

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

Thursday, December 3, 2020

Location-8726 SE 15th Street Midwest City, OK 73110

Due to expiration of the emergency amendments of the Open Meeting Act that allowed all Board Members to meet virtually by videoconference, the December 3, 2020, 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, 1-877-568-4106
enter access code: 623-020-117.

To participate and listen via a computer, smartphone, or tablet, go to
[HTTPS://GLOBAL.GOTOMEETING.COM/JOIN/623020117](https://global.gotomeeting.com/join/623020117) meeting access code: 623-020-117

For all those attending the meeting in person, face masks and social distancing will be required to protect yourself and others attending.

A. Call to Order

President Amanda Nairn called the meeting to Order at 6:30 pm.

Roll Call:

Board Members Present:

President Amanda Nairn
Vice President Casey Hurt
Treasurer Jann Knotts
Secretary Michael Dean
Board Member Kevin Anders

Board Members Absent:

Roger Frech
William Janacek

Kyle Arthur, General Manager, Videoconference

Staff Present:

Kelley Metcalf, Administrative Assistant
Tim Carr, Operations & Maintenance Supervisor
Present, Legal Counsel, Dean Couch
Paul Streets joined in person at 8:52 PM

Callers Announced:

Gerri Wellborn, Mark Roberts, Julie Chambers, Monty Porter, Curt Dikes, Roger Frech, William Janacek

B. Statement of compliance with Open Meeting Act

Kelley Metcalf, Administrative Assistant, 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. (Tim Carr/Kyle Arthur)

Kyle Arthur reported:

Line 1

- Trenchless Pulls #3 and #4, from the existing check structure ≈500 LF northwest of Mackleman Dr (STA 21+61) to the transition from concrete to ductile iron pipe ≈130 LF west of Cinder Dr (STA 45+80), have been completed without major issue.
- The pipeline liner has been successfully hydrostatically tested to project specifications.
- A temporary connection was made at the northwest end of Pull #3 and a permanent connection was made at the southeast end of Pull #4. Both connection locations have been filled with controlled low-strength material (flowable fill).
- The decision has been made to keep the original plan of installing a replacement check structure at STA 21+61 for the existing structure that was removed.
- Shutdown #1 has been finished and the Del City Pipeline is back online until Shutdown #2 in December.

Line 2 and 3:

- No changes. Pipeline construction is finished, save for final sitework and rehabilitation and pipeline inspection.

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.2. Consideration and possible approval of minutes of the Regular Board Meeting held on Thursday, November 5, 2020

Resolution for Acceptance of Minutes for Board of Directors regular board meeting on November 5, 2020. The Resolution states: it is hereby resolved that minutes of the regular board meeting held on Thursday, November 5, 2020, are approved. Kevin Anders 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 | Absent |
| Member Roger Frech | Absent |
| Member Kevin Anders | Yes |

Motion Passed

D.3. Consideration and possible approval of financial statements for operating account for October 2020

Mr. Arthur, between the November board meeting and this board meeting, noticed an error on account 5507-engineering-reuse project. \$24,666.64 was allocated by mistake to this account. The correct account should be 5607 oxygen/tank rental. The accountant was notified, and the error was corrected. The District received, \$9,414.61, from Bureau of Reclamation, in the month of October, for cost share on wetland project.

Resolution for Acceptance of financial statements for operating account for October 2020. The Resolution states: it is hereby resolved that financial statements for operating account for October 2020 are approved. Jann Knotts 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 | Absent |
| Member Roger Frech | Absent |
| Member Kevin Anders | Yes |

Motion Passed

D.4. Discussion, consideration, and possible vote to approve an agreement with the OWRB to conduct a long-term trend analysis of Lake Thunderbird water quality data. Cost \$42,215.00

Monty Porter, from OWRB, presented a PowerPoint presentation. The objective of the project is to use statistical techniques to detect long term trends in the water quality of Lake Thunderbird and provide data visualization tools for dissemination for COMCD and the public. The project period is expected to take 6 months at a total cost of \$42,215. For details on the project discussed please reference the packet document "Long-term Trend Analysis of Lake Thunderbird Water Quality Data".

Michael Dean asked if each annual data would have separate data points. Mr. Porter explained that independent data points would be used since there is no missing years of data. Mr. Frech asked Mr. Porter in the trend analysis if they anticipate the trend findings to be like the shallow regions' findings or more like the findings in an inflow of river water. Mr. Porter stated looking at an analysis done in 2010 the largest difference in lakes, across the state, was from an ecological perspective. In Lake Thunderbird, he thinks there maybe a difference in the mid lake areas as well. Many things such as concentrations and nutrient cycling occurring will cause differences in the mid lake areas.

