

**MINUTES OF REGULAR BOARD MEETING
CENTRAL OKLAHOMA MASTER CONSERVANCY DISTRICT
Thursday, March 2, 2017
6:30 P.M.**

PRESIDING: Roger Frech, Chairman

MEMBERS PRESENT: Mark Edwards, Amanda Nairn, William Janacek, Jann Knotts, Kevin Anders

MEMEBERS ABSENT: Casey Hurt

OTHERS PRESENT: Randy Worden, General Manager; Kelley Metcalf, Administrative Assistant; Kyle Kruger, Garver; Scott Aynes, City of Norman; Vaughn Sullivan, Midwest City Public Works

Call to Order. The meeting was called to order at 6:30 P.M. by Roger Frech, Chairman. The General Manager stated he had posted notice of the monthly board meeting in compliance with the open meetings act.

1. Discussion/Consideration of Minutes from previous meetings. Mark Edwards made the motion and William Janacek seconded the motion to approve the minutes as presented of the regular board meeting held on Thursday, February 2, 2017. Roll call vote:

Chairman Roger Frech	Yes
Vice Chairman Mark Edwards	Yes
Treasurer Jann Knotts	Yes
Secretary Kevin Anders	Yes
Member William Janacek	Yes
Member Amanda Nairn	Yes
Member Casey Hurt	Absent

Motion Passed.

2. Consideration of financial statements for operating account for January 2017 and payment of claims. Jann Knotts made the motion and Amanda Nairn seconded the motion to approve the financial statements and payment of claims. Roll call vote:

Chairman Roger Frech	Yes
Vice Chairman Mark Edwards	Yes
Treasurer Jann Knotts	Yes
Secretary Kevin Anders	Yes
Member William Janacek	Yes
Member Amanda Nairn	Yes
Member Casey Hurt	Absent

Motion Passed.

3. Consideration and possible approval of Resolution regarding easement interference.

The District received a letter last week from Reclamation requesting the District vote on a Resolution regarding the easement encroachment on Steven and Deborah Ragan's property. Approximately three years ago, during an annual inspection it was found that the corner of the detached garage, that was under construction, encroaches 8.5 feet into the United States easement. The District, after consulting with legal counsel, and the Board approval, offered the Ragans a licensing agreement stating the encroachment was minor and did not pose any problem with the District maintaining or doing repairs. The Ragans paid for attorney fees and survey fees. The agreement was signed and a copy was sent to Reclamation. Reclamation sat on it for about 6 months and then informed the District that the District was prohibited from offering such licensing agreement. Through written communication, Reclamation requested that the Ragans remove the encroachment in order to protect the easement which was acquired for purposes of operation and maintenance of the existing pipeline. The Ragans and their attorney, Mr. Perry Kaufman, acknowledge the garage encroaches on the United States easement, but claim the encroachment is *de minimis* under Oklahoma State Law and have requested that the garage be allowed to remain. On January 11, 2017, the Ragans petitioned the U.S. District Court, Western District of Oklahoma to enter a Declaratory Judgement prohibiting the Department of Interior from taking any action to remove the garage from the easement, citing in part the District's willingness to accept the encroachment as demonstrated through the License Agreement offered and the District's acceptance of the funds (\$3,686.00) from the Ragans for survey and attorney fees. Reclamation and the Department of Interior Solicitor's Office have reviewed all the information relating to this matter, and have determined the appropriate course of action is for Reclamation to work with the U.S. Attorney's office to settle the case, likely through issuance of a use authorization which will include language holding the District and the United States harmless for any possible future damage to the garage which may occur as a result of the District's operation and maintenance activities within the easement. The General Manager's recommendation would be to reaffirm the District's original position in that the easement encroachment is minor and will not interfere with pipeline operation and maintenance, and should be licensed to the Bureau and allowed to remain within the easement. In the event the structure is damaged or needs to be moved the Ragan's would be liable. If the Ragan's sell the property, the licensing agreement travels with the property. Amanda Nairn made the motion to affirm the previously stated position of the District that the encroachment is minor and will not interfere with pipeline operation and maintenance, and should be licensed to the Bureau and allowed to remain within the easement and Mark Edwards seconded the motion. Roll call vote:

Chairman Roger Frech	Yes
Vice Chairman Mark Edwards	Yes
Treasurer Jann Knotts	Yes
Secretary Kevin Anders	Yes
Member William Janacek	Yes
Member Amanda Nairn	Yes
Member Casey Hurt	Absent

Motion Passed.

