴ **\$ 111,055,786**

In the event additional public costs become necessary or appropriate under this Project Plan, the City may approve such costs at any time, subject to availability of funding and subject to constitutional and statutory restrictions.

Projections for Phases 1 through 6 are provided in the attached Financial Projections Appendix. The Community Betterment Payments and Franchise Fees to the City for the future phases will be determined pursuant to Supplemental Economic Development Agreement(s) between the City and the Company. Thereafter, the City shall adopt a supplement to this Project Plan authorizing the budget for the future phases.

XIII. LAND USE

A. Current land uses and conditions of the real property in the Project Area are shown on the map attached as **Exhibit C**, “Existing Uses and Conditions.” The proposed improvements to and the proposed uses of the Project Area are shown on **Exhibit D**, “Proposed Improvements and Uses.”

B. To accommodate the Project, the City has previously approved a zoning change with respect to certain portions of the Project Area. The Project conforms to the City’s Comprehensive Plan.

³ The projected Franchise Fee revenues represent the City’s estimates and are not projections provided by the Company. Project revenues shall be special funds of the City to be held in a separate account of the City.

⁴ Any funds not disbursed or pledged under a specific budget category may be allocated to any other budget category.

EXHIBIT A: DEPICTION OF PROJECT AREA AND INCENTIVE DISTRICTS

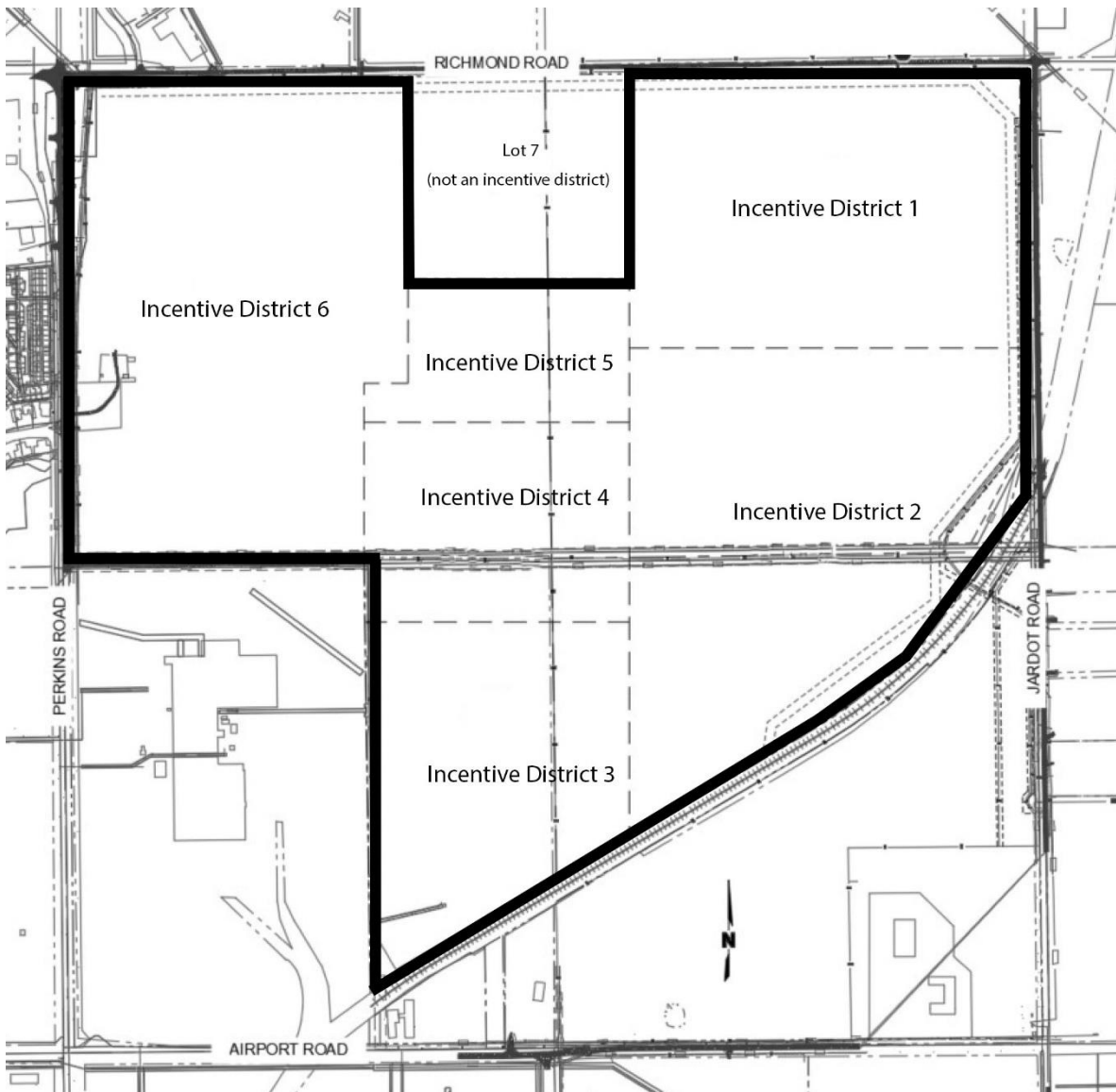


EXHIBIT B: PROJECT AREA AND INCENTIVE DISTRICT LEGAL DESCRIPTIONS⁵

The Project Area will consist of the area within which all of the Incentive Districts are located.

Project Area Legal Description

A tract of land located in the Northeast Quarter (NE/4), Northwest Quarter (NW/4), and Southwest Quarter (SW/4), and Southeast Quarters (SE/4) of Section Thirty-Six (36), Township Twenty (20) North, Range Two (2) East of the Indian Base and Meridian (I.B. & M.), Payne County, Oklahoma, being more particularly described as metes and bounds by Darrel Ray Mason OKLS1690 on March 13, 2024 as follows:

COMMENCING at the SW/C, SW/4, S36-T20-R2E monumented by a 1" Rail Road Spike; thence with a BASIS OF BEARING of N 00°41'24" W along the west line of the SW/4 a distance of 2638.58 feet to the NW/C, SW/4, SEC36-T20N-R3E monumented by a 1/2" Rebar AND the POINT OF BEGINNING;

Thence along the west line of the NW/4 with a bearing of N 00°42'47" W a distance of 2630.81 feet to the NW/C, NW/4 SEC36-T20N-R2E monumented by a Railroad Spike;

Thence with a bearing of N 89°13'38" E along the north line of the NW/4 a distance of 2629.53 feet to the NE/C, NW/4 SEC36-T20N-R2E monumented by a 1/2" Rebar;

Thence with a bearing of N 89°18'29" E along the north line of the NE/4 a distance of 2630.74 feet to the NE/C, NE/4, SEC36-T20N-R2E monumented by a Mag Nail;

Thence with a bearing of S 00°49'51" E along the east line of the NE/4 a distance of 2122.35 feet to a point on the East Line of NE/4, SEC36-T20N-R2E, also being a point on the Northerly Rail Road R/W line of Eastern Oklahoma Railway particularly described in Book 7, Page 208;

Thence in a southwesterly direction with a non-tangent curve turning to the right with a radius of 2793.96 feet, having a chord bearing of S 27°41'11" W and a chord distance of 761.36, and an arc length of 763.73 feet to a point on said Northerly Rail Road R/W Line;

Thence with a bearing of N 54°28'57" W a distance of 20.00 feet to a point on said Northerly Rail Road R/W Line;

Thence in a southwesterly direction with a non-tangent curve turning to the right with a radius of 2773.96 feet, having a chord bearing of S 40°33'13" W and a chord distance of 487.07 feet, and an arc length of 487.70 to a point on said Northerly Rail Road R/W Line monumented by a 1/2" Rebar w/ cap PLS 1802;

Thence with a bearing of S 44°24'34" E a distance of 20.00 feet to a point on said Northerly Rail Road R/W Line monumented by a 1/2" Rebar w/ cap PLS 1802;

Thence in a southwesterly direction with a non-tangent curve turning to the right with a radius of 2793.69 feet, having a chord bearing of S 51°55'38" W and a chord distance of 616.73, and an arc length of 617.99 feet to a point on said Northerly Rail Road R/W Line monumented by a 1/2" Rebar w/ cap PLS 1802;

Thence with a bearing of S 59°21'10" W a distance of 1676.22 feet to a point on said Northerly Rail Road R/W Line;

⁵ Note that until City Council approves this Project Plan, the legal descriptions set forth herein remain subject to review and revision based on updated surveys and related information.

Thence with a bearing of S59°21'10" W a distance of 614.77 feet to a point on said Northerly Rail Road R/W Line;

Thence in a southwesterly direction with a tangent curve turning to the left with a radius of 2915.05 feet, having a chord bearing of S 55°26'11"W and a chord distance of 387.62 feet, and an arc length of 387.91 feet to a point on said Northerly Rail Road R/W Line monumented by a 1/2" Rebar w/ cap Hitech;

Thence with a bearing of N 00°47'43" W along the west line of the east 60 acres of the SW/4 a distance of 2333.99 feet to a point on the north line of the SW/4, SEC36-T20N-R2E monumented by a 1/2" pipe;

Thence along said north line of said SW/4 with a bearing of N 89°28'48" E a distance of 1645.64' back to the POINT OF BEGINNING.

Excepting Lot 7

Lot Seven (7) in AIRPORT ROAD COMMERCIAL DEVELOPMENT, being part of Section Thirty-Six (36), Township Twenty (20) North, Range Two (2) East of the Indian Base and Meridian (I.B. & M.), City of Stillwater, Payne County, Oklahoma, according to the recorded plat thereof.

Containing 16,844,572 square feet OR 386.698 acres more or loss

Incentive District 1 Legal Description

Lot One (1) in AIRPORT ROAD COMMERCIAL DEVELOPMENT, being part of Section Thirty-Six (36), Township Twenty (20) North, Range Two (2) East of the Indian Base and Meridian (I.B. & M.), City of Stillwater, Payne County, Oklahoma, according to the recorded plat thereof.

Containing 3,347,887 square feet OR 76.857 acres more or less.

Incentive District 2 Legal Description

Lot Two (2) in AIRPORT ROAD COMMERCIAL DEVELOPMENT, being part of Section Thirty-Six (36), Township Twenty (20) North, Range Two (2) East of the Indian Base and Meridian (I.B. & M.), City of Stillwater, Payne County, Oklahoma, according to the recorded plat thereof.

Containing 4,111,928 square feet OR 94.397 acres more or less.

Incentive District 3 Legal Description

Lot Three (3) in AIRPORT ROAD COMMERCIAL DEVELOPMENT, being part of Section Thirty-Six (36), Township Twenty (20) North, Range Two (2) East of the Indian Base and Meridian (I.B. & M.), City of Stillwater, Payne County, Oklahoma, according to the recorded plat thereof.

Containing 2,172,023 square feet OR 49.878 acres more or less.

Incentive District 4 Legal Description

Lot Four (4) in AIRPORT ROAD COMMERCIAL DEVELOPMENT, being part of Section Thirty-Six (36), Township Twenty (20) North, Range Two (2) East of the Indian Base and Meridian (I.B. & M.), City of Stillwater, Payne County, Oklahoma, according to the recorded plat thereof.

Containing 1,526,135 square feet OR 35.035 acres more or less.

Incentive District 5 Legal Description

Lot Five (5) in AIRPORT ROAD COMMERCIAL DEVELOPMENT, being part of Section Thirty-Six (36), Township Twenty (20) North, Range Two (2) East of the Indian Base and Meridian (I.B. & M.), City of Stillwater, Payne County, Oklahoma, according to the recorded plat thereof.

