

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

**Thursday, June 3, 2021**

**Location-12500 Alameda Dr, Norman, OK 73026**

Due to expiration of the emergency amendments of the Open Meeting Act that allowed all Board Members to meet virtually by videoconference, the June 3, 2021, meeting is required to be in-person with a quorum of Board Members in attendance at the meeting location. However, to accommodate the public, including presenters of Agenda items, who wish to participate but not to attend the meeting in person, videoconference and teleconference capability is being made available. Although this accommodation is provided, members of the public including presenters are welcome to attend the meeting in-person.

To participate and listen to the meeting by telephone, call toll free, 1-866-899-4679  
enter access code: 629-958-629.

To participate and listen via a computer, smartphone, or tablet, go to  
<HTTPS://GLOBAL.GOTOMEETING.COM/JOIN/629958629>

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

**A. Call to Order**

President Amanda Nairn called the meeting to Order at 6:37 pm.

Roll Call:

Board Members Present:

President Amanda Nairn

Treasurer Jann Knotts

Secretary Michael Dean

Board Member William Janacek

Board Member Roger Frech

Board Member Kevin Anders

Board Members Absent:

Casey Hurt

Staff Present:

Kyle Arthur, General Manager

Kelley Metcalf, Office Manager

Tim Carr, Operations & Maintenance Supervisor

Others Present:

Paul Streets

Don Maisch

Alan Swartz

Geri Wellborn

Video/callers

- Beverly Palmer
- Mark Roberts
- James Allard

**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. Administrative**

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

Alan Swartz reported:

Contractor has been working diligently to finish the punchlist including:

- finish grading and seeding
- painting ARV and BOV piping
- installing fences and gates
- completing meter vault installation
- removal of construction entrances

Closeout paperwork is almost complete and ready for the OWRB

Punchlist has been completed with the following exceptions:

- stainless steel stem extensions
- concrete valve pads
- bird screen flanges on air release valves
- one fence remains to be reinstalled

Mr. Arthur added with the addition of the stem extensions, necessary maintenance can be done safer and more efficiently from the surface. Mr. Arthur stated if anyone would like to see to let him know.

**C.2. Discussion on Attendance Policy**

President Nairn stated there was concern regarding board members and whether everyone was comfortable coming back. With the end of the Governor's Declaration of Emergency regarding COVID-19, that essentially ended our COVID Attendance Policy. So, the three-absence rule, that is in our Bylaws, is back in effect. President Nairn invited board members to reach out to her or the General Manger to discuss a possible extension of the temporary attendance allowance. President Nairn stated voting can no longer be valid via electronic method of attendance, with one exception, if a board member attends electronically, their address and phone number must be published on the agenda, and their location shall be open and accessible to the public, and the public shall be allowed into that site and room.

Mr. Anders inquired which authority does the District follow, the President of the U.S., Health Department, Federal or State. Mr. Arthur stated as it relates to the District's Attendance Policy that it is primarily within the District Board's purview. For purposes of who declares the emergency that ties back to the Open Meeting Act, that is the Governor. Mr. Arthur stated the latest amendments to the law allow for this to happen again should it present itself. Further Mr. Arthur said there is nothing in state statute specific to Conservancy District's regarding attendance, rather broadly to all public bodies subject to the OMA. Mr. Couch stated it is often organization's practice to ensure those appointed members attend. President Nairn reminded the board if a board member misses more than three meetings the board can vote to not remove that member.

With no objection from the Board the President requested to move item D.9, & D.10 to follow E.14.

**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. THE FOLLOWING ITEMS MAY BE DISCUSSED, CONSIDERED AND APPROVED, DISAPPROVED, AMENDED, TABLED OR OTHER ACTION TAKEN:

**D.3. Minutes of the Regular Board Meeting held on Thursday, May 6, 2021, and corresponding Resolution**

The minutes were reviewed and finding those in good order as presented, William Janacek made a motion seconded by Michael Dean to approve the Resolution.

Roll call vote:

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

Motion Passed

**D.4. Financial statements for operating accounts for April 2021, and corresponding Resolution**

Treasurer Knotts stated costs for the Del City Pipeline totaled \$24,553.41 for the month of April. No additions to the loan were made. The District has spent \$5,364,231.40 on the pipeline loan, thus far. Mr. Arthur stated there might be one or two more advancements. Ten months into the year many of the O&M expenses are below budget. President Nairn asked what the \$5,499.30 deposit from ASAP was for. Mr. Arthur said that was the Bureau of Reclamation's match portion of the Shoreline Erosion Project. ASAP is just the federal online platform from which the payment is received. Finding the financial statement in good order as presented, Jann Knotts made a motion seconded by William Janacek to approve the Resolution.

Roll call vote:

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

Motion Passed

**D.5. Letter of engagement of Finley & Cook, PLLC to perform FY 20-21 financial audit, and corresponding Resolution**

Mr. Arthur recommended awarding Finley & Cook, PLLC the contract to perform the 2021 financial audit. The service cost is \$18,550 (same as prior year). The District has contracted with Finley & Cook for 10 plus years. Mr. Arthur remarked they are very professional and stated he is open to feedback. Ms. Knotts observed that compared to some other companies Finley & Cook's fee is reasonable. Mr. Dean likes the detail they provide. Michael Dean made a motion seconded by Jann Knotts to approve the Resolution.

