

CIRCUIT ENGINEERING DISTRICT #7
Board of Directors
MINUTES
1779 Marshall Rd.
Clinton, OK 73601
10:00 AM, Tuesday, August 25th, 2020

The board of directors for the Circuit Engineering District (CED) #7 met at 1779 Marshall Road, Clinton, OK 73601. The meeting was called to order at 10:00 a.m.

Those present were:

BOARD MEMBERS

Tim Bingham	Kirk Butler	Bart Gossen
Wade Anders	Joe Don Dickey	Mike Allen
Johnny Davis	Gary Lewis	Brian Hay
Steven Fite	Dillon Berry	

CED#7: STAFF

GUESTS: See last page

The Circuit Engineering District meeting agenda was posted prior to the meeting at the Custer County Courthouse, CED7 office, online at the CED's website and faxed to all (11) District #7 county courthouses, in accordance with Title 25 OS § 311. The following items were presented and approved as written at the CED #7 meeting on Tuesday, August 25th, 2020 by the Board of Directors as follows:

CALL TO ORDER MADE BY JOE DON DICKEY- CHAIRMAN:

Joe Don Dickey called the meeting to order at 10:00 AM.

ROLL CALL Brian Hay absent, entered at 10:07 a.m.

BOARD APPROVAL AND/OR MODIFICATION OF MINUTES FOR THE JUNE 23RD , 2020 REGULAR MEETING:

Motion was made by Steven Fite and seconded by Gary Lewis to approve the minutes as presented. The motion carried with the following results:

Aye: Tim Bingham, Kirk Butler, Bart Gossen, Wade Anders, Joe Don Dickey, Mike Allen, Brian Hay, Gary Lewis, Dillon Berry, Johnny Davis and Steven Fite **Nay:** None

BOARD APPROVAL AND/OR MODIFICATION OF MINUTES FOR THE AUGUST 25TH , 2020 SPECIAL MEETING:

Motion was made by Wade Anders and seconded by Kirk Butler to approve the minutes as presented. The motion carried with the following results:

Aye: Tim Bingham, Kirk Butler, Bart Gossen, Wade Anders, Joe Don Dickey, Mike Allen, Brian Hay, Dillon Berry, Johnny Davis, Gary Lewis and Steven Fite **Nay:** None **Abstain:**

BOARD CONSIDERATION AND ACTION TO APPROVE BLANKET APPROVAL FORM FOR THE GENERAL OPERATING ACCOUNT (CITY OF CLINTON, ATT, PIONEER TELEPHONE, OFFICE DEPOT, FUELMAN):

Blanket was presented to the board. Motion was made by Tim Bingham and seconded by Johnny Davis to approve the blanket. Motion carried with the following results:

Aye: Tim Bingham, Kirk Butler, Bart Gossen, Wade Anders, Joe Don Dickey, Mike Allen, Brian Hay, Gary Lewis, Steven Fite, Johnny Davis, Dillon Berry **Nay:** None

EXECUTIVE DIRECTORS REPORT

BRIDGE REPORT – John Northup reported that plan in hands were held for bridges over Barnitz Creek in Custer County and Little Turkey Creek in Beckham County last week. He noted that it has been necessary for some right of way on Deep Red Creek in Tillman County to enter condemnation, which could push the project back timewise.

ROAD REPORT Blane Gee reported on road projects.

CONSTRUCTION MANAGERS UPDATE John Northup reported on current construction inspection projects. He noted the Kiowa County bridge (STP-238(056)CI construction was complete and earthwork operations had begun.

RIGHT OF WAY UPDATE Tim Berry announced 9 of 12 parcels on Cottonwood Road had been secured. He expected the rest to be finalized soon.

SIGNS The sign shop did \$858 in signs this month.

BOARD CONSIDERATION AND VOTE TO PAY ALL LEGAL AND JUST CLAIMS OF CED7 AS PRESENTED:

Motion was made by Tim Bingham and seconded by Gary Lewis to approve payment of all legal and just claims as presented. The motion carried with the following results:

Aye: Tim Bingham, Kirk Butler, Bart Gossen, Wade Anders, Joe Don Dickey, Mike Allen, Brian Hay, Gary Lewis, Steven Fite, Johnny Davis, Dillon Berry **Nay:** None

BOARD CONSIDERATION AND VOTE TO ACCEPT FINANCIAL REPORTS FOR THE FISCAL YEAR TO DATE:

Motion was made by Kirk Butler and seconded by Steven Fite to accept the financial reports as presented. The motion carried with the following results:

Aye: Tim Bingham, Kirk Butler, Bart Gossen, Wade Anders, Joe Don Dickey, Mike Allen, Brian Hay, Gary Lewis, Steven Fite, Johnny Davis, Dillon Berry **Nay:** None

POSSIBLE EXECUTIVE SESSION TO DISCUSS INDIVIDUAL PERFORMANCE EVALUATIONS FOR CED7 EMPLOYEES AND POSSIBLE SALARY CHANGES FOR INDIVIDUAL EMPLOYEES (EMPLOYEES LISTED BELOW) AS AUTHORIZED BY 25 O.S. 307 (B)(7) DISCUSSING ANY MATTER WHERE DISCLOSURES OF INFORMATION WOULD VIOLATE CONFIDENTIALITY REQUIREMENTS OF STATE OR FEDERAL LAW; AND AS AUTHORIZED BY 25 O.S. 307(B)(1) DISCUSSING THE EMPLOYMENT HIRING, APPOINTMENT, PROMOTION, DEMOTION, DISCIPLINING, OR RESIGNATION OF ANY INDIVIDUAL SALARIED PUBLIC OFFICER OR EMPLOYEE.

CED7 employees: Austin Palmer, Blane Gee, Brad Coulson, Brian Young, Dave Kahmeyer, Donald Vogt, Clint Mahanay, Jeremy Andrews, Jerry Anderson, John Northup, Kris Carlisle, Lauren Morales, Allyson Adams, Martha Castellon, Rodney Cabaniss, Sharon Hicks, Terry Black, Tim Berry

A. ACTION REGARDING ENTERING EXECUTIVE SESSION – Gary Lewis made a motion to enter executive session and was seconded by Wade Anders. Motion passed 11-0 by roll call vote as follows:

Johnny Davis – Aye	Mike Allen – Aye	Wade Anders – Aye
Dillon Berry – Aye	Steven Fite – Aye	Gary Lewis – Aye
Kirk Butler – Aye	Tim Bingham – Aye	Brian Hay - Aye
Joe Don Dickey – Aye	Bart Gossen – Aye	

B. ACTION REGARDING RECONVENING TO OPEN SESSION Johnny Davis made a motion to return to regular session. Gary Lewis seconded. Motion passed 11-0 by roll call vote as follows:

Johnny Davis – Aye	Mike Allen – Aye	Wade Anders – Aye
Dillon Berry – Aye	Steven Fite – Aye	Gary Lewis – Aye
Kirk Butler – Aye	Tim Bingham – Aye	Brian Hay - Aye
Joe Don Dickey – Aye	Bart Gossen – Aye	

POSSIBLE ACTION BY THE BOARD ON INDIVIDUAL EMPLOYEE EVALUATIONS AND SALARY CHANGES FOR INDIVIDUAL EMPLOYEES DISCUSSED IN EXECUTIVE SESSION

Wade Anders made a recommendation to approve salary increases for Rodney Cabaniss (\$3000.00) and Sharon Hicks (\$1500.00). Gary Lewis seconded the motion. Motion carried 10-1 by roll call vote.

Johnny Davis – Aye	Mike Allen – Aye	Wade Anders – Aye
Dillon Berry – Aye	Steven Fite – Aye	Gary Lewis – Aye
Kirk Butler – Aye	Tim Bingham – Aye	Brian Hay - Nay
Joe Don Dickey – Aye	Bart Gossen – Aye	

Regarding the recommendation to increase the salary of Brian Young to \$90,000.00, Kirk Butler made a motion to approve the salary increase and Gary Lewis seconded. Motion carried 7-4 by roll call vote

Johnny Davis – Aye	Mike Allen – Aye	Wade Anders – Nay
Dillon Berry – Nay	Steven Fite – Aye	Gary Lewis – Aye
Kirk Butler – Aye	Tim Bingham – Aye	Brian Hay - Nay
Joe Don Dickey – Aye	Bart Gossen – Nay	

BOARD CONSIDERATION AND VOTE TO APPROVE ETR EXTENSIONS/APPLICATIONS/RENEWALS

N/A

BOARD CONSIDERATION AND VOTE TO APPROVE CIRB TASK ORDERS:

N/A

BOARD CONSIDERATION AND VOTE TO PURCHASE ONE NEW VOSTRO LAPTOP, THREE DELL OPTIPLEX COMPUTER TOWERS AND 3 DELL PRECISION 3630 TOWERS, WITH ACCOMPANYING OFFICE 365 LICENSING AND NECESSARY HARD DRIVES