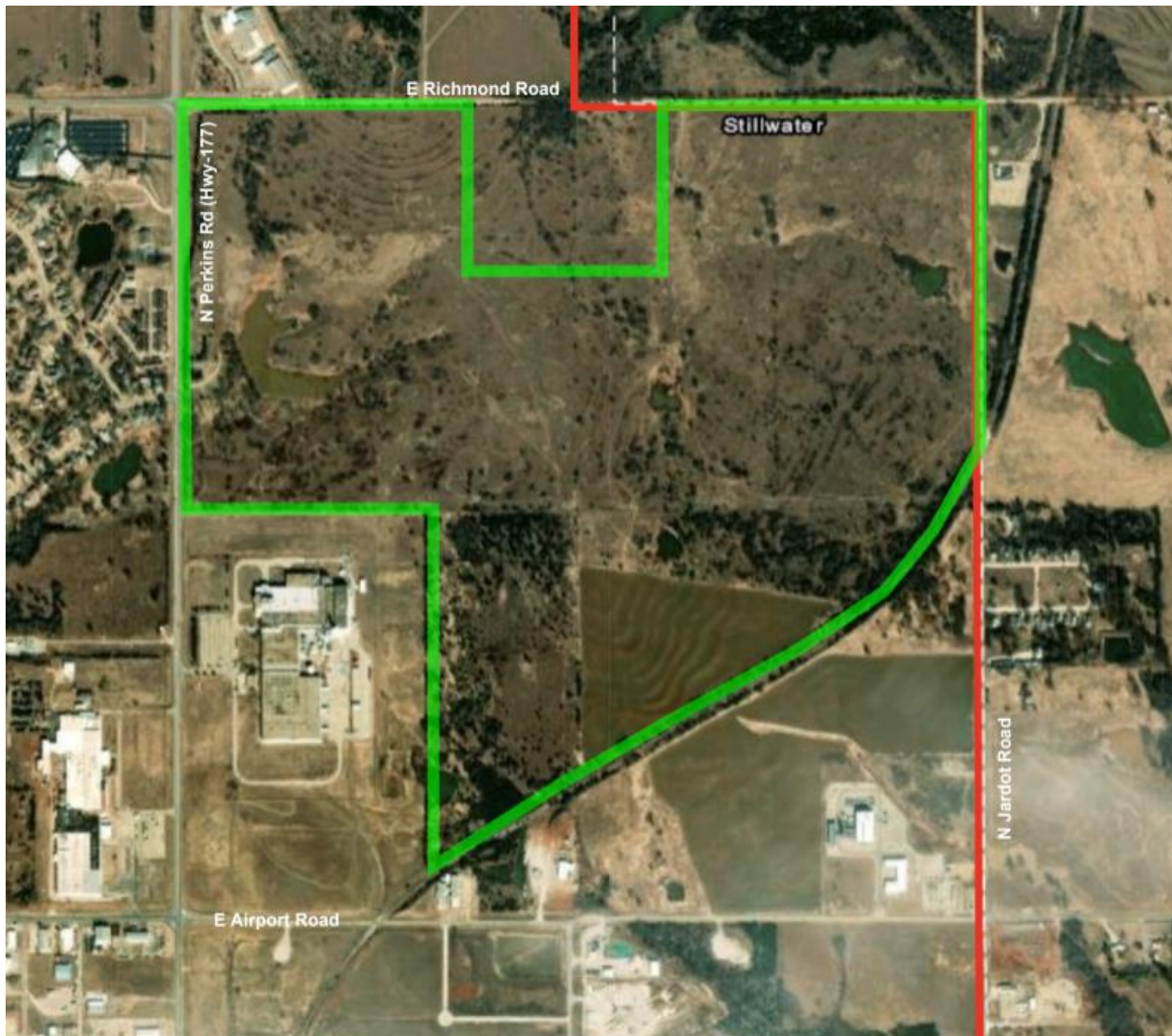
Containing 968,675 square feet OR 22.238 acres more or less.

Incentive District 6 Legal Description

Lot Six (6) in AIRPORT ROAD COMMERCIAL DEVELOPMENT, being part of Section Thirty-Six (36), Township Twenty (20) North, Range Two (2) East of the Indian Base and Meridian (I.B. & M.), City of Stillwater, Payne County, Oklahoma, according to the recorded plat thereof.

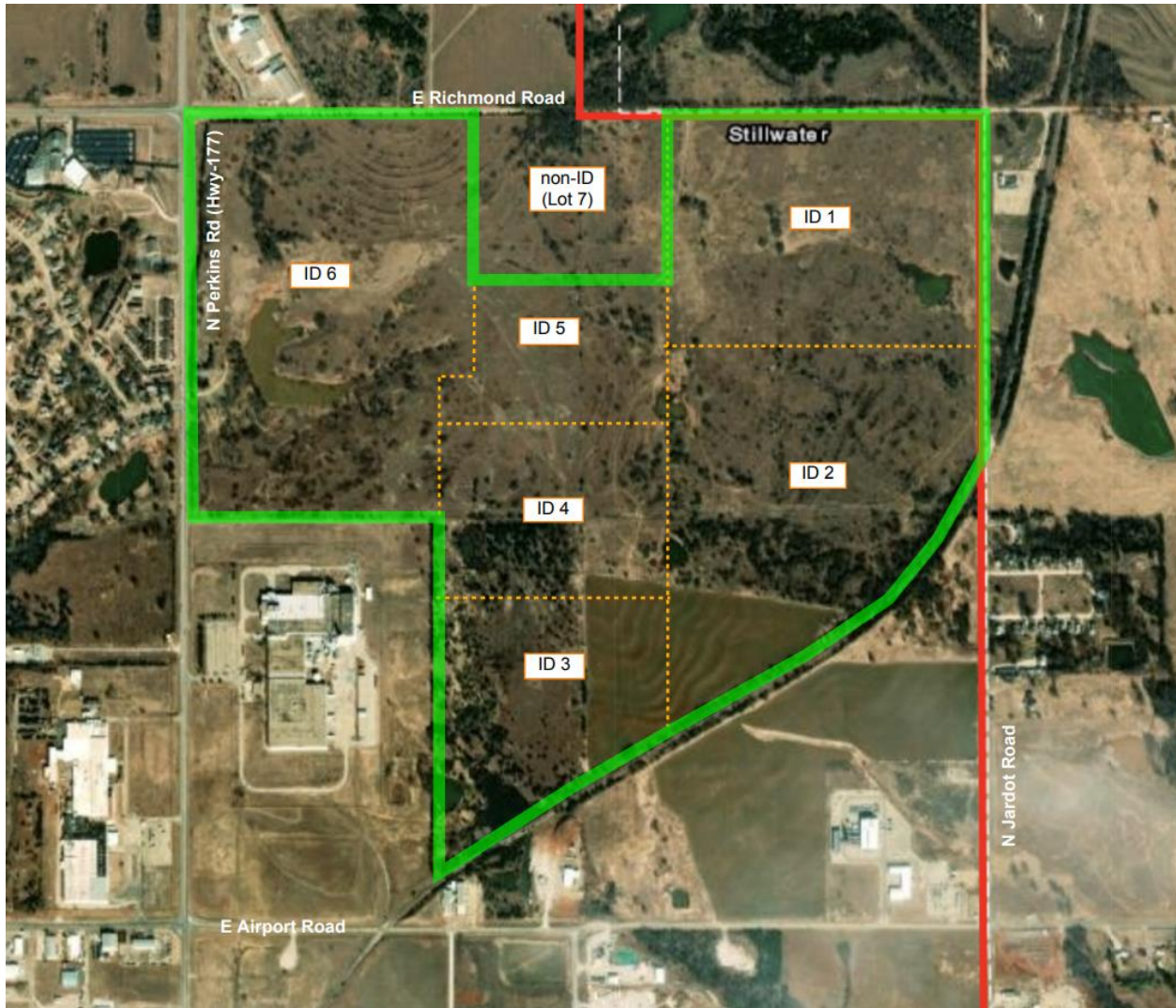
Containing 4,717,996 square feet OR 108.310 acres more or less.

EXHIBIT C: EXISTING USES AND CONDITIONS



The Project Area is currently undeveloped and has been used for limited agricultural purposes (grazing and crop leases). After the passage of City of Stillwater Ordinance No. 3535 on May 8, 2024, the entirety of the Project Area is zoned IG General Industrial District in anticipation of the development of the Project.

EXHIBIT D: PROPOSED IMPROVEMENTS AND USES



The Project Area will be developed as a data center campus. The public works and improvements for the Project will include infrastructure necessary to deliver water to and transport wastewater from the Project Area, and road improvements to Richmond Road. Additional water and wastewater infrastructure may be necessary to accommodate future phases of the Project.

RESOLUTION NO. CC-2024-25

A RESOLUTION OF THE STILLWATER CITY COUNCIL ADOPTING THE STILLWATER REGIONAL AIRPORT TITLE VI PLAN AS REQUIRED BY THE FEDERAL AVIATION ADMINISTRATION (FAA) FOR RECIPIENTS OF FEDERAL FINANCIAL ASSISTANCE

WHEREAS, the City of Stillwater accepts awards of federal grants from the Federal Aviation Administration (FAA) for eligible projects at Stillwater Regional Airport; and

WHEREAS, recipients of federal financial assistance from the FAA must take affirmative action to ensure nondiscrimination in all Stillwater Regional Airport operations; and

WHEREAS, the FAA requires the submission of a Title VI Plan for Stillwater Regional Airport to ensure compliance with this requirement; and

WHEREAS, the Stillwater Regional Airport seeks to ensure compliance with the requirements of all nondiscrimination authorities including but not limited to Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d) which prohibits discrimination on the grounds of race, color or national origin (including limited English proficiency); Title 49 of the U.S.C § 47123 which further prohibits discrimination based on sex and creed (religion); Age Discrimination Act of 1975 which prohibits discrimination against FAA program beneficiaries based on age; and Title 49 C.F.R. Part 21 which requires the FAA to ensure that FAA recipients provide equal access in all programs and activities.

NOW THEREFORE BE IT RESOLVED, the Stillwater City Council hereby adopts the Stillwater Regional Airport Title VI Plan attached hereto as Exhibit A.

PASSED AND APPROVED by the City Council of Stillwater, Oklahoma, and signed this 19th day of August, 2024.

CITY OF STILLWATER, OKLAHOMA
a Municipal Corporation

WILLIAM H. JOYCE, MAYOR

(SEAL)
ATTEST:

TERESA KADAVY, CITY CLERK

APPROVED AS TO FORM AND LEGALITY THIS 19TH DAY OF AUGUST, 2024.

KIMBERLY CARNLEY, CITY ATTORNEY

Stillwater Regional Airport Title VI Plan

1. Title VI Policy Statement¹

Stillwater Regional Airport assures that no person shall on the grounds of race, color, national origin (including limited English proficiency (LEP)), sex (including sexual orientation and gender identity), creed, or age, as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 (PL 100.259), Section 520 of the Airport and Airway Improvement Act of 1982, and related authorities (hereafter, “Title VI and related requirements”), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity that receives U.S. Department of Transportation (DOT) funding. Title VI also prohibits retaliation for asserting or otherwise participating in claims of discrimination.

Stillwater Regional Airport further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs are federally funded or not. The Airport Sponsor agrees, among other things, to understand the communities surrounding or in the flight path, as well as customers that use the airport. Anytime communities may be impacted by programs or activities the Stillwater Regional Airport will take action to involve them and the general public in the decision making process.

Stillwater Regional Airport requires nondiscrimination assurances, as prescribed by FAA, from each tenant, contractor, and concessionaire providing an activity, service, or facility at the airport. Assurances must be included in any related lease, contract, or franchise agreement between Stillwater Regional Airport and each tenant, contractor, and concessionaire, as well as in any similar agreements with their own sub-tenants and sub-contractors.

City Manager Kimberly Meek, available at (405) 742-8395 and kimberly.meek@stillwaterok.gov, is responsible for overseeing the Airport Sponsor’s compliance with Title VI and the point of contact for all airport Title VI matters and related responsibilities, including those required by 49 CFR Part 21.

Signature
Kimberly Meek
City Manager

August 19, 2024
Effective Date

August 19, 2027
3-Year Expiration Date

¹ This policy statement will be translated into languages other than English, upon request and based on patron and local language demographics.

2. Administration

Stillwater City Council has reviewed and adopted this Title VI Plan for the Stillwater Regional Airport. This plan will be updated no less than once every 3 years. The plan will not be re-adopted following minor changes, such as updating the Airport Director's or Coordinator's name. Significant revisions to our policies or federal guidelines may warrant re-adoption by the Stillwater City Council and resubmittal to FAA.

In addition to the Coordinator and airport sponsor's leadership, the following people also assist with our Title VI program requirements:

Staff Supporting Title VI Program	Airport Sponsor Program / Office
Shelly Crynes	Grants Manager
Kellie Reed	Airport Director
Serge Walczak	Airport Operations Manager

Stillwater Regional Airport has the following airport program sub-recipients:

Sub-Recipients

None

As of the date of this plan, Stillwater Regional Airport has the following pending applications for Federal financial assistance:

Federal Source	Grant Number	Amount
FAA AIP	041	
FAA AIP	042	
FAA AIP	043	

Updated information for pending and awarded grant applications will be available through the following methods:

Federal Source	Grant Award Information Available at:
FAA AIP	https://www.faa.gov/airports/aip/

3. Grant and Procurement Assurances

49 CFR § 21.7 (a)(1); 49 CFR Part 21 Appendix C (b)

Stillwater Regional Airport will complete standard grant assurances for Title VI and related requirements, in the form prescribed by FAA. See https://www.faa.gov/airports/aip/grant_assurances/#current-assurances.

Clauses/Covenants

- a. All contracts, leases, deeds, licenses, permits, and other similar instruments, must contain the contractual requirements and clauses, in the form prescribed by FAA. See https://www.faa.gov/airports/aip/procurement/federal_contract_provisions/. Note that unlike many other clauses, Civil Rights clauses are required in all contracts. Note also special clauses that are required for certain types of contracts, such as land acquisition.
- b. Stillwater Regional Airport requires, Civil Rights clauses to be included in solicitations and contracts for all subcontractors, subleases, and any other agreements.

Description of Oversight Methods for Subcontracts

Subcontract template must be used in all subcontracts related to the airport program. Subcontracts are audited by the Procurement Dept. to verify they include the template language, for not less than 10 percent of contractors each year.

4. Title VI Coordinator Responsibilities

The Coordinator is responsible for ensuring that they and other staff supporting the Title VI are trained in Title VI requirements. Essential training topics include:

- Basic Title VI requirements
- Airport language assistance resources and practices
- Collecting and assessing demographic data
- Reporting Title VI complaints and other required FAA notifications.

See Training Section for more information for expected training for all staff.

Among other responsibilities, the Coordinator:

- Proactively ensures that the Airport Sponsor is in compliance with nondiscrimination requirements of Title VI and reports to the City Manager on the status of Title VI compliances.
- Responds promptly to requests by FAA for data and records and for the scheduling of compliance reviews and other FAA meetings to determine compliance with Title VI and related requirements.
- Receives discrimination complaints covered by Title VI and related requirements, and forwards them to the FAA, within 15 days of receipt, together with any actions taken to resolve the matter.
- Provides the FAA with updates regarding its response and status of early resolution efforts to complaints concerning Title VI and related requirements (49 CFR Part 21, Appendix C(b)(3)), including resolution efforts.
- Annually reviews the airport's Title VI plan and disseminates information throughout staff and the Airport Sponsor's leadership.