Roll call vote:

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

Motion Passed

**D.6. Contract between the Bureau of Reclamation and the District for delivery of temporary water, and corresponding Resolution**

This item was tabled at the May 6, 2021, Board meeting.

Mr. Arthur briefed the members on the two current contracts that exist for delivery of temporary water. Contract No.169E640075, between the District and the Bureau of Reclamation and Contract No.K-1617-62 between the District and City of Norman, Oklahoma, and the Norman Utilities Authority. All three member cities were offered the opportunity to enter a contract with the District. Norman was the only one that availed themselves. Temporary water is available only when the reservoir water surface elevation is above elevation 1,039.0 feet.

Recently, the City of Norman approached Mr. Arthur about possible revisions to the contracts. The current BOR contract has a fixed fee schedule, and the contract ends in 2022. If approved Contract No. 219E640007 would supersede and replace Contract No. 169E640075. Mr. Arthur explained the most notable proposed revision is that payment for the use of temporary water in the future shall be based upon the amount of temporary water delivered when such deliveries are more than a participating city's regular water supply allocation at water year end. Additionally, the new contract's fee schedule is annually based on consumer price index and the term of the contract would extend from the Water Year in which it is executed (WY 2021) for a period of 5 Water Years, ending on September 30, 2025.

Secretary Dean raised concern that the new contract contains some language that was not in the original contract. Mr. Arthur stated he looked at the details of the added language, compared it with the existing contract and the original District/BOR contract. Mr. Arthur said that while there are most certainly new items that have been added, after visiting with Regional BOR counsel and staff from the Oklahoma-Texas Area Office, he is comfortable with the added language. This is primarily based upon two opinions: (1) the language is consistent with current expectations and practices of the District with respect to the requirements of BOR, that is to say, the District is already doing most of these things and this is simply a way of "codifying" those, and (2) the fact that BOR inserts, as a matter of routine practice, new language into new or amended contracts based upon the nature of the contract and guidance from their "Standards and Directives" document. This is often done to clarify issues that have come up in the past with other contracts, to implement a new policy, etc.

Mr. James Allard, from the Bureau of Reclamation, stated standard articles go into water contracts so all entities are treated equally. Typically, the District is bound and already doing everything in the contract. These provisions and the language are consistent with what BOR does across all contracts with respect to their projects.

Mr. Arthur stated that, with the new contract possibility, Midwest City and Del City (in addition to Norman) are also interested in having the contractual right to use temporary water. District Counsel, Mr. Couch, has drafted Midwest City's contract and city Attorney Don Maisch is reviewing. Mr. Couch will also be working on one for Del City and Beverly Palmer's review. Should Contract No. 219E640007 be approved tonight there would be agenda items for the three cities' contracts at the next board meeting.

With regards to specific language in the draft contract, Mr. Dean asked what the District's current Water Conservation Plan is. Mr. Arthur stated we have one, but it is out of date, and the next step is to update it. Discussions are ongoing with BOR. The recently updated draft yield model could possibly be utilized to set reservoir elevation trigger levels, as a central part of the Water Conservation Plan, to implement conservation measures to maximize water supply yield should we be in or about to enter a period of drought. Mr. Arthur stated the any trigger levels developed would be fair and done in an equitable manner and with support from all member cities. Mr. Arthur stated he and BOR on working on a scope of work to develop the Plan informed by the yield model results.

Mr. Anders pointed out that in the contract there is no verbiage of when the federal government takes over in a terrorist situation. Mr. Allard stated that would fall into the Emergency Action Plan. Ms. Nairn stated she could not think of any scenario where all-hands-on-deck would not be facilitated.

Mr. Frech asked what the District's liability would be, with regards to the water intake structure, if it is compromised, for example via purposeful contamination. Mr. Arthur stated that the repair of any physical damage done to the works would be the responsibility of the District. Ms. Nairn stated this Project being owned by BOR, if something catastrophic happened, might be a benefit. Mr. Couch stated the District would be responsible for alerting the public if any such action occurred.

Members Anders and Hurt are currently working on additional security with respect to IT, software, and telemetry systems.

Kevin Anders made a motion seconded by Michael Dean to approve the Resolution.

Roll call vote:

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

Motion Passed

**D.7. Memorandum Agreement with OWRB and USGS for stream gaging, fiscal year ending June 2022, and corresponding Resolution**

Mr. Arthur stated the cost for our portion of the cost-share agreement is \$12,400 (same as prior year). This

agreement has been active since the Project's inception. He recommended that the Board approve the Memorandum Agreement. Roger Frech made a motion seconded by Kevin Anders to approve the Resolution.

Roll call vote:

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

Motion Passed.

**D.8. Revised and updated Personnel Policy Manual, and corresponding Resolution**

This item was a discussion item at the March 4, 2021, Board meeting.