Kevin Anders asked if the software used is unique to this project. Mr. Porter stated the software that will be used is a statistical production software. The model that OWRB develops will be specific for Lake Thunderbird, and well-known procedures will be used. One of the first things that will need to be determined is if parametric or nonparametric methods can be used. The model will be developed based upon the exploratory analysis. Casey Hurt asked if dashboard would be available. Mr. Porter stated that would be up to the District but OWRB's intentions would be to make the data available to the public.

Resolution for Acceptance of Long-Term Water Quality Trend Analysis. The Resolution states: it is hereby resolved that an agreement to conduct a long-term trend analysis of Lake Thunderbird water quality is approved. Kevin Anders 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 | Absent |
| Member Roger Frech | Absent |
| Member Kevin Anders | Yes |

Motion Passed

D.5. Discussion, consideration, and possible vote to approve a District salary schedule, and budget category adjustment for FY 2021 salaries

Kyle Arthur gave a PowerPoint presentation. Mr. Arthur met with the three member cities and obtained the matching job descriptions, salary schedules, and promotional plans. From this information he created the proposed salary schedule and promotional plan as included in the packet titled “Salary and Promotion Plan Proposal and Salary Adjustment Authorization”. Mr. Arthur recommended updating salary schedule for each job title to ensure that COMCD is competitive relative to compensation. He stated it is important to articulate a “path” for current and future employees. Mr. Arthur also recommended salary adjustments for three employees.

The Board discussed possible scenarios where salary schedule adjustments or promotional increases might not occur in a given year, such as when there are salary freezes at one or more of the District’s member cities. Therefore, the Board requested that all salary schedule adjustments and promotional increases be subject to Board approval thru the budgeting process. Mr. Arthur agreed and stated the employee manual will include this language.

Resolution for Acceptance of District employee salary schedule. The Resolution states: it is hereby resolved that the District salary schedule and FY 2021 budget category adjustments for salaries is approved. Michael Dean 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 | Absent |
| Member Roger Frech | Absent |
| Member Kevin Anders | Yes |

Motion Passed

D.6. Discussion, consideration, and possible vote to approve modifications to District benefits and budget category adjustment for FY 2021 benefit expenditures

Mr. Arthur gave a PowerPoint presentation which included recommendations to modify several District benefits to ensure the District has a competitive benefits package and to be more consistent and in-line with the member cities. These include adjust leave accrual schedule and holiday schedule, create a hybrid longevity and safety annual bonus program, amend the OkMRF Defined Benefit Plan. For details on these recommendations please reference the packet document "Proposed Benefits Modifications and Estimated Expenditures".

The Board held a discussion. Michael Dean expressed some reservation regarding an employee receiving 6 months service credit for every year of previous full-time employment. Regarding the longevity and safety program Casey Hurt stated he does not favor a longevity driven program; he would rather allocate that to safety. Michael Dean agreed to increase the 30% to safety instead of longevity.

Resolution to modifications to District benefits and adjustment to the FY 2021 budget category for benefit expenditures are approved. 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 | Absent |
| Member Roger Frech | Absent |
| Member Kevin Anders | Yes |

Motion Passed.

D.7. Discussion, consideration, and possible vote regarding partial title transfer

President Nairn shared that General Manager, Kyle Arthur met with the three member cities. He provided detailed information and analysis on partial title transfer. President Nairn stated that Norman is not in favor of moving forward, at this time, with partial title transfer. Ms. Nairn explained if the Board votes to not pursue title at this time, it could be up for vote/discussion in the future. Ms. Nairn also said she wanted to give Board Members Frech and Janacek the opportunity to speak if they desired. Mr. Janacek said he understood that Mr. Frech was going to submit a letter on this agenda item and that he would be interested in hearing his opinion. Ms. Nairn gave Mr. Frech the opportunity to read his letter he chose to have Ms. Nairn read it for the record. Ms. Nairn provided the Board with the letter and read it aloud. "Dear Amanda, I am writing in response to our recent telephone conversation about our December COMCD board meeting. You informed me that there is an agenda item regarding the Board's position on partial title transfer of the Norman Project. Because I am unable to attend the board meeting, I wanted to state my opinion on this matter, realizing that I will not be able to formally vote on the matter due to my absence. I wish to add that you are unconditionally free to share the contents of this letter, either verbatim or as you may wish to summarize it. If I were present, I would vote "no" without hesitation. I thought our District Manager gave a very thorough, balanced presentation of the pros and cons of partial title transfer, and I thought his cost analysis was illumination. I see no compelling reason to go ahead with any form of title transfer at this point. I realize that situations can change in completely unforeseen ways, and at some point, in the future it might be in everyone's best interest to take either partial or full title transfer. I hope the board keeps in mind an important point: our decision now not to take either partial or full