- Coordinates data collection to evaluate whether racial or ethnic groups are unequally benefited or impacted by airport programs. The data will be regularly assessed and readily available upon request (49 CFR § 21.9(b) & (c)). Data collection methods will include optional demographic questions in: airport customer satisfaction surveys, customer complaints, airport event sign-in sheets, and bids/proposals for airport contracts, and other methods described in the airport Community Participation Plan (CPP).
- Maintains demographic data for members of appointed planning and advisory bodies for the airport. Identifies any disparities compared to the community. Provides information to the membership selecting official/committee, particularly when vacancies occur.
- Maintains a copy of 49 CFR Part 21 for inspection by any person asking for it during normal working hours (49 CFR 21, Appendix C (b)(2)(i)).

See Notice, Compliance reviews, Audits, Lawsuits, and Other Investigations, and Complaints Sections of this Plan.

The Coordinator has requested and received access to the Title VI portion of the FAA Civil Rights Connect System (<https://faa.civilrightsconnect.com/>).

5. Notice

49 CFR Part 21 Appendix C(b)(2)(ii)

Stillwater Regional Airport will conspicuously display the FAA-provided Unlawful Discrimination Poster in all public areas on airport property, including those with pedestrian activity. The Coordinator ensures that these posters are visible, accessible,² and maintained. The poster template is available at https://www.faa.gov/about/office_org/headquarters_offices/acr/com_civ_support/non_disc_pr/ and a completed copy is attached. See Section 15 Appendix.

Stillwater Regional Airport has posted the above Title VI policy statement at its staff offices.

Stillwater Regional Airport will distribute this Title VI Plan among its employees and airport contractors, concessionaires, lessees, and tenants. This plan will be distributed by 9/1/2024 by email.

Posters are displayed in the terminal and other areas on airport property, including the following public locations:

Terminal/FBO/Concessions/ Other Locations	Quantity Pre-Security Area	in	Quantity Post-Security Area	in	Additional Quantities

² For more information about website accessibility, please visit ADA.gov.

Terminal	2	2	
Airport Administration Office	2	2	

Outreach to Affected Communities

The City Clerk’s Office works with Stillwater Regional Airport staff to ensure that notices for public meetings reach all segments of the impacted community. The Title VI coordinator will identify the effective media platforms to share announcement and notices. Announcements are made in social media, general circulation newspapers, community newspapers, and email broadcast. The City Clerk’s Office works with Stillwater Regional Airport staff to contact leaders and representatives in Affected Communities directly to confirm effective media platforms to reach all Affected Communities³ and provide important feedback on translated materials. The office maintains records of all such notices and the efforts made to reach each of the Affected Communities.

To ensure that the community is effectively informed of and able to participate in public hearings, the City Clerk’s Office will assist with every effort to ensure meaningful access to include public notices translated into appropriate languages, including for any language spoken by a significant number or proportion of the Affected Community population that has limited English proficiency (LEP), upon request. Such social media postings and notices will include direction for obtaining an interpreter, free of charge, for public hearings. 28 CFR § 42.405(d). See Limited English Proficiency (LEP) Section.

6. Community Statistics

Title VI regulations require Federal grant recipients to know their community demographics. See 49 CFR § 21.9(b). By knowing this information, the Stillwater Regional Airport will be able to identify, understand, and engage with communities. In doing so, the Stillwater Regional Airport needs to know about communities eligible to be served, actually or potentially affected, benefited or burdened by Stillwater Regional Airport’s airport program.

Affected Communities⁴	Population
City of Stillwater	40,047

(Hereafter, the above communities will be referred to collectively as “the Affected Communities”).

³ We will not subject any persons to discrimination based on race, color, national origin, age, sex, or creed. The term “protected communities” is used within this Title VI Plan to highlight the requirements of Title VI, 49 U.S.C. § 47123, the Age Discrimination Act of 1975, and in some instances, includes low-income populations under Executive Order 12898.

⁴ “Affected communities” means any readily identifiable group potentially impacted by an airport project or operation, such as the community immediately surrounding a project or a community in the flight path.

We have identified the following facts about the Affected Communities:

Low Income Communities⁵.

A low-income area is an identifiable group of persons living in geographic proximity, whose median household income is at or below the Department of Health and Human Services poverty guidelines. Pursuant to Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” Stillwater Regional Airport is collecting information about affected and potentially affected low-income communities. According to the *U.S. Census Report, S1701: Poverty Status in the Past 12 Months*, the overall poverty level for the City of Stillwater is approximately 31.52 %. The poverty rate remains high compared with the rest of the state.

Racial and Ethnic Communities.

Demographic data for race, color, and national origin was evaluated to identify racial and ethnic communities and populations in each Affected Community. The demographic composition by race, color, or national origin for the specific Affected Communities are as follows⁶:

Affected Community: City of Stillwater

Total Affected Community Population: 40,047

Demographic Group within Affected Community	Number of People in Minority Group	Percent of Total Affected Community Population
White	30,665	76.6%
Black or African American	1,704	4.3%
American Indian or Alaska Native	1,126	2.8%
Asian	2,730	6.8%
Native Hawaiian or Other Pacific Islander	40	0.1%
Hispanic or Latino	1,751	4.4%
More than one	3,373	8.4%
Some other race alone	409	1.0%

⁵ Low-income data must be collected to assist in our compliance with Environmental Justice requirements (not Title VI requirements). For example, this data will be utilized in our Community Participation Plan (CPP) to help ensure the meaningful involvement of low income communities in airport programs and activities.

⁶ Recommend using demographic groups from the U.S. Census.

Limited English Proficiency (LEP).

The goal of all language access planning and implementation is to ensure that Stillwater Regional Airport communicates effectively with limited English proficient (LEP) individuals. Effective language access requires self-assessment and planning. The next table lists non-English languages⁷ that are spoken in LEP households in the Affected Communities. The data source is the American Community Survey.

The threshold we have used for identifying the languages with significant LEP populations is the DOT LEP Policy Guidance safe harbor threshold, which is 5% or 1,000, whichever is less.⁸ The safe harbor for our community is 1,000. Please refer to the end of this document to find data for all languages in our community.

Languages Spoken by LEP Population that Meet the Safe Harbor Threshold	Number	Margin of Error
Spanish	1,067	+/-366

Frequency of contact with LEP individuals at the airport and airport-related activities (all languages): **[Use an “X” to indicate the frequency for each language encountered]**

Languages Spoken by LEP Persons	A few times a year (12 or less days a year)	Several times a month (13 to 51 days a year)	At least once a week (52 to 364 days a year)	Every day (365 days a year)
Spanish				X

Additional languages spoken by significant numbers of LEP persons in the Affected Communities, local schools, emergency service providers, and others, include: none.

This information is updated annually⁹ through checking the following resources:

Data Sources for Languages Spoken in Affected Community	Website link to Data Source
U.S. Census Bureau	https://data.census.gov/cedsci/table?q=B16001&tid=ACSDT1Y2019.B16001

⁷ Recommend using language groups from the U.S. Census, and using data for the “Speak English less than ‘very well’” category for each language over the threshold.

⁸ See the DOT LEP Policy Guidance at <https://www.federalregister.gov/d/05-23972/p-133>. The safe harbor provisions apply to the translation of written documents only; however, it provides a consistent starting point for identifying significant LEP populations.

⁹ Data should be kept up-to-date, but this plan does not need to be updated for incremental data changes during the Plan’s 3-year period.

Beneficiary Diversity.

Demographic information is collected from airport customers, attendees at community meetings, and businesses seeking opportunities at the airport, through voluntary disclosures.

Description of Beneficiary Demographic Information Collection Methods

- Stillwater Regional Airport continuously collects surveys on the Airport website (<https://stillwaterok.gov/662/Customer-Feedback>) of airport guests for customer satisfaction. The survey includes a voluntary request for demographic information.
- Participants at small business workshops, pre-bid meetings, and other public meetings are asked to complete an anonymous survey that includes demographic information.
- Businesses that submit bids or offers are asked to complete an anonymous survey that includes demographic information, submitted through a data collection website.

Staff and Advisory Board Diversity.

Demographic information is collected from airport program employees and members of planning and advisory boards, through voluntary disclosures.

Description of Employee and Advisory Board Demographic Information Collection Methods

- Job applicants for Stillwater Regional Airport are asked to submit voluntary confidential demographic information when submitting their job application through the City of Stillwater website.
- Every 3 years, the Stillwater Regional Airport administration sends an email to all board members asking them to voluntarily and anonymously enter demographic information through an online survey.

7. Potential or Known Community Impacts

Projects or services receiving federal financial assistance have the potential to touch so many aspects of American life. Thus, in general, no Stillwater Regional Airport activity must have a discriminatory disparate impact on the basis of race, color, national origin (including LEP), sex (including sexual orientation and gender identity), creed, or age. This means that policies or procedures that have a disparate impact would require a well-documented substantial legitimate nondiscriminatory justification, summarized below. Impacts to protected communities must be avoided or minimized to the extent possible. No project with a discriminatory impact on protected communities will be undertaken.¹⁰

The following airport facilities are already in use or under construction and expected to be in use within the next 3 years:

¹⁰ In order to carry out an alternative with a discriminatory impact, the airport sponsor must demonstrate that there was a substantial legitimate justification for the decision. The sponsor must also show that alternatives with less discriminatory impacts were meaningfully considered and rejected for legitimate reasons.

Existing Airport Facilities	Affected Community Impacted by Operation of the Facility
Existing Airport Terminal	City of Stillwater

The following airport facility projects (including all alternatives) are in construction or expected to be in construction within the next 3 years:

Airport Facility Construction Projects	Affected Community Impacted by Construction of the Facility
New Airport Terminal	City of Stillwater

We have analyzed the above existing facilities and facility construction projects for disparate impacts on the basis of race, color, or national origin (including LEP) in Affected Communities. The following have disparate impacts: none

8. Limited English Proficiency (LEP)

Executive Order 13166

In creating a Language Assistance Plan, Stillwater Regional Airport will consider the volume, proportion, or frequency of contact with LEP persons in determining the appropriate language assistance to provide.

In Community Statistics section, we identified the following languages spoken by LEP persons in Affected Communities:

Language
Spanish

Stillwater Regional Airport also collects data for languages spoken by airport guests.¹¹ Data sources include:

Data Sources for Languages Spoken by Airport Guests	Website link to Data Source
Assumption from U.S. Census information	https://data.census.gov/cedsci/table?q=B16001&tid=ACSDT1Y2019.B16001

Based on the above data, the following additional languages have been identified as likely to be spoken by LEP airport guests: none

¹¹ We aim to provide appropriate language assistance services to every LEP person encountered. This includes instances when LEP statistical data for a particular language was not available beforehand, or the safe harbor threshold for written translation was not met.

The Title VI Coordinator will also actively engage with community educators, community groups, places of work, business groups, social groups, and the like to confirm that translation and interpretation services are accurate and effective. Additionally, the Title VI Coordinator will inform leadership and staff of the Stillwater Regional Airport of the responsibility to provide language access. We have made the following plans to provide translation services free of charge to ensure that individuals with LEP have access to the benefits of the airport:

Translation Services:

- All written notices contain a statement in the identified languages, when appropriate, of how to receive translated written materials.
- The following vendors have been identified for written translations:

Translation Vendors	Languages
Oklahoma State University Department of Languages and Literatures	All above languages

- Information regarding translation services can be obtained at:

Location for Translation Assistance	Languages
Airport website language assistance page	All above languages
City of Stillwater website, Policy and Notice of Nondiscrimination	All above languages
Airport terminal upon request	All above languages

Interpretation Services:

- The following vendors have been identified for interpretation services:

Interpretation Vendors	Languages
As coordinated by Stillwater Regional Airport	All above languages

- Information regarding interpretation services can be obtained at:

Location for Interpretation Assistance	Languages
Airport website language assistance page	All above languages
City of Stillwater website, Policy and Notice of Nondiscrimination	All above languages
Airport terminal upon request	All above languages

9. Transportation

49 Part CFR 21 Appendix C (a)(1)(ix)

In the Community Statistics section of this plan, we identified Affected Communities and provided demographic and related data for the community populations. The minority and disadvantaged community areas located within the Affected Communities are identified below. Other minority and disadvantaged community areas that are near the airport but not within Affected Communities are also identified below.

We have coordinated with Oklahoma State University (OSU)/Stillwater Community Transit System to encourage them to provide transit service access between the airport and these areas.

The following chart identifies existing and planned transit services connecting the airport employment centers with the identified minority and disadvantaged community areas.

Minority and/or Disadvantaged Community Areas	Transit Service	Planned or Existing
City of Stillwater	Oklahoma State University (OSU)/Stillwater Community Transit System	Existing

10. Minority Businesses

49 CFR 21 Appendix C (a)(1)(x)

Bids for airport concessions and other business opportunities are solicited from area minority and woman-owned businesses through the following methods:

Airport Opportunity	Business	Minority Business Outreach Methods
All opportunities		Advertised through the City of Stillwater purchasing process for applicable bids

Selections are in compliance with Title VI, Part 21, and related requirements. Information on the award process and documentation for specific bid decisions are kept in the City Clerk's Office.