Allyson Adams went over a quote from Sooner Technology for new computers for the office. The quote includes 3 computers for standard office use, 3 for use with

drafting software and 1 laptop. Cameras and microphones will be included on 3 of the computers due to increased online meetings and trainings. Steven Fite made the motion to approve the purchase and Mike Allen seconded. Motion carried 11-0 by roll call vote as follows:

Johnny Davis – Aye	Mike Allen – Aye	Wade Anders – Aye
Dillon Berry – Aye	Steven Fite – Aye	Gary Lewis – Aye
Kirk Butler – Aye	Tim Bingham – Aye	Brian Hay - Aye
Joe Don Dickey – Aye	Bart Gossen – Aye	

BOARD CONSIDERATION AND VOTE ON CONTINUATION OF CONTRACT WITH LUKE MARTIN OF CAPITAL PLUS, LLC, LOBBYIST

Joe Don Dickey explained the contract CED7 has with lobbyist Luke Martin will automatically renew October 1st, 2020. Dickey recommended the board consider giving Martin the 30 days notice required to terminate the agreement at this time due to current uncertain circumstances. CED7 could then reengage Martin at a future date if the board so chooses. Tim Bingham remarked that the contract was an expense CED7 could do without at this time. Dillon Berry made the motion to terminate the contract and Johnny Davis seconded. Motion carried 11-1 by roll call vote:

Johnny Davis – Aye	Mike Allen – Aye	Wade Anders – Aye
Dillon Berry – Aye	Steven Fite – Aye	Gary Lewis – Aye
Kirk Butler – Aye	Tim Bingham – Aye	Brian Hay - Aye
Joe Don Dickey – Aye	Bart Gossen – Aye	

DISCUSSION AND POSSIBLE ACTION/RESIGNATION OF CHAIRMAN OF THE BOARD Joe Don Dickey said it had been an honor to serve as chairman of CED7 but it was time for him to step aside. He announced he would be submitting his resignation effective August 26th, 2020 in order to allow him to conclude his duties with the OCCEDB board on that date. Kirk Butler made a motion to accept Dickey’s resignation and Gary Lewis seconded. The motion passed as follows: **Aye:** Tim Bingham, Kirk Butler, Bart Gossen, Wade Anders, Joe Don Dickey, Mike Allen, Brian Hay, Gary Lewis, Steven Fite, Johnny Davis, Dillon Berry **Nay:** None

DISCUSSION AND POSSIBLE ACTION ON ELECTION OF CHAIRMAN AND VICE CHAIRMAN OF THE BOARD

Joe Don Dickey explained this agenda item is unnecessary. Attorney Bob Nance further explained due the bylaws and Robert’s Rules of Order no action should be taken on this agenda item. The proper procedure will be followed, with Vice President assuming Board President duties at the close of business on August 26th, 2020. Because the Vice president position will have been vacated at that time, it will be appropriate to elect a new Vice President to fill the position and then as per the bylaws a slate of officers will be elected in November.

NEW BUSINESS

Attorney Bob Nance recapped recent correspondence between the Oklahoma Attorney General and the four District Attorneys in the CED7 region regarding CED7 & the joint venture. He noted the most recent letter to the DA’s clarified the current structure of CED7, the Authority and the joint venture is within the scope of Oklahoma statutes and that the AG recognized the importance of the county commissioners participation on the board of those entities. Nance explained the AG had been made aware of the appointment of 2 liquidators for the joint venture and that the AG preferred a third neutral liquidator, preferably an attorney or accountant, be appointed and that liquidators proceed with constructing a plan to move forward with the liquidation in the near future. Liquidators should determine what the assets of the joint venture are and what the best course of action is to take to

liquidate them. Nance noted they have several options available to them, including selling the assets or placing them with the former venturers. Russ Meacham has been approached as a possible neutral liquidator. Concern was expressed Meacham might not be considered neutral because his firm has worked with CED7 in the past. Nance pointed out Meacham had been suggested to the AG and no remarks either negative or positive had been made in response. Brian Hay remarked his DA expressed on a call that CED7 had attorneys that would serve that purpose. CED7 attorneys were not aware that was a suggested course of action. It was determined the appointment of the third liquidator would be on the agenda for the September meeting.

Randy Robinson spoke on funding issues that affect CED's

A representative from Dolese addressed supply issues that have been affecting local districts and what the company was doing to alleviate the problems.

ADJOURNMENT:

Motion was made by Johnny Davis and seconded by Bart Gossen to adjourn at 11:21 am. The motion carried as follows:

Aye: Tim Bingham, Kirk Butler, Bart Gossen, Wade Anders, Joe Don Dickey, Mike Allen, Brian Hay, Gary Lewis, Steven Fite, Johnny Davis, Dillon Berry **Nay:** None

