

## CONTRACT FOR PROFESSIONAL SERVICES

THIS CONTRACT FOR PROFESSIONAL SERVICES is made and entered on this 8<sup>th</sup> day of July, 2024, by and between the City of Sallisaw, Oklahoma, a municipal corporation, located at 115 East Choctaw, Sallisaw, Oklahoma 74995 (Client), and Oklahoma Municipal Management Services, a 74 O.S. § 1001, et seq, "Oklahoma Interlocal Cooperative" organization, located at 7633 East 63<sup>rd</sup> Place, Suite 507, Tulsa, Oklahoma 74133 (OMMS).

WHEREAS, the Client wishes to retain the professional Executive Search Services of OMMS on the terms and conditions set forth herein, and OMMS wishes to provide such services.

NOW THEREFORE, the parties hereto agree as follows:

### Scope of Services

OMMS will provide professional services in the area of an executive search for the position of City Manager. This includes a commitment by OMMS that all elements of the search process, services and conditions, listed in this contract hereto, will be completed in a timely manner:

Executive Search Professional Services  
City Manager  
City of Sallisaw, Oklahoma

### Term

This contract shall be effective on the date of approval by the Client and shall remain in effect for the period necessary for successful completion of the executive search process. The contract may be terminated upon thirty (30) days prior written notice to OMMS. If the Client terminates the contract, OMMS will then be entitled to any portion of the fee earned up to and including the date of termination.

### Professional Service Fee

The professional service fee is listed as follows:

Professional Services Fee: \$12,000.00

1/3<sup>rd</sup> due at execution of the contract, 1/3<sup>rd</sup> due at evaluations of semifinalist phase and remainder due at completion of the interview process.

Expenses Not to Exceed: \$2,000

Expenses includes advertising costs, postage, supplies and candidate background investigations on selected semifinalists.

Development of an optional Community Profile: \$1,000.00 (with information from Sallisaw).

\*Note: Travel costs for the selected candidates are not included in this proposal and, as such, would be the responsibility of the City of Sallisaw.

The Client will mail payments, after proper invoicing, to the following address:

Oklahoma Municipal Management Services  
3650 South Boulevard  
Edmond, OK 73013

For reporting purposes, the tax identification number for OMMS is 83-1296936.

The fixed professional fee for this recruitment process anticipates no more than five (5) on-site visits. Additional work related to the executive recruitment process, and as specifically requested by the Client, which is outside the scope of this project (i.e., additional on-site visits), will include an additional fee and will be billed at a daily rate of \$375.00 plus reasonable expenses.

#### Additional Placements

If candidates from this executive recruitment process are selected for another position by the Client, within six (6) months of the recruitment process, a \$3,000.00 lump sum fee will be due and payable to OMMS.

#### Guarantee

OMMS commits to remain with this recruitment assignment, until the Client has made an initial appointment, for the fee and tasks listed in the proposal.

#### Devotion of Time

OMMS shall devote such time, to the performance of its duties under this contract, as is necessary for the completion of the project.

#### Confidentiality

Client will abide by the recommendations of the City Management Association of Oklahoma (CMAO) regarding the integrity of the selection process and respect for applicants, and will not publicly disclose the identity of applicants, unless disclosure is approved in writing by the affected applicants.

#### Notice

All notices, except payments, hereunder shall be in writing and deemed to have been given when delivered, transmitted by first class, registered or certified mail, postage prepaid and addressed as follows:

If to Client:

City of Sallisaw  
ATTN: Mayor Ernie Martens  
115 East Choctaw  
Sallisaw, OK, 74995

If to OMMS:

Oklahoma Municipal Management Services  
ATTN: Steve Whitlock, Executive Director  
7633 East 63<sup>rd</sup> Place, Suite 507  
Tulsa, OK 74133

#### Entire Contract

This contract supersedes any and all other contracts, either oral or in writing, between the parties hereto, with respect to the subject matter hereof, and no other agreement, contract, statement or promise relating to the subject matter of this contract, which is not contained herein, shall be valid or binding.

#### Amendment

This contract may be amended only by the mutual written agreement of the parties and such written amendment shall become incorporated into the contract once executed by the Client and OMMS.

#### Legal Construction

In case any one or more of the provisions contained in this contract shall for any reason be held invalid, illegal, or unenforceable in any respect, such invalidity, illegality, unenforceability shall not affect any other provisions thereof and this contract shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

Counterparts

This contract may be executed in counterparts; each such counterpart shall be deemed an original and when taken together with other signed counterparts, shall constitute one contract.

Controlling Law and Venue

All disputes regarding the construction, interpretation, and the parties' rights and obligations under this contract will be governed by the laws of the State of Oklahoma without regard to any conflicts of law provisions. The parties agree to submit to the exclusive venue and jurisdiction of the State of Oklahoma, in District Court, Sequoyah County, State of Oklahoma.

IN WITNESS WHEREOF, the City of Sallisaw, Oklahoma, has appropriated sufficient funds to satisfy the terms and conditions of this contract and executed it on behalf of its Mayor, and the OMMS Executive Director has signed and executed this contract, which becomes effective commencing the 8<sup>th</sup> day of July, 2024.

