



# City of Norman, OK

Municipal Building  
Council Chambers  
201 West Gray  
Norman, OK 73069

## Master

**File Number: R-1819-41**

**File ID:** R-1819-41

**Type:** Resolution

**Status:** Consent Item

**Version:** 3

**Reference:** Item 31

**In Control:** City Council

**Department:** Legal Department

**Cost:**

**File Created:** 10/23/2018

**File Name:** TSET and Certified Healthy Resolution

**Final Action:**

**Title:** RESOLUTION R-1819-41: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, REAFFIRMING ITS COMMITMENT TO COMMUNITY AND EMPLOYEE HEALTH AND WELLNESS, CALLING FOR A REVIEW OF THE CITY'S AND COMMUNITY'S HEALTH AND WELLNESS POLICIES AND PROGRAMS IN FURTHERANCE OF CONTINUED IMPROVEMENT FOR THE CITY AND ALL OF ITS RESIDENTS, AND ENCOURAGING THE CITY MANAGER TO COLLABORATE WITH THE CITY'S EMPLOYEES AND COLLECTIVE BARGAINING REPRESENTATIVES AS WELL AS THE OKLAHOMA DEPARTMENT OF HEALTH, NORMAN REGIONAL HOSPITAL, AND THE OKLAHOMA TOBACCO SETTLEMENT ENDOWMENT TRUST (TSET) TO IDENTIFY HEALTHY BUSINESS AND HEALTHY COMMUNITY STRATEGIES AND A COMMUNITY PROJECT TO FURTHER THESE GOALS AND THEN SUBMIT TO CITY COUNCIL A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR A GRANT FROM THE TSET HEALTHY COMMUNITIES INCENTIVE PROGRAM.

**Notes:** ACTION NEEDED: Motion to adopt or reject Resolution R-1819-41.

ACTION TAKEN: \_\_\_\_\_

**Agenda Date:** 11/13/2018

**Agenda Number:** 31

**Attachments:** Text file, R-1819-41, TSET Requirements Chart, TSET Application Packet

**Project Manager:** Kristina Bell, Assistant City Attorney

**Entered by:** kristina.bell@normanok.gov

**Effective Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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### Text of Legislative File R-1819-41

Body

**BACKGROUND:** The Tobacco Settlement Endowment Trust ("TSET") offers Healthy Incentive Grant opportunities to communities who meet certain requirements pertaining to tobacco, nutrition, physical activities, and other community health and wellness criteria. The Oklahoma Department of Health ("DOH") previously awarded similar grants through its Certified Healthy Oklahoma program. The City of Norman previously received from the DOH a fifteen thousand dollars (\$15,000) award in 2012, which was used to purchase playground equipment and a water fountain at Eastridge Park (K-1112-138), as well as a thirty-five thousand dollars (\$35,000) award in 2013, which

was used to install a fitness walking trail at Saxon Park (K-1213-204).

TSET representatives have approached the City of Norman about applying for a TSET Healthy Incentive Grant in the amount of one hundred thousand dollars (\$100,000.00) if the City of Norman as a community is able to meet all of the criteria for the Bronze, Silver, and Gold funding levels. [The funding level for a “large” (30,000+ population) city for Gold Class is seventy-five thousand dollars (\$75,000.00). However, the maximum combined funding allotment is one hundred fifty thousand dollars (\$150,000.00).] After subtracting the fifty thousand dollars (\$50,000.00) previously awarded to the City through the DOH Certified Healthy Program, the City would be eligible for the remaining one hundred thousand dollars (\$100,000.00). Because the City has already been awarded the two previous grants from the Department of Health at lower funding levels, the City would have to comply with all of the requirements for all three TSET funding levels, Bronze, Silver, and Gold, in order to be eligible to apply for the remaining one hundred thousand dollars (\$100,000.00).