11. Training

New employee orientation incorporates Title VI training. Topics include:

- Title VI and related laws prohibit discrimination on the basis of race, color, national origin (including LEP), sex (including sexual orientation and gender identity), creed, or age
- Title VI complaints must be forwarded to the Coordinator

- Protections against retaliation for filing civil rights complaints or related actions
- Title VI notices must be displayed throughout the airport public facilities
- All contracts must include Title VI clauses
- Language interpretation and translation services
- Cultural and community relations sensitivity training
- Anti-harassment training

Refresher information will be provided annually.

12. Compliance Reviews, Audits, Complaints, Lawsuits, and Other Investigations

FAA Notification. The Coordinator will notify FAA of any pending investigations and reviews, including:

- Compliance reviews or audits concerning civil rights requirements¹²
- Complaints, lawsuits, or other investigations alleging noncompliance with civil rights requirements¹³

As discussed in the Title VI Complaints Section, Title VI complaints must be forwarded to FAA contacts within 15 days of receipt. For all other civil rights investigations, Stillwater Regional Airport must notify FAA contacts of any new investigations prior to grant execution.

At regular intervals, the Coordinator will provide FAA contacts with status updates for the investigations and reviews, until completed. For each existing investigation or review completed within 5 years of this plan, the Coordinator will also provide a statement about the outcome, unless previously provided.

13. Title VI Complaints

49 CFR 21.11; 49 CFR 21 Appendix C (b)(3); 28 CFR 42.406(d)

Scope. These procedures are for complaints of discrimination under Title VI and related laws (hereafter “Title VI Complaints.” In order to be a Title VI Complaint, the complaint must:

1. Allege discrimination on the basis of race, color, national origin (including LEP), sex (including sexual orientation and gender identity), creed, or age or violations administrative requirements under Title VI or related laws.

¹² Includes any Title VI, ADA, Sec. 504, Title VII/EEO, or other civil rights program compliance review or audit to be performed on the airport sponsor or any of its sub-recipients by any State, local or Federal agency.

¹³ Includes allegations of discrimination based on race, color, national origin (including LEP), sex (including sexual orientation and gender identity), creed, or age, whether because of actions of the airport sponsor itself, or its employees, contractors, or tenants. Includes noncompliance with related administrative requirements under civil rights laws.

2. Not only be for employment matters¹⁴
3. Allege misconduct by the Stillwater Regional Airport, including airport employees, contractors, concessionaires, lessees, or tenants.
4. Concern an airport facility or actions by the Stillwater Regional Airport including airport employees, contractors, concessionaires, lessees, or tenants.

Rights. Any person who believes that he or she has been subjected to discrimination on the basis of race, color, national origin (including LEP), sex (including sexual orientation and gender identity), creed, or age has the right to file a complaint with the Stillwater Regional Airport.¹⁵ Alternatively, they can file a formal complaint with an outside agency, such as the U.S. Departments of Justice or Transportation, or the Federal Aviation Administration (FAA), or seek other legal remedies.

Receipt of Complaint. The Coordinator will log in the complaint and promptly send copies of the complaint to the office named in the complaint and the Airport Director.

Complaints must be filed within 180 days of the discriminatory event, must be in writing, and must be delivered to:

Kimberly Meek, City Manager
723 S. Lewis St. / PO Box 1449
Stillwater, OK 74076-1449
(405) 742-8395
kimberly.meek@stillwaterok.gov

If a complaint is initially made by phone, it must be supplemented with a written complaint before 180 days after the discriminatory event has passed. If a verbal complaint is received, the complainant should be given a copy of the Airport Discrimination Complaint Procedures and instructed to submit a written complaint. Accommodation will be provided upon request to individuals unable to file a written complaint due to a disability.

Initial Procedure. The Coordinator may meet with the complainant to clarify the issues, obtain additional information, and determine if informal resolution might be possible in lieu of an investigation. If successfully resolved, the Coordinator will issue a closure letter to the complainant, record the disposition in the complaints log, and report the resolution to FAA.

Discrimination Complaint Referral Procedure

Internal Complaint Referral. All Title VI complaints must be promptly forwarded to the

¹⁴ Complaints of employment discrimination must be addressed as required by EEOC and other applicable authorities with jurisdiction over employment matters. If an Airport sponsor employment activity is supported by FAA-provided financial assistance or it is alleged that the employment discrimination affects the broader airport program, complaints about that activity must also be reported to FAA.

¹⁵

Coordinator within 5 business days.

Initial FAA Notification. A copy of each Title VI complaint will be forwarded to the FAA within 15 days of initial receipt (not the date that the Coordinator was notified). The Coordinator will forward a copy of the complaint and a statement describing all actions taken to resolve the matter, and the results thereof to the FAA Civil Rights staff. (Note: complaints based on disability do not have to be forwarded to FAA.) To transmit complaint information to the FAA, the Coordinator will upload to the FAA Civil Rights Connect System, which issues automated notifications to FAA staff. The Coordinator will also seek technical assistance from FAA, as needed, throughout complaint intake, investigation and resolution process.

Investigation Procedure

Assignment of Investigator. The Coordinator will immediately begin the investigation or designate an investigator.

Cooperation with FAA. The Coordinator will promptly investigate all Title VI complaints, including those referred by the FAA for investigation. If the FAA is investigating a complaint against the Stillwater Regional Airport, the Coordinator will avoid interfering with the FAA investigation, cooperate with the FAA when needed, and share factual information with the FAA.

Prompt Investigation. The Coordinator will make every effort to complete discrimination complaint investigations within 60 calendar days after the complaint is received. Some investigations may take longer with a justification for the delay and assurance that the investigation is being completed as quickly as possible.

Contact with Complainant. The Coordinator will meet with the complainant to clarify the issues and obtain additional information, and also speak with community members and potential witnesses, as appropriate.

Investigation Report. After completing the investigation, the Coordinator will prepare a written report.

Consultation with Legal Counsel. In each case, the Coordinator will consult with Legal Counsel regarding the investigation and the report. Airport Legal Counsel will ensure that the report is consistent with the DOT and FAA Title VI nondiscrimination requirements.

Prompt Resolution of Disputes. The Coordinator will emphasize voluntary compliance and quickly and fairly resolve disputes with complainants, or with contractors, tenants, or other persons, through alternate dispute resolution, negotiation, and/or mediation.

Forwarding Report and Response to Complainant. At the completion of the investigation, the complainant and respondent will receive a letter of findings and determination of the investigation and any applicable resolution. The letter transmitting the findings and any applicable resolution will state Stillwater Regional Airport's conclusion regarding whether unlawful discrimination occurred, and will describe the complainant's appeal rights. A summary of the investigation

report, any appeal, or follow-up actions will be sent to the FAA via the FAA Civil Rights Connect System.

Appeal Rights. The complainant must be notified of their right to appeal the findings or determinations, and of the procedures and requirements for an appeal:

- The complainant may appeal in writing to the Title VI Coordinator.
- The written appeal must be received within 5 business days after receipt of the written decision.
- The written appeal must contain all arguments, evidence, and documents supporting the basis for the appeal.
- The Title VI Coordinator will issue a final written decision in response to the appeal.

Avoiding Future Discrimination. In addition to taking action with respect to any specific instances of discrimination, the Stillwater Regional Airport will identify and implement measures to reduce the chances of similar discrimination in the future.

Intimidation and Retaliation Prohibited. Stillwater Regional Airport employees, contractors, and tenants will not intimidate or retaliate against a person who has filed a complaint alleging discrimination.

For information on filing a complaint with DOT/FAA, please contact the Title VI Coordinator.

This complaint procedure is shared with the public through the following methods:

Website, In-person, and Other Distribution Methods

1 Airport website, Title VI page at <https://stillwaterok.gov/160/Airport>

2 City of Stillwater website, Transparency in Government page at <https://stillwaterok.gov/DocumentCenter/View/1982/Policy-and-Notice-of-Nondiscrimination-PDF>

14. Population / Language Data

B16001

LANGUAGE SPOKEN AT HOME BY ABILITY TO SPEAK ENGLISH FOR THE POPULATION 5 YEARS AND OVER



Note: The table shown may have been modified by user selections. Some information may be missing.

DATA NOTES

TABLE ID: B16001
SURVEY/PROGRAM: American Community Survey
VINTAGE: 2015
DATASET: ACSDT5Y2015
PRODUCT: ACS 5-Year Estimates Detailed Tables
UNIVERSE: Population 5 years and over
MLA: U.S. Census Bureau. "LANGUAGE SPOKEN AT HOME BY ABILITY TO SPEAK ENGLISH FOR THE POPULATION 5 YEARS AND OVER." American Community Survey, ACS 5-Year Estimates Detailed Tables, Table B16001, 2015, <https://data.census.gov/table/ACSDT5Y2015.B16001?q=B16001: Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over&g=160XX00US4070300>. Accessed on May 21, 2024.
FTP URL: https://www2.census.gov/programs-surveys/acs/summary_file/2015/data/
API URL: <https://api.census.gov/data/2015/acs/acs5>

USER SELECTIONS

TABLES B16001
GEOS Stillwater city, Oklahoma

EXCLUDED COLUMNS None

APPLIED FILTERS None

APPLIED SORTS None

PIVOT & GROUPING

PIVOT COLUMNS	None
PIVOT MODE	Off
ROW GROUPS	None
VALUE COLUMNS	None
WEB ADDRESS	https://data.census.gov/table/ACSDT5Y2015.B16001?q=B16001:%20Language%20Spoken%20at%20Home%20by%20Ability%20to%20Speak%20English%20for%20the%20Population%205%20Years%20and%20Over&g=160XX00US4070300
TABLE NOTES	Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the Data and Documentation section. Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the Methodology section. Tell us what you think. Provide feedback to help make American Community Survey data more useful for you. Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities and towns and estimates of housing units for states and counties.

Explanation of Symbols: * An "***" entry in the margin of error column indicates that either no sample observations or too few sample observations were available to compute a standard error and thus the margin of error. A statistical test is not appropriate.

* An "-" entry in the estimate column indicates that either no sample observations or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest interval or upper interval of an open-ended distribution.

* An "-" following a median estimate means the median falls in the lowest interval of an open-ended distribution.

* An "+" following a median estimate means the median falls in the upper interval of an open-ended distribution.

* An "****" entry in the margin of error column indicates that the median falls in the lowest interval or upper interval of an open-ended distribution. A statistical test is not appropriate.

* An "*****" entry in the margin of error column indicates that the estimate is controlled. A statistical test for sampling variability is not appropriate.

* An "N" entry in the estimate and margin of error columns indicates that data for this geographic area cannot be displayed because the number of sample cases is too small.

* An "(X)" means that the estimate is not applicable or not available.

Estimates of urban and rural population, housing units, and characteristics reflect boundaries of urban areas defined based on Census 2010 data. As a result, data for urban and rural areas from the ACS do not necessarily reflect the results of ongoing urbanization.

While the 2011-2015 American Community Survey (ACS) data generally reflect the February 2013 Office of Management and Budget (OMB) definitions of metropolitan and micropolitan statistical areas; in certain instances the names, codes, and boundaries of the principal cities shown in ACS tables may differ from the OMB definitions due to differences in the effective dates of the geographic entities.

Methodological changes to data collection in 2013 may have affected language data for 2013. Users should be aware of these changes when using multi-year data containing data from 2013. For more information, see: Language User Note.

Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see Accuracy of the Data). The effect of nonsampling error is not represented in these tables.

Source: U.S. Census Bureau, 2011-2015 American Community Survey 5-Year Estimates

COLUMN NOTES

None

Stillwater city, Oklahoma		
Label	Estimate	Margin of Error
Total:	45,000	±229
Speak only English	40,595	±603
Spanish or Spanish Creole:	1,067	±366
Speak English "very well"	766	±250
Speak English less than "very well"	301	±157
French (incl. Patois, Cajun):	106	±106
Speak English "very well"	106	±106
Speak English less than "very well"	0	±20
French Creole:	0	±20
Speak English "very well"	0	±20
Speak English less than "very well"	0	±20
Italian:	0	±20
Speak English "very well"	0	±20
Speak English less than "very well"	0	±20
Portuguese or Portuguese Creole:	59	±88
Speak English "very well"	42	±69
Speak English less than "very well"	17	±23

German:	58	±41
Speak English "very well"	46	±36
Speak English less than "very well"	12	±20
Yiddish:	0	±20
Speak English "very well"	0	±20
Speak English less than "very well"	0	±20
Other West Germanic languages:	24	±32
Speak English "very well"	20	±31
Speak English less than "very well"	4	±8
Scandinavian languages:	14	±23
Speak English "very well"	14	±23
Speak English less than "very well"	0	±20
Greek:	21	±25
Speak English "very well"	21	±25
Speak English less than "very well"	0	±20
Russian:	5	±7
Speak English "very well"	5	±7
Speak English less than "very well"	0	±20
Polish:	0	±20
Speak English "very well"	0	±20
Speak English less than "very well"	0	±20
Serbo-Croatian:	0	±20
Speak English "very well"	0	±20
Speak English less than "very well"	0	±20
Other Slavic languages:	43	±48
Speak English "very well"	37	±43
Speak English less than "very well"	6	±11
Armenian:	0	±20
Speak English "very well"	0	±20
Speak English less than "very well"	0	±20
Persian:	107	±95
Speak English "very well"	83	±89

