

Circuit Engineering District 5

Minutes

Regular Board Meeting

Date: February 14, 2023

Time: 11:00 a.m.

Place: FSB

5801 Broadway Ext, Suite 500

Oklahoma City, OK 73118

1. CALL TO ORDER BY THE CHAIRMAN

The Circuit Engineering District 5 held a regular board meeting on this day February 14, 2023, in compliance with the Oklahoma Open Meetings Act. Wilson Lyles called the meeting to order at 11:00 a.m.

2. Prayer, then Flag Salute

The pledge of Allegiance and prayer was led by Wilson Lyles

3. ROLL CALL

FSB staff member, Denise Crisp, called roll. Attendance was as follows:

Board Members Present: Wilson Lyles – McClain County, Carrie Blumert – Oklahoma County, Gary Ayers – Garvin County, Zachary Cavett - Payne County and Dave Anderson – Canadian County.

Board Members Absent: Darry Stacy – Cleveland County

Board Members Late: none

4. Recognition of Tom Manske as new board member from Canadian County.

We will recognize him if he comes in.

5. Recognition of Attendees: See Attached Sign in sheet.

6. Approval of Modification to the Minutes of the October 25, 2022, Meeting (Attachment 1)

The motion to approve was called by Zach Cavett and was seconded by Carrie Blumert.

The motion passed as follows:

Aye: Wilson Lyles – McClain County, Carrie Blumert – Oklahoma County, Zachary Cavett - Payne County and Dave Anderson – Canadian County.

Nay: none

Abstain: Gary Ayers – Garvin County

7. Approval or Modification to the Minutes of the January 24, 2023 Meeting (Attachment 2)

The motion to approve was called by Carrie Blumert and was seconded by Zach Cavett.

The motion passed as follows:

Aye: Wilson Lyles – McClain County, Carrie Blumert – Oklahoma County, Gary Ayers – Garvin County, Zachary Cavett - Payne County and Dave Anderson – Canadian County.

Nay: none

Abstain: none

8. Discussion and Acceptance of Treasurer's Report

a) Claims from Jayna Johnson, P.C. and FSB

i. CPA Jayna Johnson, P.C. – Invoice for CPA services December **(Attachment 3)**

This is our regular invoice. \$140.00

ii. FSB invoice - Monthly program management for February **(Attachment 4)**

This is our regular invoice of \$9,550.00

b) CED5 January Financials (Attachment 5)

i. Armstrong Bank 1099-INT 2021 **(Attachment 6)**

Per Wilson, Carrie, if you can touch upon attachment 5 and we will just include them in the motion. As per Carrie, attachment 5 shows our statement of assets and liabilities and our statement of revenue and expenses. Currently our total assets and total liabilities is \$997,595.38. We received our CED funds of \$128,581.54. We earned a little bit of interest income of about \$800.00 and of course, the two invoices I just mentioned so that equals \$109,962.41 as our revenue less expenses for the month. As for that \$997,595.38, I believe Garvin County is the only one that has received their full \$75,000 disbursement. This was confirmed.

A motion to accept the claims from Jayna Vaughn, FSB and the January financials was called by Gary Ayers. The motion was seconded by Zach Cavett. The motion passed as follows:

Aye: Wilson Lyles – McClain County, Carrie Blumert – Oklahoma County, Gary Ayers – Garvin County, Zachary Cavett - Payne County and Dave Anderson – Canadian County

Nay: none

Abstain: none

9. Discussion and Possible Action Regarding execution of Engagement Letter for Accounting Services (Attachment 7)

Regarding the Engagement Letter from Jayna Johnson, it was noted that it is based on the calendar year from January to December. A question was raised regarding the board's ability to approve an agreement that extended beyond the fiscal year. It was proposed and agreed upon that Jayna will be asked to revise the current engagement letter to reflect the fiscal year ending, and in June, for the renewal, present another letter for the next fiscal year. The board agreed that they could approve it to June 30th with this information.