The grant application process requires identification of a specific permissible use of the awarded funds. Awarded funds may be used to enhance wellness activities, such as, but not limited to, walking trails, lighting for parks and trails, farmers market venues, community gardens, outdoor physical activity equipment, splash pads/improvements to community pools, engineer or architect services to develop walkability plans, basketball and tennis courts, and bicycle lanes/bike racks. Awardees have one year from the date TSET approves the grant to spend the funds.

The TSET Healthy Incentive Program for Communities requires various specific health and wellness requirements pertaining to tobacco, nutrition, physical activity, and other community criteria to be satisfied. In order to meet these requirements, the City of Norman would have to amend its smoking ordinance to prohibit all smoking and forms of tobacco (including smokeless tobacco and e-cigarettes/vaping) on all City property as well as comply with other requirements pertaining to tobacco, nutrition, physical activity, and other community criteria. A complete list of the various requirements is attached.

Satisfaction of the various requirements would require cooperation with City employees and City employee groups. Consultation with the City’s collective bargaining representatives about various requirements that would impact City employees, their working conditions, and their employment benefits can occur throughout the year. Negotiations, to the extent Collective Bargaining Agreements are implicated, will begin in January for the FYE 20 contracts. Many of the requirements also require coordination with multiple internal departments, including Human Resources, the City Clerk’s Office, Planning and Development, and Public Works, as well as collaboration with other outside agencies and community partners. Because of the City’s number of employees and population size, the City would have to satisfy all of the various requirements and elements contained in the TSET Health Incentive Program for Communities Application packet, which is also attached for reference.

When presented with this information at the September 13, 2018, City Council Oversight Committee meeting, several Councilmembers expressed an interest in moving forward with exploring a possible amendment to the City’s tobacco ordinance and a study of whether the City could comply with the other requirements of the TSET Healthy Incentive Program for Communities. Because many of these requirements may take time, collaboration with both internal and external partners, and may incur additional expenses to implement, Resolution R-1819-41, reaffirms City Council’s commitment to community and employee health and wellness, calls for a review of the City’s and Community’s health and wellness policies and programs, and encourages the City Manager to collaborate with the City’s collective bargaining agreement representatives, employees, and community partners to identify healthy business and community strategies and a community project to further these goals and to then submit to City Council a proposed Resolution authorizing application for a TSET Healthy Incentive Communities Program grant.

**DISCUSSION:** The TSET Healthy Incentive Program for Communities focuses on both the City as an employer and the City’s community as a whole. The requirements focus on a Worksite Wellness Policy for the City as an employer, which contains numerous specific requirements pertaining to tobacco, nutrition, and physical activity, as well as additional Community criteria that focus on the health and wellness of the community as a whole.

## **I. Tobacco**

### **A. Tobacco Prohibition Policy**

The first requirement is that the City adopt a Tobacco Prohibition Policy that prohibits the use of combustible, vapor, and all other tobacco products on all City property, both indoor and outdoor, during all hours of employment, in all municipally-owned vehicles, and in all employees' personal vehicles during all hours of employment while on municipal property.

The City's current tobacco ordinance, §§ 10-501 - 10-513, adopted in 2009, bans smoking tobacco on all City property except for in certain permitted areas, Westwood Golf Course, and parking lots adjacent to municipal parks. It does not currently prohibit smokeless tobacco or vaping. Compliance with the first requirement of the TSET incentive grant would require an amendment to this Ordinance to expand the prohibition to smokeless tobacco and vaping and to remove the current exceptions on City property. Such an amendment would clearly have an impact on City employees. Some currently utilize designated smoking areas and/or smoke in their personal vehicles in parking lots adjacent to City parks. City staff would need to consult with the City's collective bargaining representatives to discuss how to implement new employment policies to comply with any such ordinance change.

### **B. Tobacco Cessation Support Services**

The TSET incentive grant criteria also require that the City as an employer provide tobacco cessation support services, including access to information, resources, and/or support as well as specific insurance benefits including counseling and coverage of all seven Food and Drug Administration ("FDA") approved cessation aids, including both prescription and non-prescription options. Although the City's current insurance plan provides some cessation services, a review of the City's medical insurance and prescription plans would need to be conducted to determine the extent and expense of any additional modifications that might need to be made.