Speak English less than "very well"	24	±26
Gujarati:	0	±20
Speak English "very well"	0	±20
Speak English less than "very well"	0	±20
Hindi:	104	±54
Speak English "very well"	98	±52
Speak English less than "very well"	6	±8
Urdu:	8	±15
Speak English "very well"	8	±15
Speak English less than "very well"	0	±20
Other Indic languages:	210	±112
Speak English "very well"	81	±56
Speak English less than "very well"	129	±81
Other Indo-European languages:	4	±8
Speak English "very well"	4	±8
Speak English less than "very well"	0	±20
Chinese:	822	±257
Speak English "very well"	319	±177
Speak English less than "very well"	503	±148
Japanese:	55	±49
Speak English "very well"	13	±22
Speak English less than "very well"	42	±41
Korean:	216	±112
Speak English "very well"	92	±51
Speak English less than "very well"	124	±89
Mon-Khmer, Cambodian:	17	±26
Speak English "very well"	17	±26
Speak English less than "very well"	0	±20
Hmong:	22	±28
Speak English "very well"	22	±28
Speak English less than "very well"	0	±20

Thai:	104	±90
Speak English "very well"	0	±20
Speak English less than "very well"	104	±90
Laotian:	0	±20
Speak English "very well"	0	±20
Speak English less than "very well"	0	±20
Vietnamese:	111	±80
Speak English "very well"	17	±20
Speak English less than "very well"	94	±78
Other Asian languages:	265	±206
Speak English "very well"	247	±206
Speak English less than "very well"	18	±20
Tagalog:	115	±97
Speak English "very well"	90	±81
Speak English less than "very well"	25	±41
Other Pacific Island languages:	332	±343
Speak English "very well"	304	±341
Speak English less than "very well"	28	±30
Navajo:	0	±20
Speak English "very well"	0	±20
Speak English less than "very well"	0	±20
Other Native North American languages:	15	±24
Speak English "very well"	15	±24
Speak English less than "very well"	0	±20
Hungarian:	0	±20
Speak English "very well"	0	±20
Speak English less than "very well"	0	±20
Arabic:	392	±188
Speak English "very well"	249	±135
Speak English less than "very well"	143	±94
Hebrew:	0	±20
Speak English "very well"	0	±20

Speak English less than "very well"	0	±20
African languages:	109	±66
Speak English "very well"	89	±64
Speak English less than "very well"	20	±16
Other and unspecified languages:	0	±20
Speak English "very well"	0	±20
Speak English less than "very well"	0	±20

S1701

Poverty Status in the Past 12 Months

United States[®]

Census

Bureau

Note: The table shown may have been modified by user selections. Some information may be missing.

DATA NOTES

TABLE ID:

S1701

SURVEY/PROG

American Community Survey

RAM:

VINTAGE:

2022

DATASET:

ACSST5Y2022

PRODUCT:

ACS 5-Year Estimates Subject Tables

UNIVERSE:

None

MLA:

U.S. Census Bureau. "Poverty Status in the Past 12 Months." American Community Survey, ACS 5-Year Estimates Subject Tables, Table S1701, 2022, <https://data.census.gov/table/ACSST5Y2022.S1701?q=S1701: Poverty Status in the Past 12 Months&g=160XX00US4070300>. Accessed on May 21, 2024.

FTP URL:

None

API URL:

<https://api.census.gov/data/2022/acs/acs5/subject>

USER SELECTIONS

TABLES

S1701

GEOS

Stillwater city, Oklahoma

EXCLUDED COLUMNS	None
APPLIED FILTERS	None
APPLIED SORTS	None
PIVOT & GROUPING	
PIVOT COLUMNS	None
PIVOT MODE	Off
ROW GROUPS	None
VALUE COLUMNS	None
WEB ADDRESS	https://data.census.gov/table/ACSST5Y2022.S1701?q=S1701:%20Poverty%20Stat%20in%20the%20Past%2012%20Months&g=160XX00US4070300
TABLE NOTES	Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, the decennial census is the official source of population totals for April 1st of each decennial year. In between censuses, the Census Bureau's Population Estimates Program produces and disseminates the official estimates of the population for the nation, states, counties, cities, and towns and estimates of housing units for states and counties. Information about the American Community Survey (ACS) can be found on the ACS website. Supporting documentation including code lists, subject definitions, data accuracy, and statistical testing, and a full list of ACS tables and table shells (without estimates) can be found on the Technical Documentation section of the ACS website. Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the Methodology section. Source: U.S. Census Bureau, 2018-2022 American Community Survey 5-Year Estimates

	Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see ACS Technical Documentation). The effect of nonsampling error is not represented in these tables. Dollar amounts are adjusted to respective calendar years. For more information, see: Change to Income Deficit. The 2018-2022 American Community Survey (ACS) data generally reflect the March 2020 Office of Management and Budget (OMB) delineations of metropolitan and micropolitan statistical areas. In certain instances, the names, codes, and boundaries of the principal cities shown in ACS tables may differ from the OMB delineation lists due to differences in the effective dates of the geographic entities. Estimates of urban and rural populations, housing units, and characteristics reflect boundaries of urban areas defined based on 2020 Census data. As a result, data for urban and rural areas from the ACS do not necessarily reflect the results of ongoing urbanization. Explanation of Symbols:- The estimate could not be computed because there were an insufficient number of sample observations. For a ratio of medians estimate, one or both of the median estimates falls in the lowest interval or highest interval of an open-ended distribution. For a 5-year median estimate, the margin of error associated with a median was larger than the median itself.N The estimate or margin of error cannot be displayed because there were an insufficient number of sample cases in the selected geographic area. (X) The estimate or margin of error is not applicable or not available.median- The median falls in the lowest interval of an open-ended distribution (for example "2,500-")median+ The median falls in the highest interval of an open-ended distribution (for example "250,000+").** The margin of error could not be computed because there were an insufficient number of sample observations.*** The margin of error could not be computed because the median falls in the lowest interval or highest interval of an open-ended distribution.***** A margin of error is not appropriate because the corresponding estimate is controlled to an independent population or housing estimate. Effectively, the corresponding estimate has no sampling error and the margin of error may be treated as zero.
COLUMN NOTES	None
	Stillwater city, Oklahoma

	Total		Below poverty level
Label	Estimate	Margin of Error	Estimate
Population for whom poverty status is determined	40,047	±152	12,626
AGE			
Under 18 years	6,914	±471	1,605
Under 5 years	1,901	±285	491
5 to 17 years	5,013	±434	1,114
Related children of householder under 18 years	6,876	±470	1,567
18 to 64 years	28,550	±473	10,737
18 to 34 years	18,349	±604	9,503
35 to 64 years	10,201	±451	1,234
60 years and over	6,130	±544	432
65 years and over	4,583	±441	284
SEX			
Male	20,817	±535	6,499
Female	19,230	±548	6,127
RACE AND HISPANIC OR LATINO ORIGIN			
White alone	30,665	±620	9,350
Black or African American alone	1,704	±326	749
American Indian and Alaska Native alone	1,126	±294	450
Asian alone	2,730	±525	912
Native Hawaiian and Other Pacific Islander alone	40	±40	30
Some other race alone	409	±199	98
Two or more races	3,373	±601	1,037
Hispanic or Latino origin (of any race)	1,751	±329	797
White alone, not Hispanic or Latino	29,766	±634	8,859
EDUCATIONAL ATTAINMENT			
Population 25 years and over	20,830	±533	3,022
Less than high school graduate	988	±251	338
High school graduate (includes equivalency)	3,680	±519	756

Some college, associate's degree	5,359	±557	1,006
Bachelor's degree or higher	10,803	±862	922
EMPLOYMENT STATUS			
Civilian labor force 16 years and over	21,806	±965	6,494
Employed	20,804	±971	5,940
Male	11,488	±809	3,060
Female	9,316	±482	2,880
Unemployed	1,002	±257	554
Male	705	±248	406
Female	297	±117	148
WORK EXPERIENCE			
Population 16 years and over	33,780	±472	11,118
Worked full-time, year-round in the past 12 months	11,613	±803	790
Worked part-time or part-year in the past 12 months	13,003	±925	7,145
Did not work	9,164	±810	3,183
ALL INDIVIDUALS WITH INCOME BELOW THE FOLLOWING POVERTY RATIOS			
50 percent of poverty level	7,227	±909	(X)
125 percent of poverty level	14,107	±984	(X)
150 percent of poverty level	15,948	±1,153	(X)
185 percent of poverty level	18,201	±1,292	(X)
200 percent of poverty level	19,885	±1,320	(X)
300 percent of poverty level	25,396	±1,367	(X)
400 percent of poverty level	29,896	±1,206	(X)
500 percent of poverty level	33,069	±1,192	(X)
UNRELATED INDIVIDUALS FOR WHOM POVERTY STATUS IS DETERMINED			
	17,523	±981	9,581
Male	9,573	±766	5,026
Female	7,950	±531	4,555
15 years	0	±21	0
16 to 17 years	38	±49	38
18 to 24 years	10,421	±771	7,728
25 to 34 years	2,868	±374	930
35 to 44 years	915	±275	204
45 to 54 years	814	±242	267
55 to 64 years	1,052	±270	171
65 to 74 years	636	±170	108

75 years and over	779	±183	135
Mean income deficit for unrelated individuals (dollars)	8,598	±580	(X)
Worked full-time, year-round in the past 12 months	4,269	±515	513
Worked less than full-time, year-round in the past 12 months	9,228	±800	6,465
Did not work	4,026	±649	2,603
Population in housing units for whom poverty status is determined	39,946	±152	12,565

15. Completed Unlawful Discrimination Poster

Unlawful Discrimination

It is unlawful for airport operators and their lessees, tenants, concessionaires and contractors to discriminate against any person because of race, color, national origin, sex, creed, or disability in public services and employment opportunities. Allegations of discrimination should be promptly reported to the Airport Manager or:

Federal Aviation Administration
Office of Civil Rights, ACR-1
800 Independence Avenue, S.W.
Washington, D.C. 20591

Federal regulations on unlawful discrimination are available for review in the Airport Manager's Office.

Coordinator: Serge Walczak, Airport Operations Manager
Phone: 405-533-8518
Address: 3304 N. Airport Industrial Access Rd.
Stillwater, OK 74075

Discriminacion Ilegal

Se prohíbe a los operadores de aeropuertos y a sus arrendatarios, inquilinos, concesionarios y contratistas discriminar contra cualquier persona por motivo de raza, color, nacionalidad de origen, sexo, creencias religiosas, impedimento físico o discapacidad en lo que respecta a servicios públicos y oportunidades de empleo. Las alegaciones de discriminación deberán ser dirigidas inmediatamente al Administrador del Aeropuerto o a:

Federal Aviation Administration
Office of Civil Rights, ACR-1
800 Independence Avenue, S.W.
Washington, D.C. 20591

Los reglamentos sobre discriminación ilegal están a la disposición de los interesados para su examen en la oficina del Administrador del Aeropuerto.

Coordinador: Serge Walczak, Gerente de Operaciones Aeroportuarias
Teléfono: 405-533-8518
Dirección: 3304 N. Airport Industrial Access Rd.
Stillwater, OK 74075



U.S. Department of Transportation
Federal Aviation Administration

HQ-101058

ORDINANCE NUMBER 3543

AN ORDINANCE GRANTING TO THE OKLAHOMA GAS AND ELECTRIC COMPANY, AN OKLAHOMA CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO PRODUCE, TRANSMIT, DISTRIBUTE AND SELL ELECTRICITY FOR ALL PURPOSES FOR WHICH IT MAY BE USED BY KIPPER LLC, ITS AFFILIATES AND SUBSIDIARIES, ON SPECIFIC PROPERTY MORE PARTICULARLY DESCRIBED ON EXHIBIT A ATTACHED HERETO, AND THE RIGHT TO CONSTRUCT, MAINTAIN AND OPERATE A SYSTEM OF POLES, WIRES, CONDUITS AND OTHER FACILITIES AND EQUIPMENT IN, UPON, ACROSS, UNDER AND OVER THE STREETS, ALLEYS, PUBLIC GROUNDS OR WAYS IN THE CITY FOR THE LIMITED PURPOSE OF PROVIDING ELECTRICITY TO SAID PROPERTY, IN ACCORDANCE WITH THE CITY'S RIGHT OF WAY MANAGEMENT ORDINANCES AND POLICIES; FOR A PERIOD OF TWENTY-FIVE (25) YEARS; PROVIDING COMPENSATION TO THE CITY; ORDERING AN ELECTION, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STILLWATER, OKLAHOMA:

SECTION 1. The word "City" as hereinafter used shall mean and designate the City of Stillwater, Payne County, Oklahoma, , the word "Company" as hereinafter used shall mean and designate the Oklahoma Gas and Electric Company, a corporation organized and existing under and by virtue of the laws of the State of Oklahoma and its successors and assigns, and the word "Kipper" as hereinafter used shall mean and designate Kipper, LLC, its affiliates, subsidiaries, and its facilities that are built on the property described in Exhibit A attached hereto (the "Kipper Property") and located wholly within the limits of the City.

SECTION 2. (a) The City hereby grants to the Company the right, privilege and authority to produce, transmit, distribute and sell electricity within and to the Kipper Property, which is within corporate limits of the City, for all purposes for which it may be used and provided from Company, and the right, privilege and authority to construct, maintain and operate a system of poles, wires, conduits, transformers, substations, and other facilities and equipment in, upon, across, under and over the streets, alleys, public grounds or ways on Kipper Property and in portions of said City necessary to extend service to the Kipper Property, subject to the City's right of way management plan and ordinances, for the purpose of producing, transmitting, distributing and selling electricity therein to Kipper. It is the express intent of the City that this franchise granted to Company under this ordinance shall be limited to service to Kipper at the Kipper Property.