CITY OF SALLISAW, OKLAHOMA:

\_\_\_\_\_  
Ernie Martens, Mayor

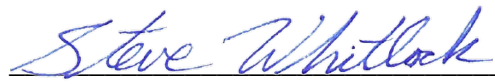
ATTEST:

\_\_\_\_\_  
Kim Jamison, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
John R. Montgomery, City Attorney

OMMS:

  
\_\_\_\_\_  
Steve Whitlock, Executive Director

**SALLISAW, OKLAHOMA**

**RESOLUTION NO. 2024-17**

**A RESOLUTION OF THE BOARD OF CITY COMMISSIONERS OF THE CITY OF SALLISAW, OKLAHOMA, CONCERNING THE HIRING PROCESS FOR A CITY MANAGER FOR THE CITY OF SALLISAW, AND ESTABLISHING POLICIES AND PROCEDURES FOR SAID HIRING PROCESS**

**WHEREAS**, the Board of City Commissioners of the City of Sallisaw, Oklahoma, pursuant to state law, is responsible for the selection and appointment of the City Manager of the City; and,

**WHEREAS**, with a planned vacancy in the position, the Board of City Commissioners is required to select and appoint a new City Manager of the City; and,

**WHEREAS**, the Board of City Commissioners desires to create a process that will encourage the most qualified applicants possible to consider employment with the City, and desires to complete the hiring within a timely manner; and,

**WHEREAS**, approval of a written process will benefit the Board of City Commissioners, possible applicants, and the public by making the selection process as clear as possible; and,

**WHEREAS**, approval of this resolution is in the best interests of the residents of the City of Sallisaw, Oklahoma.

**NOW, THEREFORE BE IT RESOLVED** by the Board of City Commissioners of the City of Sallisaw, Oklahoma, as follows:

The Board of City Commissioners approves the following procedures in the hiring of a new City Manager:

Oklahoma Municipal Management Services (OMMS) is directed to advertise the position with OMMS, the City Management Association of Oklahoma (CMAO), the Oklahoma Municipal League (OML), the Texas Municipal League (TML) and the International City/County Management Association (ICMA), and any other appropriate online city management websites deemed appropriate by OMMS.

The advertisement attached as Exhibit 1 is approved for publication.

The City Manager Job Description attached as Exhibit 2 is approved.

The Sallisaw Community Profile attached as Exhibit 3 is approved.

All applications shall be submitted to the attention of OMMS, 7633 East 63<sup>rd</sup> Place, Suite 507, Tulsa, Oklahoma, 74133, or by email at [recruiter@okmms.org](mailto:recruiter@okmms.org), and shall be kept strictly confidential.

The Board of City Commissioners will work individually and collectively with OMMS to review all applications received and will determine an appropriate number of qualified candidates to interview.

The Board of City Commissioners establishes as a goal the objective of reaching unanimous approval on the candidate who is selected.

Each City Commissioner is encouraged to seek input from members of the public about the characteristics and qualifications that are important to the residents for the selection process, to share their goals and expectations with prospective candidates and citizens to help establish shared goals for the Board of City Commissioners and the community, and to individually consider those goals, characteristics and qualifications during the hiring process.

The Board of City Commissioners will abide by the recommendations of the City Management Association of Oklahoma (CMAO) regarding the integrity of the selection process and respect for applicants and will not publicly disclose the identity of applicants (unless disclosure is approved in writing by the affected applicants), as set forth by Exhibit 4.

Dated and approved this 8<sup>th</sup> day of July, 2024.

CITY OF SALLISAW, OKLAHOMA

\_\_\_\_\_  
Ernie Martens, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Kim Jamison, City Clerk

\_\_\_\_\_  
John R. Montgomery, City Attorney

**EXHIBIT 1**

**City Manager Advertisement  
City of Sallisaw, Oklahoma  
(TO BE DETERMINED LATER)**

**EXHIBIT 2**

**City of Sallisaw, Oklahoma  
City Manager  
Job Description  
(TO BE DETERMINED LATER)**

**EXHIBIT 3**

**Sallisaw Community Profile  
(TO BE DETERMINED LATER)**



**EXHIBIT 4**



**RESOLUTION NO. 2008-01**

**A RESOLUTION OF THE CITY MANAGERS ASSOCIATION OF OKLAHOMA CONCERNING THE PROPER HIRING PROCESSES FOR CITY MANAGERS IN THE STATE OF OKLAHOMA**

**WHEREAS**, a number of entities have proposed guidelines and procedures concerning the hiring process, including the role of the public during the interview and selection of City Managers and Town Administrators in the State of Oklahoma.

**WHEREAS**, the City Managers Association of Oklahoma represents the interest of City Managers, Town Administrators, and other management professionals for municipalities within the State;

**WHEREAS**, the role of the public in the selection and interview process is an important issue for the municipalities and professionals involved in the selection process;

**WHEREAS**, the approval of guidelines concerning the selection process will benefit the public, municipalities, applicants and professionals involved in the selection process;

**NOW, THEREFORE BE IT RESOLVED** by the City Managers Association of the State of Oklahoma, as follows:

The requirement that applicants for vacant management positions be publicly disclosed is not required by law, and said disclosure will discourage good and qualified candidates from applying for vacant positions.

The interest of the public is protected in the selection process by the involvement of an elected body that represents the interest of the municipality and the public in the selection process.

The City Managers Association of Oklahoma recommends that all municipalities in Oklahoma respect the interest of applicants for management positions, create processes that encourage the greatest number of qualified candidates, and acknowledge the significance of confidentiality in the application and interview process for management positions.

All City Manager applicants are encouraged to submit this resolution with their application to inform municipalities of the importance of this issue for the profession in Oklahoma.

Approved by the membership of the City Managers Association of Oklahoma

Steve Whitlock, President