## **II. Nutrition**

The TSET incentive grant criteria also include numerous specific nutrition requirements pertaining to foods and beverages sold or offered in the workplace. Although the City does not currently provide any kind of cafeteria or snack bar, it does offer vending machines with snacks and sodas throughout the various facilities, and a review of these snack options and their compliance or non-compliance with these specific nutritional requirements would need to be conducted. The City may need to explore other healthier options, such as fresh food vending and those offering healthier choices, which could implicate additional expenditures.

The TSET incentive grant also includes requirements such as encouragement and promotion of healthier food options for special occasions and nutrition education requirements through seminars, workshops, classes, meetings, and newsletters. Although the City currently provides an employee newsletter with health tips, additional resource information and events would likely need to be created and implemented to fully comply with these requirements.

One other requirement that could be potentially challenging is the requirement to provide a quiet, private area that may be used by employees to express breast milk. It must have an electrical outlet and not be a bathroom. Although such an area might feasibly be created in the primary downtown City Complex, it may be more challenging to create such areas in the other remote workplaces throughout the City. There could also be additional expenses associated with compliance efforts for this requirement.

## **III. Physical Activity Elements**

The TSET incentive grant also includes multiple physical activity elements that would impact City employees'

current work schedules and working conditions. Examples include providing employees with at least 30 minutes of paid physical activity break time in addition to their regularly scheduled meal breaks, incorporate 10-minute physical activity breaks into every hour of sedentary meetings, trainings, and other workplace gatherings, and provide flexible work arrangements to accommodate paid physical activity breaks. Although all laudable health and wellness goals, some of these may not be practically feasible for various City departments and operations and would also arguably constitute changes in working conditions that would more than likely need to be negotiated with the City's three respective collective bargaining units.

Another requirement is to provide an on-site fitness facility. Although fire stations and the police department currently have some exercise equipment, there are not currently on-site fitness facilities at each City owned employment site. Although there could be creative options to address this requirement, additional study of the practicality and expense of providing such options would need to be explored in further detail.

This section also includes requirements such as promotion of, and education about, physical activity through seminars, workshops, classes, newsletters, and meetings. Compliance with this requirement would also require additional program development and implementation that could incur additional expenses.

#### **IV. Community Actions Criteria**

Each funding level (Bronze, Silver, and Gold) includes additional community actions criteria that must be satisfied. Some of the requirements include the City's participation in a community-wide task force or coalition focusing on community health and wellness, event policies promoting health and wellness for private events on City property, and planning and zoning policies and ordinances regulating locations of tobacco and vapor retail establishments. These also could require ordinance amendments and additional policy development and implementation, which may take time and/or money.

In addition to the community requirements within the City's control, the City would also have to establish that the City of Norman as a community had a minimum of 8 Certified Healthy Businesses, 8 Certified Healthy Congregations, and 8 Certified Healthy Early Childhood Programs located within the City of Norman City limits as evidenced by certification through the DOH's Certified Healthy Oklahoma program. The City currently has 25 Certified Healthy Businesses based on the 2017 certifications but does not currently have the requisite number of Certified Healthy Congregations (currently 0 out of 8) or Certified Healthy Early Childhood Programs (currently only 5 out of 8). These other Certified Healthy entities would be responsible for working with the DOH and TSET representatives towards satisfying their own health and wellness goals in order to qualify for and obtain Certified Healthy recognition through the DOH.

**RECOMMENDATION:** Staff recommends approval of Resolution R-1819-41, reaffirming the City's commitment to community and employee health and wellness and calling for a review of the City's and Community's health and wellness policies and programs with the goal of working with the City's employees, collective bargaining agreement representatives, and community partners to identify healthy business and healthy community strategies and a community project in furtherance of these goals and a future application for a grant from the TSET Healthy Communities Incentive Program.