

**MINUTES OF REGULAR BOARD MEETING**  
**CENTRAL OKLAHOMA MASTER CONSERVANCY DISTRICT**

**Thursday, March 4, 2021**  
**Location- 3701 S.E. 15<sup>th</sup> St**  
**Del City, OK 73115**

In accordance with Senate Bill 1031, an Act relating to the Oklahoma Open Meeting Act; amending 25 O.S. 2011, Sections 307.1 and 311, as last amended by Sections 3 and 4, Chapter 3, O.S.L. 2020 (25 O.S. Supp. 2020, Sections 307.1 and 311), which relate to videoconferences and teleconferences and notice; reinstating certain temporary provisions; specifying expiration date of temporary provisions; requiring publication of certain documents or materials; prohibiting modification of method of public meeting under certain circumstances; and declaring an emergency, the Central Oklahoma Master Conservancy District hosted a virtual meeting option for the Regular Board Meeting on March 4, 2021 at 6:30 P.M. using the following options:

Teleconference dial in number 1-877-309-2073, access code 127-947-629

Videoconference <https://global.gotomeeting.com/join/127947629>

Board Meeting packet can be found on website: comcd.net

**A. Call to Order**

President Amanda Nairn called the meeting to Order at 6:36 pm.

**Roll Call:**

President Amanda Nairn  
Vice President Casey Hurt  
Treasurer Jann Knotts  
Secretary Michael Dean  
Board Member Roger Frech  
Board Member Kevin Anders  
Board Member William Janacek (videoconference)

**Board Members Absent:**

None

**Staff Present:**

Kyle Arthur, General Manager  
Kelley Metcalf, Office Manager  
Tim Carr, Operations & Maintenance Supervisor  
Dean Couch, Legal Counsel

**Guests:**

Alan Swartz, Alan Plummer & Associates  
Beverly Palmer, Attorney City of Del City

**Videoconference/telephone guests:**

Mark Roberts  
Scott Aynes  
Paul Streets  
Curt Dikes

Julie Chambers  
Geri Wellborn  
Heather Poole  
Kristen Brightmire  
Electrical Solutions of Oklahoma, Inc.

**B. Statement of compliance with Open Meeting Act**

Kelley Metcalf, Office Manager, stated the notice of the monthly board meeting had been posted in compliance with the Open Meeting Act.

**C.1. Status report of the Del City Pipeline Project from Alan Plummer Associates, Inc. (Alan Swartz, Oklahoma Area Leader)**

Alan Swartz reported:

Line 1

- 18-inch compressed liner was installed under Sooner Road and placed into service
- contractor has been backfilling point repairs and restoring sites to pre-construction conditions as the ground conditions allow

Line 2 and 3

- due to the weather, the pipeline had to be placed back into service leaving the liner under I-240 unfinished. This will have to be completed under an additional future shutdown
- working on final grading and finishing ARV and BOV Vaults including installing valve stems, stem guides, stem covers, etc.

President Nairn expressed gratitude to the contractors and to all the staff involved in the recent leaks at the relift facility. Temperatures were in the single digits, making the repairs problematic.

Kyle Arthur updated the Board on a 600-foot section of pipe located west of the old General Motors plant, (Tinker property now) under Air Depot. This section was not going to be replaced during the Pipeline Project. It was misunderstood that Tinker would be performing their construction and that would tie into the new replacement of our pipeline. Mr. Swartz explained to the Board that the pipe is C301, which has a history of failure. It is deep and has 15 ft of cover. There are risks involved if not replaced. The cost is estimated at \$300,000 to \$400,000 to replace the 600 feet. The goal would be to time this with the replacement of the Tinker line to decrease the cost. The Corp of Engineers is planning on sending out for RFP's late summer, early fall. The Corp would like the project completed at end of fiscal year 2022. Mr. Arthur stated he recommended replacement of the section of pipe and will continue to discuss coordination with the Corps.

**C.2. Revised and updated Personnel Policy Manual**

Please see document titled "Draft COMCD Personnel Policy Manual" in the packet. Kyle Arthur thanked Attorney Kristen Brightmire, and District Counsel Dean Couch for their assistance. Mr. Arthur stated tonight the agenda item is not to vote on the manual but to discuss and highlight some of the major recommended changes. The personnel manual was last updated in 2018. In the process of reviewing the District's personnel policies and manual, Mr. Arthur consulted with legal counsel and found that four employees should be classified as nonexempt and therefore should be keeping time records. Those employees are now doing that.