Mr. Arthur explained the yellow highlighted parts are the same as the previous draft. However, the draft document tonight has some areas that have blue highlights and those are new additions. Mr. Arthur proceeded to point out 5 areas of new additions:

1. The maximum number of hours one can accrue is 360 at the end of each calendar year for annual leave. Additionally, after accruing 200 hours of unused annual leave, the employee may elect to sell annual leave back to the District in 8-hour increments.  
(this concept existed previously; the language was just clarified.)
2. Tim Carr suggested changing the work week from Mon-Sun to Saturday 12:01A.M. thru Friday midnight. This change allows for more time to adjust the work week should weekend hours be required. Mr. Arthur consulted with Ms. Brightmire, and she stated there was no law specifying when the times of the work week must be, but we simply must maintain consistency in whatever schedule we adopt.
3. Mr. Dean inquired about sick leave accrual and whether that is paid to the employee at any point. Mr. Arthur stated sick leave will accumulate until the employee's service is terminated. Sick leave is not reimbursable and does not have a cap. Mr. Arthur did note that the revised Personnel Policy Manual also includes a new Qualified Medical Emergency Plan the governs the use of the District's pool of donated sick leave. Ms. Brightmire advised the District to have a policy if it wishes to make such sick leave available to all employees for catastrophic medical events. The District currently offers a donated sick leave pool, but did not have a policy outlining the qualifications, rules, etc. for donation and utilization of the pool. This change will create an official policy.
4. With respect to the new Cell Phone Policy, Mr. Hurt recommended adding language regarding the District requiring that all regular full-time employees carry a cell phone. This has been done.
5. With respect to Section 702, specifically the part regarding medical marijuana use, Mr. Arthur added the General Manager's position to the list of job titles performing "safety-sensitive" duties. The list now includes O&M Tech I, II, Senior, Supervisor and General Manager.

Roger Frech made a motion seconded by Jann Knotts to approve the Resolution.

Roll call vote:

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

Motion Passed.

## **E. Discussion**

### **E.11. Legal Counsel's Report**

- May 6 conference call with Kyle Arthur about Bureau of Reclamation temporary water contract and attend monthly meeting of COMCD board in Postal Training Facility Norman
- May 24 researched issues relating to resolution on attendance policy for board members and about attendance in executive session in virtual meeting and review draft board agenda and draft resolutions sent by Kelley Metcalf
- May 25 attend meeting at District's office with Bureau of Reclamation Collin Balcombe and James Allard about yield study and implications, and thereafter meet for discussion with Amanda Nairn, Kyle Arthur, Kelley Metcalf, and Don Maisch about board meeting agenda matters
- May 28 review and revise packet material and draft resolution and email to Kelley Metcalf for board packet and preparation of draft temporary water contract for Midwest City and dispatch to Don Maisch

With respect to the yield study mentioned by Mr. Couch, Ms. Nairn announced that the study will come before the board in early fall.

### **E.12. General Manager's Report**

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

Mr. Dean asked the status of the emergency generators. Tim Carr stated the ETA is June 23rd, however, there have been delays. The new concrete has been poured and everything is in order. ETA for installation is mid-July.

Mr. Arthur stated a new generator for the office was ordered in November and we still do not have it. So, delays are certainly occurring with the manufacture of such equipment. Mr. Arthur reminded the Board that the electrical for the office building runs through the old office structure. Tim Carr, being an electrician, is going to build a wall and move all the electrical.

Mr. Arthur mentioned that the new tornado shelter has been installed.

### **E.13. 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)**

Ms. Nairn explained the July board meeting is scheduled for Thursday, July 1<sup>st</sup>. Since that is the Thursday before the 4<sup>th</sup> of July (Sunday) she suggests moving the meeting to Thursday, July 15<sup>th</sup>. The August meeting would be cancelled. In July, a Floating Wetlands Presentation is expected. Also, temporary water contracts for the 3 member cities. With no objection the July meeting will be moved to July 15<sup>th</sup>.

Ms. Nairn announced a 5-minute break at 7:57 P.M.

Open session resumed at 8:08 P.M.

Action continued:

**D.9. (POSTPONED EARLIER)** Possible executive session for the purpose of confidential communication regarding the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee, in this case the General Manager of the District, Pursuant to 25 O.S. § 307 (B) (1) of the Oklahoma Open Meeting Act; chair designation of staff to attend executive session and to take minutes

Kevin Anders made a motion seconded by William Janacek to enter executive session.

Roll call vote:

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

Mr. Couch certified the reason listed on the agenda to enter executive session meets the Open Meeting Act requirements.

Motion Passed to enter executive session. TIME 8:09PM

Open session resumed at 9:34 P.M.

Ms. Nairn announced the vote to return to Open session was completed at the end of the executive session.

**D.10. (POSTPONED EARLIER)** Return to open session and possible action deemed appropriate, if any, arising from discussions held in executive session concerning matters pertaining to employment, hiring, appointment, promotion, demotion, review, disciplining or resignation of the General Manager of the District

Kevin Anders made a motion seconded by Roger Frech to approve the Resolution.

Roll call vote:

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

Motion Passed.



F. Adjourn

There being no further business, President Nairn adjourned the meeting at 9:35P.M.