

**MINUTES OF REGULAR BOARD MEETING  
CENTRAL OKLAHOMA MASTER CONSERVANCY DISTRICT  
Thursday, September 7, 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; Mike Wofford, District Counsel; Kyle Kruger, Garver; Dr. Michael Watts, Garver; Michael Graves, Garver; Shane Smith, Garver; Ken Komiske, City of Norman; Geri Wellborn, City of Norman; Paul Streets, Assistant Public Works MWC; Joe Painter, Alan Plummer Associates; Alan Swartz, Alan Plummer Associates; Kyle Murray, Oklahoma Geological Survey;

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, July 6, 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 June 2017 and July 2017 payment of claims. (The August 3, 2017 Board Meeting was cancelled) Jann Knotts made the motion to approve the June 2017 financials, however because the July 2017 and August 2017 financials were just received from the accountant and not reviewed prior to the meeting those two months of financials will be considered at the next board meeting, Mark Edwards 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. Presentation of final report for CEC study from Kyle Murray, University of Oklahoma. Kyle Murray presented the board with a PowerPoint presentation followed by Q&A. Amanda Nairn asked when the written report will be completed, Mr. Murray stated in about two weeks.

4. Presentation by Garver on Phase 2 & Phase 3 of Reuse Project. Michael Graves, Kyle Kruger, and Dr. Michael Watts presented the Board with a PowerPoint presentation. They opened the floor for questions or discussion, lengthy discussion was held. Graves indicated that Garver will take the comments from the Board meeting along with their research and data to complete a final report and submit it to the General Manager. The next step will be to submit the pilot plan to ODEQ for their consideration and approval.

Break from 8:00 PM until 8:17 PM

5. Discussion, consideration and possible approval of memorandum agreement with OWRB and USGS for continued operation and maintenance of the river gage below the dam. This item was tabled at the July 6, 2017 board meeting, after the board decided clarification from legal counsel was needed. Legal counsel stated he could recommend approving the revised memorandum agreement. Amanda Nairn made the motion and Kevin Anders seconded the motion to approve the memorandum agreement with OWRB and USGS. 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.

6. Discussion, consideration and possible approval of engineering contract with Alan Plummer Associates for the Del City Pipeline replacement project. The General Manager stated that after negotiations the total engineering fee is \$816,300 which is \$66,000 more than what was budgeted this fiscal year, but the difference could be put in next year's budget upon Board approval. The contract includes the revisions legal counsel requested. The General Manager recommended approval. After discussion Mark Edwards made the motion and Jann Knotts 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.

7. Discussion, consideration and possible approval of memorandum of agreement with Reclamation regarding field services grant for shoreline erosion study. The General Manager stated he had received a “semi award” letter from Reclamation that the District was going to be awarded the \$100,000 grant, which would fully fund the shoreline erosion study, and an assistance agreement, which legal counsel has reviewed. The Board requested a proposal of the project but not as a condition to voting on the agreement. Amanda Nairn made the motion and Mark Edwards seconded the motion to approve the memorandum of agreement with Reclamation regarding field services grant for shoreline erosion study. 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.

8. General Manager’s Report:

- Negotiated contract with Alan Plummer Associates for engineering services to design the Del City pipeline replacement.
- Received notice from Reclamation that the District was successful in its field services grant application for the \$100,000 grant for floating wetlands/breakwater project.
- Crews have been busy trying to keep up with mowing the grass at the dam, fire lanes and pipelines.
- Cleared approx... one mile of pipeline easement.
- Repaired two pipeline leaks. One on the Del City pipeline and one on the Midwest City pipeline.
- Received several equipment purchases off the capital budget.
- Met with Tinker engineers regarding the Del City pipeline replacement within Tinker AFB.
- Attended the Red River Valley Association meeting in Durant.
- Attended the ODEQ meeting on indirect potable reuse rules.
- Met with Reclamation concerning the Emergency Action Plan update.
- Continued with mussel sampling in Lake Thunderbird.
- Several staff members attended training in August.
- Continued work on updating the personnel manual.
- Held customer meetings with each of the District’s customer cities.

9. Legal counsel report:

- Advice to staff regarding Board agenda and minutes
- Work to secure correct contract with OWRB for USGS related stream survey work
- Advise Board member of Open Meeting Act
- Reviewed draft contract with Alan Plummer for Del City pipeline design
  
- News and notes:

*Murphy v. Royal*, 10<sup>th</sup> Circuit U.S. Court of Appeals: August 8, 2017

The Denver appeals court ruled that the Creek Reservation established prior to the Civil War and amended thereafter continues to exist in parts of Oklahoma, and that is Indian Country as defined in federal statute. Therefore, charges for a murder alleged to have been committed in the Creek Reservation by a member of a tribe, even by a member of another tribe and not of the Creek Nation, cannot be brought in Oklahoma state court, and must be brought in federal court if at all. The appeals court directed that the trial court issue a writ of habeas corpus to release the State-convicted defendant. The State is presently asking for a rehearing by the appeals court on the decision.

The Court found no intent of Congress to ever extinguish the Creek reservation. The implications of this decision for other tribes and for other issues such as water rights, if any, are not known since the case was only about criminal court jurisdiction. Other recent decisions of a federal court in California found that a Palm-Springs area tribe, where its reservation continues to exist, own both surface water and groundwater within the reservation.

The agreed resolution of the Choctaw Nation and Chickasaw Nation tribal water claims, now imbedded in federal statute, has of course only settled the issue of water rights for those Nations and not for all other Oklahoma tribes.

Legal counsel shared the *Murphy v. Royal* to remind the Board that Indian law in Oklahoma can affect the District as far as water rights are concerned. This case was not about water rights but it was very clearly about the fact that the Creek reservation under this court ruling lost its appeal.

10. 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. The General Manager stated the District will have a periodic facility review this month by Reclamation, which is mainly the dam portion of it. Also, the fish fry is October 12<sup>th</sup>, invitations have been mailed out. Jann Knotts stated she will not be in attendance for the October meeting due to vacation plans.

Roger Frech entertained a move to adjourn, Amanda Nairn made the motion and Mark Edwards seconded the motion to adjourn. 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.	

Meeting adjourned at 8:40 PM