Further, overtime must be paid to those non-exempt employees when they work overtime (more than 40 hours in a work week). Overtime pay is computed at 1.5 times the nonexempt employee's regular rate of pay. This will now be the policy of the District. Employees may be required to take an adjusted work week in lieu of payment. Additionally, to satisfy state law nonexempt employees must be paid at least semi-monthly. Therefore, moving forward, all employees will be paid on the 1<sup>st</sup> and 15<sup>th</sup> of each month for 24 total payments annually. Mr. Arthur also recommended recognition time off for exempt employees when they are required to work more than 40 hours in a work week. Recognition time off that has been awarded must be taken within 6 months of the date it was earned. The rate shall be awarded at a rate of 1.5 hours, however there will be no compensation associated with recognition time off at any time. Vice President Casey Hurt stated it was not unusual to have the expiration date be 1 year.

Mr. Arthur then proceeded to highlight some of the major revisions to the policy manual. A qualified medical emergency plan (donated sick leave policy) will be approved as a part of this plan per Internal Revenue Service requirements. Additionally, previous employee manuals did not have an explicit policy for expectations and requirements regarding the use of a District provided cell phone and plan, or a stipend. Therefore, a cell phone policy has been drafted and is recommended. Vice President Casey Hurt stated missing from this draft is language requiring all employees to always have a cell phone. Attorney Brightmire stated this policy, as drafted, simply puts employees on notice if they do not want communications subject to open records act, the employee would need to have a separate cell phone for only personal use and use the District provided phone for only District business. Kevin Anders added board members may need to be provided a District cell phone as well.

The third major item in the revised manual Mr. Arthur discussed was regarding the use of medical marijuana. He stated the previous manual did not acknowledge medical marijuana license, so he is recommending adding a medical marijuana notice so that those who may have a license to legally use medical marijuana understand how the District will enforce its drug policy. Generally speaking, it puts employees on notice who hold "safety-sensitive" jobs that having a valid license will not exempt them from the requirement to be not under the influence at work or to absolve a positive test. Mr. Arthur did state that each case would be evaluated individually, and any positive test would not always result in termination. The following positions were designated, in the latest draft, as safety-sensitive: O&M Techs I, II and Senior and O&M Supervisor.

Finally, Mr. Arthur recommended a revised firearm and weapons policy. The previous manual stated if you brought a firearm you simply had to disclose to the General Manager. The proposed policy goes further and prohibits the open or concealed carry of a weapon on or in District property. However, as authorized by Oklahoma state law, employees are permitted to transport and store lawfully owned firearms and ammunition in a locked privately-owned motor vehicle in a designated area of the District property. President Nairn stated signage needs to be displayed in appropriate locations. Mr. Arthur further stated that three District employees have nuisance licenses through ODWC to lawfully control nuisance wildlife with the use of firearms. The proposed policy would recognize and permit that continued activity and that, further, it has been approved by the Bureau of Reclamation. However, any firearm used for such purposes shall be that which is owned by the District and not a personal firearm. The weapon would be stored in a locked safe and checked out to the licensed employee to perform nuisance control. Secretary Michael Dean asked why the District would want to take on the liability of owning a firearm. President Nairn said she thinks it would be a higher liability for the employees to use their personal firearm. Kyle Arthur stated he will be speaking to the other Conservancy District's, and the three cities regarding their policies. Attorney Brightmire stated if you decide to allow employees to carry the District would need to increase training and insurance coverage. Mr. Dean expressed concern that this policy takes away employee's right to carry a gun. William Janacek added that he would not expect to be able to carry while at work. Kevin Anders suggested Mr. Arthur consider the suggestions and ideas presented today and present for consideration at future board meeting.

**D. Action:** PURSUANT TO 82 OKLA. STATUTES, SECTION 541 (D) (10), THE BOARD OF DIRECTORS SHALL PERFORM OFFICIAL ACTIONS BY RESOLUTION AND ALL OFFICIAL ACTIONS INCLUDING FINAL PASSAGE AND ENACTMENT OF ALL RESOLUTIONS MUST BE APPROVED BY A MAJORITY OF THE BOARD OF DIRECTORS PRESENT, A QUORUM BEING PRESENT, AT A REGULAR OR SPECIAL MEETING.

**D.3. Consideration and possible approval of minutes of the Regular Board Meeting held on Thursday, February 4, 2021**

The minutes were reviewed and finding those in good order as presented, Casey Hurt made a motion seconded by Kevin Anders to approve the Resolution.

Roll call vote:

President Amanda Nairn	Yes
Vice President Casey Hurt	Yes
Treasurer Jann Knotts	Yes
Secretary Kevin Anders	Yes
Member William Janacek	Yes
Member Roger Frech	Yes
Member Kevin Anders	Yes

Motion Passed

**D.4. Consideration and possible approval of financial statements for operating account for January 2021**

Treasurer Knotts pointed out that 7 months into the fiscal year expenses are under budget. The Del City Pipeline costs for the month were \$1,109,147.30. Finding the financial statement in good order as presented Jann Knotts made a motion seconded by Casey Hurt to approve the Resolution.