4. Consideration and possible approval of Resolution allowing General Manager to apply for Water Conservation Field Services Program Grant. General Manager stated with the board's approval the District will apply for a \$100,000 grant. This topic was previously discussed during the budget presentation. The project is anticipated to cost \$350,000, for shoreline stabilization and floating wetlands. Amanda Nairn asked if there is a plan if the District is not awarded the grant, the General

Manager stated if the District does not receive the grant, the project will not be done. The proposal will be submitted to Reclamation's regional office in Billings Montana. Amanda Nairn asked the General Manager if there would be an opportunity to read the application. The General Manager stated the grant must be submitted by April 4th and that he would be happy to let all the board members review it, however it maybe after it is submitted. William Janacek made the motion and Kevin Anders seconded the motion to approve Resolution 3-2-17-2 allowing the General Manager to apply for Water Conservation Field Services Program Grant. Roll call vote:

Chairman Roger Frech	Yes
Vice Chairman Mark Edwards	Yes
Treasurer Jann Knotts	Yes
Secretary Kevin Anders	Yes
Member William Janacek	Yes
Member Amanda Nairn	Yes
Member Casey Hurt	Absent

Motion Passed.

5. General Manager's Report: Mr. Worden's written report was distributed to the Board. Items mentioned and discussed are listed below:

- Attended and hosted Rural Caucus at the State Capital with other OARP members. There were approx. 45 in attendance.
- Conducted weekly safety meetings with District staff.
- Hosted Norman's Public Works leadership retreat at the office.
- Continued dialogue with Ms. Marquez regarding removal of fill over pipeline.
- Continued work on grant proposal for shoreline stabilization.
- Three of District staff received security badge to enter Tinker AFB for inspection/work on pipeline.
- Attended meeting with ODEQ, Garver and DSI (Garver subcontractor) regarding Phase 2 and Phase 3 work.
- Began construction of shoreline stabilization project at Calypso Cove marina. Will install approx. 350' of rip-rap.
- Met with Purchasing Policy Committee at Del City Hall. Will draft policy for April meeting.
- Provided plant tour to Congressman Cole's Field Rep.
- Met with Rep. Martin and Tourism at State Capital.
- Attended Water Law Conference.
- Met with U.S. Motor rep. regarding motor issues at plant.
- Met with Pres. Frech to discuss evaluation and other issues.
- Met with OSU regarding proposed shoreline erosion project.
- Collected month end data.

Couple things to highlight:

During the Rural Caucus event the General Manager had the opportunity to discuss and solicit some support on bill HCR 1003, think most are supportive of the District's position.

General Manager and legal counsel met, at Rep. Martin's request, at the capital, with Tourism. This was an attempt to seek some cooperation. Tourism is very staunch in their position that they want to own the entire project even though the District and the cities paid the debt. Tourism has distributed an information sheet that has many incorrect statements. A five-page response has been

written and will be sent to Rep. Martin. A single page response was created because it was thought that most legislators would not read a five-page document.

Garver and DSI met with ODEQ. A presentation was given regarding Phase 2 and Phase 3, the General Manager was present also.

Work began on the Shoreline Stabilization Project on the south shore near Calypso Cove Marina. A BIG thank you to Del City for bringing their excavator! General Manager stated he will have before and after photos.

Purchasing policy committee met at Del City Hall. The General Manager was asked to draft a policy. The General Manager stated that the committee did not discuss including a provision that the District will not pay overhead, however, he would like to include that in the policy.

After much discussion on whether the Shoreline Stabilization Project needs to go thru the bidding process, the consensus was to proceed with OSU.

During the Field Representative's visit/tour the General Manager spoke regarding Title Transfer. This topic has also been discussed with Senator Inhofe and Senator Langford's staff.

6. Legal Counsel Report:

- Attended COMCD Board meeting and OWRB meeting.
- Attended meeting at Capital re Tourism's opposition to Title Transfer and legislation meant to address that issue; worked on follow-up legislative documents as requested. Drafted fact sheet and language for legislative sponsor of Title Transfer resolution, as requested by same.
- Reviewed BOR letter regarding lawsuit filed against United States by MWC family to resolve easement encroachment issue; the letter requests that the COMCD Board resolve that either the easement encroachment is *de minimis* or not *de minimis*.

This issue was resolved by COMCD months ago, but BOR refused to approve the resolution and stated it would not grant approval to the family for the encroachment, even though BOR was informed that the District considered that encroachment to be *de minimis* and could be easily handled by giving the family a revocable permission to encroach. The family sued the United States over the issue in Oklahoma City federal court, and BOR seeks a resolution of the lawsuit through granting the family a revocable right to encroach.

Drafted alternative resolutions for Board to consider in response to the BOR request contained in that letter.

- Taught water law at Oklahoma Water Law Conference (Municipal Stormwater Regulation) and at Municipal League conference (Tribal Water Law in Oklahoma).

7. 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).

Kevin Anders inquired about having the Board Meetings available via WebEx. Legal Counsel will research the legality of teleconference within the Open meeting act laws and report back.

The meeting adjourned at 8:40 pm.