(b) The franchise hereby granted to Company to service Kipper at the Kipper Property shall be effective from and after the date of approval of this Ordinance by the qualified electors of the City and acceptance by the Company and shall remain in full force and effect for a period of twenty-five (25) years. Nothing in this Ordinance shall be construed to prevent the City from granting an electric franchise to any other person, firm, or corporation.

SECTION 3. The Company shall construct, operate and maintain its property in such manner as will, consistent with necessity, not obstruct nor impede traffic unduly.

SECTION 4. The Company shall defend and indemnify the City against all liability for injury to any person or property caused by the negligence of the Company in the construction, operation and maintenance of its property within the City.

SECTION 5. Electric service provided hereunder to Kipper on the Kipper Property and rates charged

therefor shall be in accordance with orders, rules and regulations of the Corporation Commission of the State of Oklahoma or other governmental authority having jurisdiction.

SECTION 6. The Company shall have the right to assign this franchise and the assignee by written acceptance thereof shall be bound by all the provisions hereof. An authenticated copy of such assignment and acceptance shall be filed with the Clerk of the City.

SECTION 7. (a) From and after the approval and acceptance of this franchise, and in consideration of the granting of this franchise, the Company agrees to pay and shall pay the City an annual franchise fee in an amount equal to three percent (3%) of its gross revenues arising from the sale of electricity within the corporate limits of the City to the Kipper Property. .

(b) The Company shall abide by any order, rule or regulation of the Corporation Commission of the State of Oklahoma requiring the listing separately of all or any portion of such franchise fee on electric bills to customers.

(c) Such franchise fees paid by the Company to the City shall be in lieu of all other franchise, excise, license, occupation, privilege, inspection, permit, or other fees, taxes or assessments, except ad valorem taxes.

SECTION 8. A special election is hereby called for the purpose of submitting this Ordinance to the qualified electors of the City residing within its corporate limits for their approval or disapproval, provided the Company shall pay the cost of such election. The election shall be held on the 5th day of November, 2024, between the hours of 7:00 a.m. and 7:00 p.m. The Mayor of the City of Stillwater is authorized and directed to issue an election proclamation calling such election and is further directed to take all steps that may be necessary for holding the election and for the submission of this Ordinance to the qualified electors of the City. If a majority of the qualified electors of the City voting thereon fail to approve this franchise at said election, no rights shall accrue hereunder.

SECTION 9. In case the franchise hereby granted is approved at said election, the Company shall, within thirty (30) days from the date of such approval, file with the Clerk of the City, in writing, its acceptance. In the event the Company fails to accept within the said period, such failure shall be deemed a rejection of the franchise.

SECTION 10. This franchise is granted by the City solely for the purpose of providing service to the Kipper Property and shall in no way be interpreted as replacing or otherwise modifying any other franchise granted by the City to the Company.

SECTION 11. Emergency Clause. It being immediately necessary for the preservation of the public health, peace and safety that an emergency is declared to exist, by reason whereon this ordinance shall become effective from and after the date of publication and upon official certification of the election results by the Payne County Election Board.

PASSED AND APPROVED this _____ day of August, 2024, with the Emergency Clause voted on and approved separately.

CITY OF STILLWATER, OKLAHOMA

By: _____
William H. Joyce, Mayor

ATTEST:

Teresa Kadavy, City Clerk

(SEAL)

EMERGENCY CLAUSE

**THE EMERGENCY CLAUSE IS HEREBY PASSED, APPROVED AND ADOPTED THIS ____
DAY OF _____, 2024.**

William H. Joyce, Mayor

ATTEST:

Teresa Kadavy, City Clerk

(SEAL)

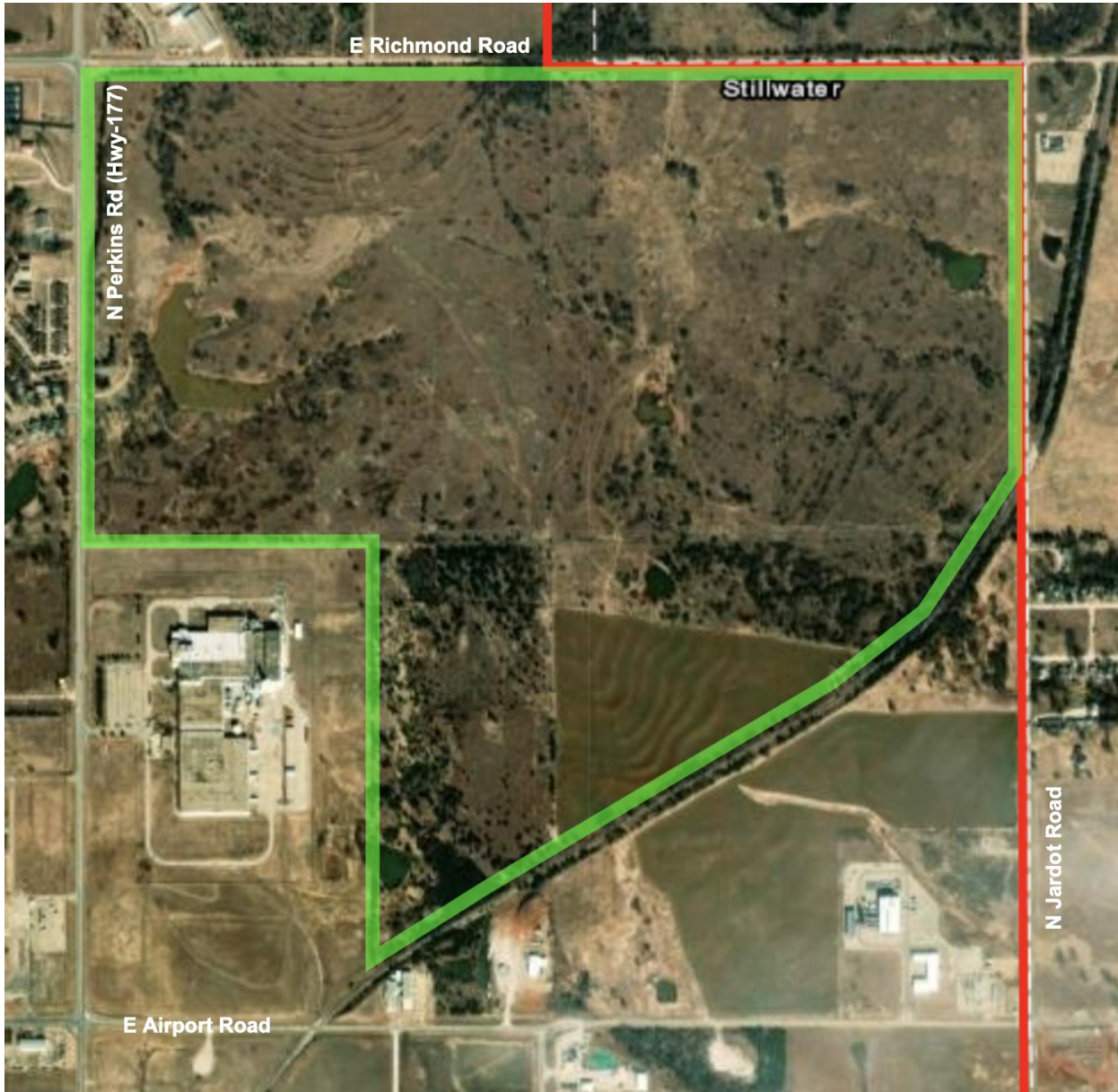
Approved as to form and legality, this ____ day of _____, 2024.

Kimberly Carnley, City Attorney

First Reading: 8/19/2024
Second Reading: 8/20/2024

EXHIBIT A
MAP EXHIBIT AND LEGAL DESCRIPTION

Map Exhibit



Legal Description

A tract of land located in the Northeast Quarter (NE/4), Northwest Quarter (NW/4), and Southwest Quarter (SW/4), and Southeast Quarters (SE/4) of Section Thirty-Six (36), Township Twenty (20) North, Range Two (2) East of the Indian Base and Meridian (I.B. & M.), Payne County, Oklahoma, being more particularly described as metes and bounds by Darrel Ray Mason OKLS1690 on March 13, 2024 as follows:

COMMENCING at the SW/C, SW/4, S36-T20-R2E monumented by a 1" Rail Road Spike; thence with a BASIS OF BEARING of N 00°41'24" W along the west line of the SW/4 a distance of 2638.58 feet to the NW/C, SW/4, SEC36-T20N-R3E monumented by a 1/2" Rebar AND the POINT OF BEGINNING;
Thence along the west line of the NW/4 with a bearing of N 00°42'47" W a distance of 2630.81 feet to the NW/C, NW/4 SEC36-T20N-R2E monumented by a Railroad Spike;
Thence with a bearing of N 89°13'38" E along the north line of the NW/4 a distance of 2629.53 feet to the NE/C, NW/4 SEC36-T20N-R2E monumented by a 1/2" Rebar;
Thence with a bearing of N 89°18'29" E along the north line of the NE/4 a distance of 2630.74 feet to the NE/C, NE/4, SEC36-T20N-R2E monumented by a Mag Nail;
Thence with a bearing of S 00°49'51" E along the east line of the NE/4 a distance of 2122.35 feet to a point on the East Line of NE/4, SEC36-T20N-R2E, also being a point on the Northerly Rail Road R/W line of Eastern Oklahoma Railway particularly described in Book 7, Page 208;
Thence in a southwesterly direction with a non-tangent curve turning to the right with a radius of 2793.96 feet, having a chord bearing of S 27°41'11" W and a chord distance of 761.36, and an arc length of 763.73 feet to a point on said Northerly Rail Road R/W Line;
Thence with a bearing of N 54°28'57" W a distance of 20.00 feet to a point on said Northerly Rail Road R/W Line;
Thence in a southwesterly direction with a non-tangent curve turning to the right with a radius of 2773.96 feet, having a chord bearing of S 40°33'13" W and a chord distance of 487.07 feet, and an arc length of 487.70 to a point on said Northerly Rail Road R/W Line monumented by a 1/2" Rebar w/ cap PLS 1802;
Thence with a bearing of S 44°24'34" E a distance of 20.00 feet to a point on said Northerly Rail Road R/W Line monumented by a 1/2" Rebar w/ cap PLS 1802;
Thence in a southwesterly direction with a non-tangent curve turning to the right with a radius of 2793.69 feet, having a chord bearing of S 51°55'38" W and a chord distance of 616.73, and an arc length of 617.99 feet to a point on said Northerly Rail Road R/W Line monumented by a 1/2" Rebar w/ cap PLS 1802;
Thence with a bearing of S 59°21'10" W a distance of 1676.22 feet to a point on said Northerly Rail Road R/W Line;
Thence with a bearing of S59°21'10" W a distance of 614.77 feet to a point on said Northerly Rail Road R/W Line;
Thence in a southwesterly direction with a tangent curve turning to the left with a radius of 2915.05 feet, having a chord bearing of S 55°26'11"W and a chord distance of 387.62 feet, and an arc length of 387.91 feet to a point on said Northerly Rail Road R/W Line monumented by a 1/2" Rebar w/ cap Hitech;
Thence with a bearing of N 00°47'43" W along the west line of the east 60 acres of the SW/4 a distance of 2333.99 feet to a point on the north line of the SW/4, SEC36-T20N-R2E monumented by a 1/2" pipe;
Thence along said north line of said SW/4 with a bearing of N 89°28'48" E a distance of 1645.64' back to the POINT OF BEGINNING.

CONTAINING 18,196,038 SQUARE FEET OR 417.723 ACRES, MORE OR LESS

ORDINANCE NO. 3544

AN ORDINANCE APPROVING AND ADOPTING THE STILLWATER DATA CENTER ECONOMIC DEVELOPMENT PROJECT PLAN AND SUPPORTING INCENTIVE DISTRICTS, PURSUANT TO THE OKLAHOMA LOCAL DEVELOPMENT ACT; IDENTIFYING AND ESTABLISHING SIX INCENTIVE DISTRICTS; DESIGNATING AND ADOPTING PROJECT AREA AND INCENTIVE DISTRICT BOUNDARIES; DEFERRING THE NUMERICAL DESIGNATIONS AND EFFECTIVE DATES FOR THE INCENTIVE DISTRICTS; ADOPTING CERTAIN FINDINGS; AUTHORIZING THE CITY OF STILLWATER AND THE STILLWATER ECONOMIC DEVELOPMENT AUTHORITY TO CARRY OUT AND ADMINISTER THE PROJECT PLAN; RATIFYING AND CONFIRMING THE ACTIONS, RECOMMENDATIONS AND FINDINGS OF THE REVIEW COMMITTEE AND THE STILLWATER PLANNING COMMISSION; APPROVING AND ADOPTING A TAX INCENTIVE AGREEMENT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY

WHEREAS, the City of Stillwater, Oklahoma, a municipal corporation (the “City”) has caused to be prepared the Stillwater Economic Development Project Plan and Supporting Incentive Districts (“Project Plan”), in accordance with the Oklahoma Local Development Act, 62 O.S. §850, *et seq.* (“Act”); and

WHEREAS, the purpose of the Project Plan is to provide the incentives necessary to support at least Five Hundred Million Dollars (\$500,000,000) in initial private investment by Kipper LLC (“Company”) in the first Phase (defined herein) of the development of a data center campus (meeting U.S. Industry Number 518210 of the North American Industry Classification System (NAICS) Manual, 2017 Revision), with the potential for five (5) additional Phases of development of similar magnitude, on approximately 386.698 acres of land within the City’s corporate boundaries to be acquired by the Company (collectively, the “Project”); and