Roll call vote:

President Amanda Nairn	Yes
Vice President Casey Hurt	Yes
Treasurer Jann Knotts	Yes
Secretary Michael Dean	Yes
Member William Janacek	Yes
Member Roger Frech	Yes
Member Kevin Anders	Yes

Motion Passed

**D.5. Discussion and consideration of execution of Intergovernmental Agreement with OWRB for water quality monitoring**

President Nairn announced that Curt Dikes and Julie Chambers, from OWRB, are attending virtually if anyone has questions. Kyle Arthur informed board members that the cost for the water quality monitoring is \$62,724.00, which is a decrease of \$5,421.00 from last year. The difference is there is one less site that will be sampled, (SDOX) and labor expenses are less. Julie Chambers stated that Curt Dikes will be the project lead. President Nairn stated OWRB has performed water quality monitoring for 20+ years. The District also has a contract with OWRB to evaluate long-term trend analysis. The OU capstone project is studying that 20+ years of data.

Finding the Intergovernmental Agreement in good order as presented Roger Frech made a motion seconded by Michael Dean to approve the Resolution.

Roll call vote:

President Amanda Nairn	Yes
Vice President Casey Hurt	Yes
Treasurer Jann Knotts	Yes
Secretary Michael Dean	Yes
Member William Janacek	Yes
Member Roger Frech	Yes
Member Kevin Anders	Yes

Motion Passed

#### **D.6. Discussion, consideration, and possible approval of the proposed 2022-2024 budget**

Kyle Arthur stated there were some changes since the last version was presented. In the personnel accounts, the amount has decreased due to the resignation of an employee. Unfortunately, he is very ill. This employee performed telemetry, radio communication, Scada systems, and IT work , just to name a few. Hydrochem, out of Norman, provides these types of service. Kyle stated the District would utilize Hydrochem on an as-needed basis, eliminating the need to hire a full-time replacement employee. Mr. Arthur estimates the savings for one year to be around \$50,000.

In the 5009 account, employee retirement, there is a \$40,000 decrease. Kyle Arthur spoke to OkMRF they are comfortable with the District skipping one year of contributions, due to the retirement fund being over funded. The employee who resigned was not fully vested so those funds will remain as well. The account 5503, consulting, increased to primarily reflect the possible need for Hydrochem or other consultants to perform the telemetry/SCADA work. The O&M proposed budget amount now stands at \$924,095.00. This is a decrease of roughly \$120,000 from last year's budget.

Mr. Arthur explained, as it related to the projections for FY 23 and 24, two employees could retire in two to three years. In fiscal year 2023 monies were allocated for 6 months of job shadowing with a new hire. In year 2024, overall, salaries decrease as a result of the new hires replacing the retiring ones which would likely be at a lower, less senior salary. Casey Hurt pointed out that three employees recently received salary increases, and longevity was increased, and still this budget is lower. Casey stated that is a testament to the work that Mr. Arthur is doing, and he thanked him.

Mr. Arthur noted that in this proposed budget the cities are being assessed for the Del City Pipeline Project loan payments. In past meetings there was mention of not assessing the cities for the Del City Pipeline Project loan payments but due to the unknown costs for the additional 600 feet of pipe at Air Depot and the principal and interest amount being higher, than previously understood, Mr. Arthur recommends the loan payments be assessed to the cities. Jann Knotts made a motion seconded by Casey Hurt to approve the Resolution regarding the FY 2022-2024 budget.

Roll call vote:

President Amanda Nairn	Yes
Vice President Casey Hurt	Yes
Treasurer Jann Knotts	Yes
Secretary Michael Dean	Yes

Member William Janacek	Yes
Member Roger Frech	Yes
Member Kevin Anders	Yes

Motion Passed

#### E.7. Legal Counsel's Report

- February 4<sup>th</sup>-attend monthly board meeting at City of Norman municipal offices
- February 11<sup>th</sup>- distribute copy of SB 1031 to Kyle and Kelley, reinstating Open Meeting Law video conference provisions for pandemic emergency
- February 22- forwarded copy of OMES Central Purchasing rules about Notice of Award to winning bidder with background
- February 22- review Electrical Systems of Oklahoma bid document sent by Tim Carr, research issues regarding bid documents, particularly use of terminology including proposal, Value Engineering and alternate bid, prepare and dispatch memo on same to Kyle on February 25
- February 24- review draft of employee handbook with revisions suggested by Kristen Brightmire
- February 25- conference call with Kyle and Kristen Brightmire to review draft revisions to Employee Handbook, and review Kristen Brightmire changes resulting to conference call discussion
- February 26- draft resolutions on March 4 board meeting agenda items and dispatch to Kelley

#### E.8. General Manager's Report

Please see document titled "Manager's Report" in the packet.

#### E.9. New business (any matter not known prior to the meeting and which could not have been reasonably foreseen prior to the posting of the Agenda)

President Nairn stated the April Board meeting's location is tentatively set for Midwest City, and the May meeting will be held in Norman due to the Capstone presentation.

#### F. Adjourn

There being no further business, President Nairn adjourned the meeting at 9:15 PM.