title transfer in no way binds future boards. All the best to you and the board, Roger Frech. Ms. Nairn asked Mr. Janacek if he had anything to say. Mr. Janacek stated he was against title transfer from the start, but he did not know how the other Midwest City representatives felt since he was unable to attend the city meeting that Mr. Arthur held. Casey Hurt stated that Midwest City came to the same conclusion that there is no benefit to transferring of title now. The District and Bureau of Reclamation have a good working relationship. Mr. Janacek asked if Tourism might have interest in pursuing title transfer. Ms. Nairn stated a meeting took place with Park Manager, Susie Snyder. Present at that meeting were Ms. Nairn, Mr. Hurt and Kyle Arthur. The meeting was positive and productive. The relationship between Tourism and BOR is advantageous. Parks has no desire for that relationship to end. Ms. Nairn stated she did not leave the meeting with any concerns. Mr. Hurt stated he thinks the District and Parks are in a good place. Mr. Dean said in the event Tourism wanted to pursue title transfer they would have to go thru the same process that the District did, including notification to all the partners. Mr. Hurt stated there is one caveat around that, Tourism could go to the U.S. Senate or the House to avoid the three-party agreement. Mr. Anders stated that a unified decision would have to occur. Ms. Nairn stated the District met with Congressman Cole, a couple years ago, he stated he would not support Tourism on partial title transfer. Mr. Dean stated that if a Board wanted to pursue this in the future at least they would not have to start from scratch. Casey made a motion seconded by Michael Dean that the process to obtain title over the water supply facilities should not be completed.

Roll call vote:

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

Motion Passed.

D.8. Discussion, consideration, and possible vote to approve Pandemic Attendance Policy for Board Members

Due to the expiration of the emergency amendments to the Open Meeting Act, board meetings are back to attending in person. The District has an attendance rule in the Bylaws. Any Director shall be subject to removal from office if missing 3 consecutive meetings or to attend 50% of the regular and/or special meetings within any calendar year. President Nairn stated a Board member should not be penalized for choosing not to attend for safety reasons during a pandemic. The Resolution states: WHEREAS, a Director who does not choose to attend an in-person meeting of the Board due to health concerns relating to a declared pandemic emergency should contact the President of Board or District staff a week before a scheduled Board meeting about the Director's health concerns. It is hereby resolved that the attendance policy for Board members effective during a pandemic declared as an emergency by the Governor is approved. Casey Hurt made a motion seconded by Jann Knotts to accept the Resolution as written.

Roll call vote:

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

Motion Passed.

E.9. Legal Counsel’s Report (written report)

After the November board meeting, I sent an electronic copy of Senate Bill 661 and the guidance documents regarding the emergency amendments to the Open Meeting Act to Kevin Anders.

On November 9th, I reviewed draft documents relating to the Lake Thunderbird Watershed Partnership and attended a Partial Title Transfer presentation by Kyle to Del City officials.

I also reviewed three legal issues sent by Kyle in preparation for a conference call on November 16th regarding possible in-person meeting locations, the salary schedule and board member attendance.

On November 17th, I participated by phone with Kyla and Midwest City officials about partial title transfer.

On November 25th, I provided input into the December 5th meeting agenda language and the resolutions to show official action relating to agenda items.

E.10. General Manager’s Report

Please see document titled “Manager’s Report” in the packet.

The following was not included in the Manager’s Report: Tim Lyon, MWC City Manager, requested Kyle Arthur research if the District would be eligible for insurance coverage thru Oklahoma Municipal Insurance Group. Mr. Lyon serves on the Board. Mr. Arthur will consult with the District legal counsel regarding this inquiry.

E.11. Update on Lake Thunderbird Watershed Alliance-President Nairn

The District, in November 2019, wrote a letter in support of the City of Norman’s Bureau of Reclamation WaterSMART Cooperative Watershed Management Program Phase I grant application for the development of a watershed group for Lake Thunderbird. Carrie Evenson, from City of Norman, applied for the grant. The grant is approximately \$80,000. The official name of the new non-profit is Lake Thunderbird Watershed Alliance. There are two groups involved: A Board, and a technical advisory group. The Board will have at least seven members but not to exceed eleven members. There must be a representative from Midwest City, Del City, Norman, Moore and Oklahoma City, a member from the COMCD Board, a member from Recreation, and four at large. Amanda Nairn was invited to serve as Norman’s member, although, this does not have to be permanent. OWRB, DEQ, and universities will all be involved. It will serve as a clearing house of information and data on Lake Thunderbird. Also, providing opportunity for the Alliance to apply for bigger dollars to benefit Lake Thunderbird. Kyle Arthur is serving on the technical advisory group, as well as builders, developers, landowners, stakeholders, advisors, and professors. A watershed plan will need to be written. Amanda stated that she will keep the COMCD board updated.

E.12. 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) None

F. Adjourn

There being no further business, President Nairn adjourned the meeting at 9:36 PM.