WHEREAS, each developed Phase will include a data center comprised of approximately 300,000 square feet (each a “Data Center”), together with certain ancillary buildings, structures and infrastructure that support or are related to the data center campus operations, including but not limited to, utility buildings, structures, and appurtenances and office buildings; and

WHEREAS, the Company desires to develop a Data Center in each of the six Phases, however, the Company may construct fewer Data Centers, resulting in fewer Phases; and

WHEREAS, the term “Phase” as used herein refers to all new investments in real and personal property within an Incentive District (defined herein); and

WHEREAS, the Project Plan supports the City’s objectives to promote economic development, to stimulate private investment, to reverse economic stagnation or decline, to expand employment, and to enhance the tax base, and thereby making possible investment that would be difficult without the adoption of the Project Plan; and

WHEREAS, pursuant to the Act, the City Council previously established the Data Center Economic Development Review Committee (“Review Committee”), comprised of a representative of the City, a representative of the Stillwater Planning Commission (“Planning Commission”), representatives of each of the affected taxing jurisdictions (including the Board of Education of Independent School District Number 16 of Payne County, Oklahoma, the Board of Education of the Meridian Technology Center, the Board of Payne County Commissioners, and the Board of the Payne County Health Department, collectively, the “Taxing Entities”), and three members of the public at large, one of whom is a representative of the business community in the City of Stillwater; and

WHEREAS, the Review Committee has reviewed the proposed Project Plan, the proposed Project Area and the proposed Incentive Districts (temporarily identified in the Project Plan and this Ordinance as “Incentive Districts “1,” “2,” “3,” “4,” “5,” and “6”) (“Incentive Districts”) in accordance with the criteria specified in the Act and has determined that the Incentive Districts are eligible for designation as an incentive district and for development under the Act and that the financial impacts on the affected taxing jurisdictions and business activities from implementation of the Project Plan are positive; and

WHEREAS, the Review Committee has adopted a resolution of its findings and recommends to the City Council the approval of the Project Plan, including the proposed Incentive Districts; and

WHEREAS, the Planning Commission has determined that the Project Plan conforms to the Stillwater 2030 C3 Comprehensive Plan; and

WHEREAS, the Planning Commission has adopted a resolution recommending to the City Council the approval of the Project Plan, including the proposed Incentive Districts; and

WHEREAS, the Project Area and the proposed Incentive Districts, which share the same boundaries, are within a state designated enterprise zone and therefore meet the definition of an enterprise area as defined by the Act; and

WHEREAS, the Project Area, including the Incentive Districts, is located within a reinvestment area as defined by the Act; and

WHEREAS, the projected investment and development are difficult, but possible, within the proposed Project Area and Incentive Districts if the Project Plan is adopted and implemented; and

WHEREAS, the qualifying tax incentive provided in the Project Plan is a necessary component in generating economic development in the proposed Project Area and Incentive Districts; and

WHEREAS, the implementation of the Project Plan and the establishment of the proposed Incentive Districts will work in conjunction with existing programs and other locally implemented economic development efforts in order to encourage economic development in the proposed Project Area; and

WHEREAS, the Project is expected to generate substantial new investment within the proposed Incentive Districts and to stimulate additional indirect economic benefits outside of the Project Area which would not occur without the Project; and

WHEREAS, the Project Plan provides tools which will supplement and not supplant or replace normal public functions and services; and

WHEREAS, the boundaries of the proposed Incentive Districts do not dissect any similar area nor create an unfair competitive advantage; and

WHEREAS, maximum effort has been made to allow full public knowledge and participation in the application of the Act in the review and approval of the Project Plan; and

WHEREAS, all required notices have been given and all required hearings have been held in connection with the Project Plan, as prescribed by the Act, the Oklahoma Open Meetings Act, 25 O.S. § 301, *et seq.*, and other applicable law; and

WHEREAS, pursuant to published notice, at a regular meeting of the City Council held on August 19, 2024, members of the public were provided information, including an analysis of potential positive and negative impacts, and had questions answered regarding the Project Plan; and

WHEREAS, pursuant to published notice, at a regular meeting of the City Council held on September 9, 2024, all persons present were given an opportunity to be heard for and against the Project Plan; and

WHEREAS, the City and the Stillwater Economic Development Authority shall be authorized and designated to carry out certain provisions of the Project Plan, pursuant to the Act; and

WHEREAS, Section 856 of the Act authorizes the City to defer determination of the effective dates of the proposed Incentive Districts, provided that the determination is not more than ten (10) years after the date of approval of the Project Plan; and

WHEREAS, the City finds that it is in the best interest of the overall success of the Project to defer the determination of the effective dates of the Incentive Districts until a later date, which date must be determined within ten (10) years of the date of approval of the Project Plan; and

WHEREAS, the City retains the right, pursuant to the Act, to make minor amendments to the Project Plan; and

WHEREAS, as required by Article 10, Section 6C of the Oklahoma Constitution and pursuant to Sections 865 and 866 of the Act, the governing bodies of all taxing entities whose taxes are to be included in the incentives to be provided by the Incentive Districts will be requested to approve and execute a written agreement with the City Council providing for the same; and

WHEREAS, the incentives described in the Project Plan and the Tax Incentive Agreement (defined herein) are designed to grant a one hundred percent (100%) ad valorem tax exemption on

all new investment attributable to property qualifying under U.S. Industry Number 518210 of the NAICS Manual, 2017 Revision, within each Incentive District, during the twenty-five year duration of each Incentive District, upon the terms and conditions set forth in the Project Plan (“Incentive District Exemptions”); and

WHEREAS, the City has caused to be prepared a written agreement by and among the Taxing Entities, the City, and the Company, as the prospective owner of the Property and the recipient of the Incentive District Exemptions, as required by Sections 865 and 866 of the Act (“Tax Incentive Agreement”), setting forth the terms and conditions applicable to the Incentive District Exemptions; and

WHEREAS, the City has caused the preparation of an Economic Development Agreement by and among the City, the Stillwater Economic Development Authority (“SEDA”), and the Company delineating the parties’ respective obligations applicable to the first two Phases of development of the Project (“Development Agreement”), with the understanding that the City, SEDA, and the Company will execute one or more supplemental development agreements for any subsequent Phases the Company elects to develop (“Supplemental Development Agreement”); and

WHEREAS, in consideration of the Incentive District Exemptions granted for all Incentive Districts, the Company has agreed to make certain direct payments in lieu of taxes (“PILOT Payments”) to the Taxing Entities for the duration of each Incentive District, as more particularly described in and subject to the terms and conditions of the Tax Incentive Agreement, the Development Agreement, and the Project Plan; and

WHEREAS, in consideration of the Incentive District Exemptions granted for the Incentive Districts created for Phase 1 and Phase 2 of the Project, the Company has agreed to make certain direct payments to the City, described as Community Betterment Payments, and for the City to receive a franchise fee on the revenues generated from the sale of electric power to the Company (“Franchise Fees”), with the understanding that any such payments to the City for any subsequent Phases will be determined in accordance with a Supplemental Development Agreement, all as more particularly described in and subject to the terms and conditions of the Tax Incentive Agreement, the Development Agreement, and the Project Plan; and

WHEREAS, the revenue sources expected to finance eligible Project Costs pursuant to the Project Plan are comprised of the Community Betterment Payments and Franchise Fees received by the City throughout the duration of the Incentive Districts created for Phase 1 and Phase 2 of the Project; and

WHEREAS, the City deems it appropriate and desirable and in the best interest of the City and its citizens to approve and adopt the Project Plan, including the establishment of the Incentive Districts, and to approve and adopt the Tax Incentive Agreement.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STILLWATER, OKLAHOMA THAT:

SECTION 1. In order to develop the Project Area, the City of Stillwater elects to utilize Article 10, Section 6C of the Constitution of the State of Oklahoma and the Act, which authorize the use

of incentives, exemptions, and other forms of relief from taxation for historic preservation, reinvestment, or enterprise areas that are exhibiting economic stagnation or decline.

SECTION 2. The Project Plan is hereby approved and adopted, as recommended by the Planning Commission and by the Review Committee. As used herein the “Project Plan” shall mean the document titled “Stillwater Data Center Economic Development Project Plan” with a cover page indicating the Review Committee recommended approval on July 10, 2024, and the Planning Commission recommended approval on July 16, 2024, and comprised of a cover sheet, a table of contents, ten (10) pages of text, and four (4) exhibits labeled Exhibits A, B, C, and D.

SECTION 3. All actions taken and all recommendations and findings made in connection with the Project Plan by the Planning Commission and the Review Committee are hereby ratified and confirmed, including, but not limited to, the designation and selection of representatives to the Review Committee by the City and each Taxing Entity, the selection of the three members of the public at large who serves on the Review Committee, the findings of conformance with the Stillwater 2030 C3 Comprehensive Plan, eligibility of the proposed Incentive Districts, and positive financial impacts on the affected taxing jurisdictions, and the recommendations for approval.

SECTION 4. The City Council hereby adopts the following findings:

A. Findings Regarding the Project Plan; Eligibility of the Project Area and Incentive Districts:

1. The Project Area and the proposed Incentive Districts “1”, “2”, “3”, “4”, “5”, and “6”, City of Stillwater (“Incentive Districts”) proposed in the proposed Data Center Economic Development Project Plan are entirely within a state designated enterprise zone and therefore meet the definition of an “enterprise area” under the Local Development Act (62 O.S. § 853(5), (6)). Enterprise Areas qualify for use of the tools of the Local Development Act pursuant to 62 O.S. §856(B)(4)(a).
2. The Project Area and the Incentive Districts proposed in the proposed Data Center Economic Development Project Plan comply with the statutory definition of a “reinvestment area” under the Local Development Act (62 O.S. § 853(17)) due to the fact that the area lacks public improvements necessary to reverse economic stagnation and to attract major investment in the area. Reinvestment Areas qualify for use of the tools of the Oklahoma Local Development Act pursuant to 62 O.S. §856(B)(4)(a).
3. The improvement of the Project Area is likely to enhance the value of other real property in the area and to promote the general public interest.
4. The level of investment, development, and economic growth desired by the City is difficult, but possible, within the Project Area and Incentive Districts if the provisions of the Local Development Act are utilized.
5. The incentives to be provided through the Incentive Districts are a necessary component in stimulating the proposed investment in the Project Area and Incentive

Districts, which would not have occurred without the provision of the incentive pursuant to the Act.

6. The incentives to be provided through the Incentive Districts will be used in conjunction with existing programs and efforts and other locally implemented economic development efforts.

B. Findings Regarding Financial Impacts on the Affected Taxing Jurisdictions and Business Activities within the Project Area and Incentive Districts:

1. As described in Section IX of the Project Plan, substantial public costs that may arise will be funded directly by the private development within the Incentive Districts.
2. The development anticipated by the project may result in a modest increase in demand for services by or in costs to the affected taxing jurisdictions, but that the PILOT Payments to be paid by the Company to the affected taxing jurisdictions, as described in Section X.B. of the Project Plan and other positive impacts will offset any increased costs for additional service demands upon those affected taxing jurisdictions.
3. The public revenue anticipated to result from the development described in the Project Plan includes increased tax revenue from economic growth and benefits outside of the Incentive Districts.
4. The economic benefits of the Project Plan for the affected taxing jurisdictions and the community as a whole offset any adverse financial impacts of the Project Plan on the affected taxing jurisdictions.
5. The aggregate impacts of the affected taxing jurisdictions and on business activities from implementation of the Project Plan are positive and include the achievement of the objectives set forth in Section V of the Project Plan.

SECTION 5. For identification purposes and until such time that the City Council officially numbers, designates, and makes effective each of the Incentive Districts established under this Ordinance, the Incentive Districts shall be identified temporarily as Incentive Districts No. “1”, “2”, “3”, “4”, “5”, and “6”, City of Stillwater, as shown on Exhibit A of the Project Plan, and may be commonly referred to as Incentive Districts No. 1, 2, 3, 4, 5, and 6, as depicted on Exhibit A of the Project Plan.

SECTION 6. The designation, naming, and effective dates of each Incentive District are deferred pending the fulfillment of the conditions set forth in the Project Plan and the Development Agreement, provided that such deferred action shall be made within ten (10) years of the City Council’s adoption of this Ordinance approving the Project Plan, as follows:

Phases 1 and 2: The Incentive Districts for Phases 1 and 2 shall become effective and provide the Incentive District Exemption upon the earlier of (a) the completion of a Data Center within that Incentive District as evidenced by the issuance of the final, unrestricted certificate of

occupancy for the Data Center (“Certificate of Occupancy”), or (b) January 1 after the date of issuance of the Certificate of Occupancy. In lieu of a Certificate of Occupancy, the Company may deliver notice of substantial completion to the City to trigger the effective date, which shall be January 1 immediately following the issuance of the notice of substantial completion.

Commencement of Phase 1: Upon the fulfillment of the conditions precedent described in the Development Agreement, the Company is to commence the development of Phase 1 of the Project. The Company must provide written notice to the City of its intent to commence Phase 2 within two (2) years of completion of Phase 1. Should the Company fail to initiate development of Phase 2 within this period, the City may terminate the undeveloped Incentive Districts

Subsequent Phases: If Phase is completed within the stipulated two-year timeframe, and the Company commences Phase 3 pursuant to a duly executed Supplemental Development Agreement, which includes design, engineering, permitting, construction for the site and/or associated infrastructure, within ten (10) years of the City Council’s adoption of this Ordinance approving the Project Plan, then the Incentive Districts for Phases 3, 4, 5, and 6 will become effective as of January 1 of the year marking the tenth anniversary of approval of the Project Plan.

Termination of Subsequent Phases: Conversely, if upon completion of Phase 2, Phase 3 has not commenced within ten (10) years of the adoption of this Ordinance, the Incentive Districts for Phases 3, 4, 5, and 6 shall terminate.

Confirmation and Notice: Upon satisfaction of the conditions, the City Council will, by resolution, confirm the effective dates, designations, and names of each Incentive District, and the City Manager shall provide written notice of such confirmation to each of the Taxing Entities, the Payne County Assessor, and the Company. In accordance with Section 856(B)(2) of the Act, no Incentive District Exemptions may become effective more than ten (10) years after the City Council’s adoption of this Ordinance approving the Project Plan.

SECTION 7. Once an Incentive District is made effective pursuant to Section 6 of this Ordinance, the Incentive District shall be effective for a period of twenty-five (25) fiscal years from its effective date (the “Incentive District Term”).

SECTION 8. The boundaries of the Project Area are depicted on Exhibit A of the Project Plan and are hereby designated and adopted as follows:

A tract of land located in the Northeast Quarter (NE/4), Northwest Quarter (NW/4), and Southwest Quarter (SW/4), and Southeast Quarters (SE/4) of Section Thirty-Six (36), Township Twenty (20) North, Range Two (2) East of the Indian Base and Meridian (I.B. & M.), Payne County, Oklahoma, being more particularly described as metes and bounds by Darrel Ray Mason OKLS1690 on March 13, 2024 as follows:

COMMENCING at the SW/C, SW/4, S36-T20-R2E monumented by a 1" Rail Road Spike; thence with a BASIS OF BEARING of N 00°41'24" W along the west line of the SW/4 a distance of 2638.58 feet to the NW/C, SW/4, SEC36-T20N-R3E monumented by a 1/2" Rebar AND the POINT OF BEGINNING;

Thence along the west line of the NW/4 with a bearing of N 00°42'47" W a distance of

2630.81 feet to the NW/C, NW/4 SEC36-T20N-R2E monumented by a Railroad Spike; Thence with a bearing of N 89°13'38" E along the north line of the NW/4 a distance of 2629.53 feet to the NE/C, NW/4 SEC36-T20N-R2E monumented by a 1/2" Rebar; Thence with a bearing of N 89°18'29" E along the north line of the NE/4 a distance of 2630.74 feet to the NE/C, NE/4, SEC36-T20N-R2E monumented by a Mag Nail; Thence with a bearing of S 00°49'51" E along the east line of the NE/4 a distance of 2122.35 feet to a point on the East Line of NE/4, SEC36-T20N-R2E, also being a point on the Northerly Rail Road R/W line of Eastern Oklahoma Railway particularly described in Book 7, Page 208;

Thence in a southwesterly direction with a non-tangent curve turning to the right with a radius of 2793.96 feet, having a chord bearing of S 27°41'11" W and a chord distance of 761.36, and an arc length of 763.73 feet to a point on said Northerly Rail Road R/W Line; Thence with a bearing of N 54°28'57" W a distance of 20.00 feet to a point on said Northerly Rail Road R/W Line;

Thence in a southwesterly direction with a non-tangent curve turning to the right with a radius of 2773.96 feet, having a chord bearing of S 40°33'13" W and a chord distance of 487.07 feet, and an arc length of 487.70 to a point on said Northerly Rail Road R/W Line monumented by a 1/2" Rebar w/ cap PLS 1802;

Thence with a bearing of S 44°24'34" E a distance of 20.00 feet to a point on said Northerly Rail Road R/W Line monumented by a 1/2" Rebar w/ cap PLS 1802;

Thence in a southwesterly direction with a non-tangent curve turning to the right with a radius of 2793.69 feet, having a chord bearing of S 51°55'38" W and a chord distance of 616.73, and an arc length of 617.99 feet to a point on said Northerly Rail Road R/W Line monumented by a 1/2" Rebar w/ cap PLS 1802;

Thence with a bearing of S 59°21'10" W a distance of 1676.22 feet to a point on said Northerly Rail Road R/W Line;

Thence with a bearing of S59°21'10" W a distance of 614.77 feet to a point on said Northerly Rail Road R/W Line;

Thence in a southwesterly direction with a tangent curve turning to the left with a radius of 2915.05 feet, having a chord bearing of S 55°26'11"W and a chord distance of 387.62 feet, and an arc length of 387.91 feet to a point on said Northerly Rail Road R/W Line monumented by a 1/2" Rebar w/ cap Hitech;

Thence with a bearing of N 00°47'43" W along the west line of the east 60 acres of the SW/4 a distance of 2333.99 feet to a point on the north line of the SW/4, SEC36-T20N-R2E monumented by a 1/2" pipe;

Thence along said north line of said SW/4 with a bearing of N 89°28'48" E a distance of 1645.64' back to the POINT OF BEGINNING.

Excepting Lot 7:

Lot Seven (7) in AIRPORT ROAD COMMERCIAL DEVELOPMENT, being part of Section Thirty-Six (36), Township Twenty (20) North, Range Two (2) East of the Indian Base and Meridian (I.B. & M.), City of Stillwater, Payne County, Oklahoma, according to the recorded plat thereof.

Containing 16,844,572 square feet OR 386.698 acres more or loss

SECTION 9. Incentive District No. "1", whose boundaries are set forth below, is hereby created, but is to be effective at a later date as determined by Council, in accordance with the Project Plan.

The boundaries of Incentive District No. “1”, City of Stillwater are hereby designated and adopted as follows:

Lot One (1) in AIRPORT ROAD COMMERCIAL DEVELOPMENT, being part of Section Thirty-Six (36), Township Twenty (20) North, Range Two (2) East of the Indian Base and Meridian (I.B. & M.), City of Stillwater, Payne County, Oklahoma, according to the recorded plat thereof.

Containing 3,347,887 square feet OR 76.857 acres more or less.

SECTION 10. Incentive District No. “2”, whose boundaries are set forth below, is hereby created, but is to be effective at a later date as determined by Council, in accordance with the Project Plan. The boundaries of Incentive District No. “2”, City of Stillwater are hereby designated and adopted as follows:

Lot Two (2) in AIRPORT ROAD COMMERCIAL DEVELOPMENT, being part of Section Thirty-Six (36), Township Twenty (20) North, Range Two (2) East of the Indian Base and Meridian (I.B. & M.), City of Stillwater, Payne County, Oklahoma, according to the recorded plat thereof.

Containing 4,111,928 square feet OR 94.397 acres more or less.

SECTION 11. Incentive District No. “3”, whose boundaries are set forth below, is hereby created, but is to be effective at a later date as determined by Council, in accordance with the Project Plan. The boundaries of Incentive District No. “3”, City of Stillwater are hereby designated and adopted as follows:

Lot Three (3) in AIRPORT ROAD COMMERCIAL DEVELOPMENT, being part of Section Thirty-Six (36), Township Twenty (20) North, Range Two (2) East of the Indian Base and Meridian (I.B. & M.), City of Stillwater, Payne County, Oklahoma, according to the recorded plat thereof.

Containing 2,172,023 square feet OR 49.878 acres more or less.

SECTION 12. Incentive District No. “4”, whose boundaries are set forth below, is hereby created, but is to be effective at a later date as determined by Council, in accordance with the Project Plan. The boundaries of Incentive District No. “4”, City of Stillwater are hereby designated and adopted as follows:

Lot Four (4) in AIRPORT ROAD COMMERCIAL DEVELOPMENT, being part of Section Thirty-Six (36), Township Twenty (20) North, Range Two (2) East of the Indian Base and Meridian (I.B. & M.), City of Stillwater, Payne County, Oklahoma, according to the recorded plat thereof.

Containing 1,526,135 square feet OR 35.035 acres more or less.

SECTION 13. Incentive District No. “5”, whose boundaries are set forth below, is hereby created, but is to be effective at a later date as determined by Council, in accordance with the

Project Plan. The boundaries of Incentive District No. “5”, City of Stillwater are hereby designated and adopted as follows:

Lot Five (5) in AIRPORT ROAD COMMERCIAL DEVELOPMENT, being part of Section Thirty-Six (36), Township Twenty (20) North, Range Two (2) East of the Indian Base and Meridian (I.B. & M.), City of Stillwater, Payne County, Oklahoma, according to the recorded plat thereof.

Containing 968,675 square feet OR 22.238 acres more or less.

SECTION 14. Incentive District No. “6”, whose boundaries are set forth below, is hereby created, but is to be effective at a later date as determined by Council, in accordance with the Project Plan. The boundaries of Incentive District No. “6”, City of Stillwater are hereby designated and adopted as follows:

Lot Six (6) in AIRPORT ROAD COMMERCIAL DEVELOPMENT, being part of Section Thirty-Six (36), Township Twenty (20) North, Range Two (2) East of the Indian Base and Meridian (I.B. & M.), City of Stillwater, Payne County, Oklahoma, according to the recorded plat thereof.

Containing 4,717 996 square feet OR 108.310 acres more or less.

SECTION 15. The following Project and Incentive District authorizations are hereby approved:

A. The City of Stillwater is designated as the principal entity responsible for implementation and is authorized to carry out and administer the provisions of the Project Plan and to exercise all powers necessary or appropriate thereto pursuant to Section 854 of the Act, including the power to make minor amendments to the Project Plan in accordance with Section 858(D) of the Act;

B. The Stillwater Economic Development Authority, a public trust with the City as its sole beneficiary, shall have the authority to carry out certain provisions of the Project Plan, including all necessary, appropriate, and supporting steps described in the Project Plan, as well as the authority to exercise all powers necessary or appropriate thereto pursuant to Section 854 of the Act except for approval of the Project Plan and those powers enumerated in paragraphs 1, 2, 3, 4, 7, 13, and 16 of Section 854 of the Act; and

C. The City Manager, Kimberly Meek, or her successor in office, shall be the person in charge of implementation of the Project Plan in accordance with the provisions, authorizations, and respective delegations of responsibilities contained in the Project Plan.

SECTION 16. The revenue sources to the City, as described in Sections XI and XII of the Project Plan, comprised of Community Betterment Payments and Franchise Fees generated from sale of electric power to the Company throughout the Incentive District Term of the Incentive Districts created for Phase 1 and Phase 2 of the Project, (a) shall be used to pay eligible Project Costs under Section XII of the Project Plan, (b) shall constitute special funds of the City or, at the direction of the City, the Stillwater Economic Development Authority, a public trust, and (c) shall not be subject to annual appropriation as a part of the general fund of the City.

SECTION 17. The Tax Incentive Agreement is hereby adopted and approved. As used herein the “Tax Incentive Agreement” shall mean the document by and among the Company, the City and the Taxing Entities, comprised of 21 pages of text, 13 exhibits labeled Exhibits A, B, C, D, E, F, G, H, I, J, K, L.1, and L.2, and titled “Local Development Act Tax Incentive Agreement.”

SECTION 18. Subject to the terms of the Tax Incentive Agreement, the incentive to be provided within an Incentive District shall be a one hundred percent (100%) ad valorem tax exemption on all new investment attributable to property qualifying under U.S. Industry Number 518210 of the North American Industry Classification System (NAICS) Manual, 2017 Revision, within each Incentive District, for the duration of the Incentive District Term, during which no ad valorem taxes shall be assessed against such property (“Incentive District Exemptions”). The Incentive District Exemptions shall not include Public Service Property, if any, located within each Incentive District; provided that “Public Service Property” shall be defined as property of all railroads, air carriers and public service corporations assessed annually by the State Board of Equalization pursuant to 68 O.S. § 2847 and Article 10, § 21 of the Oklahoma Constitution.

SECTION 19. In demonstration of compliance with the requirements of Section 6C of Article X of the Constitution of the State of Oklahoma and the requirements of Section 865 of the Act, the City directs the Tax Incentive Agreement be submitted to the Taxing Entities for their review, consideration, and adoption within sixty (60) days of City Council’s approval of this Ordinance.

SECTION 20. The Project Plan is determined to be feasible and desirable and is hereby approved.

SECTION 21. REPEALER. All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed to the extent of the conflict only.

SECTION 22. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional, such portion shall not affect the validity of the remaining portions of this Ordinance.

SECTION 23. EMERGENCY CLAUSE. It being immediately necessary for the preservation of the peace, health, safety, and public good of the City of Stillwater, and the citizens thereof, that the provisions of this Ordinance take effect and be put into full force and effect, an emergency is declared to exist by reason whereof this Ordinance shall take effect immediately and be put in full force and effect from and after the date of its enactment, as provided by law.

PASSED AND APPROVED in an open meeting of the City Council of Stillwater, Oklahoma on the 9th day of September, 2024, with the Emergency Clause voted on and approved separately.

CITY OF STILLWATER

By: _____
William H. Joyce, Mayor

ATTEST:

Teresa Kadavy, City Clerk
(SEAL)

EMERGENCY CLAUSE

**THE EMERGENCY CLAUSE IS HEREBY PASSED, APPROVED AND ADOPTED THIS
9th DAY OF SEPTEMBER, 2024.**

William H. Joyce, Mayor

ATTEST:

Teresa Kadavy, City Clerk

(SEAL)

Approved as to form and legality this ____ day of September, 2024:

Special Counsel for Economic Development

First Reading: August 19, 2024
Second Reading: September 9, 2024