A motion to approve the Engagement letter through June 30th was called by Carrie Blumert. The motion was seconded by Zach Cavett. The motion passed as follows:

Aye: Wilson Lyles – McClain County, Carrie Blumert – Oklahoma County, Gary Ayers – Garvin County, Zachary Cavett - Payne County and Dave Anderson – Canadian County

Nay: none

Abstain: none

10. Discussion and Possible action regarding:

a) CED5 Distributions. (Attachment 8)

i. Approve county applications for CED disbursement funds.

- 1) Payne County District 3 - \$37,500.00
- 2) Oklahoma County District 1 - \$25,000.00
- 3) Oklahoma County District 2 - \$25,000.00

A Motion to approve the above three CED disbursements was called by Carrie Blumert. The motion was seconded by Gary Ayers. The motion passed as follows:

Aye: Wilson Lyles – McClain County, Carrie Blumert – Oklahoma County, Gary Ayers – Garvin County, Zachary Cavett - Payne County, Dave Anderson – Canadian County

Nay: none

Abstain: none

b) ODOT Local Government Report – Project Status

Per Shelly Williams – I want to touch on ACCOG’s award of _____ funds that is coming out soon. I wanted to make everyone aware that those are still federal funds and it still has to have a NEPA completed. We are late on getting this award out, so I wanted to make everyone aware of it. It will have to follow all the federal requirements. We cannot authorize the funds without going through all the steps. We are going to try to get all those projects programmed and get NEPA started even before April awards them so we can get ahead of the ball game. That affects some of you in this room.

We are having a CED Managers Meeting on February 22th after the OCCEDB statewide board meeting. There are some things that have changed by American certifications on added lists of construction materials will cause costs to be higher so we need to talk through what those federal projects need to look like.

The CIRB rebalance is due April 30th. There is a submission format. A scoping report is required if you are going to add a project. Logan County has reached out to me about what their 5 year plan needs to look like but they also mentioned they were proposing to join CED5.

We are currently reviewing TAP applications. We should be finished and present that to commission the first week of April.

One of the big things we’ve tried to do is make all local government applications and information under one tab of the ODOT website. One of the items on there is the Municipal Road Drilling Activity application. We have closed that for right now because we made an award to commission 16.67 miles of roadway repair that went to 15 different cities. We will open that back up in April or maybe June. It has not yet been decided.

One of the new items on there is the Lake Access application. We would get a lot of questions about who to send them to. We will put the application online to make it easier. There is very limited funding at \$3,000,000.00 a year. Those are awarded in June, so it is a good time to get those applications in

now. It does require you to put forth an estimate of some sort... asking for length of roadway, width of roadway and estimated costs. In that program, the city or county is asked to prepare the base. It is a servicing only type of participation. It is reimbursable. We have done some through a 324A claim form assignment where the county sends us a claim form assigning it to the asphalt contractor. There are ways to work through it. Another question brought up was how many projects do you try to award a year with that \$3,000,000.00? It has varied on numbers and dollar amounts over the past few years. Also, the fund was dormant for a while.

Last thing, we talked about the BFP funding and the SCOUR mitigation. We've also talked about the structurally deficient city bridge portion of that. We are not going to do an application, but we are going to do a notice of interest on that website as well. Right now, we do not know which cities have designs started on some of their bridges. This will be a local match because our intent is to address as many structurally deficient bridges as possible. Any local matching funds that can go towards one bridge will help us address another one. We don't know that information, so we are putting that on there as well.

As per Randy, a couple of things... I've reached out to Logan and Oklahoma counties. They've expressed an interest of reengaging ODOT about the Waterloo project and putting it back. Was it in the scope or taken out of the scope? That is between Oklahoma and Logan counties. If you've been out there, that traffic is already exploding and will continue so as they do more development on that northwest corner. Maybe they can reengage that project and put the scope out where it needs to be originally. The other thing... the Small Cities program, not only under the STBG side, there is some funding under that of x amount of dollars, but then under the BFP program, there is the \$10,000,000 available for small city bridges for that? Is that fair to say? Yes. We will go over that at the managers meeting next week.

Those 15 cities that were awarded the drilling funds, is that statewide? Yes. We received 25 applications. 19 were awarded. That represented 15 cities. For that \$5,000,000.00, were any of those cities in our CED? Logan, Newcastle, Piedmont, Purcell, Wayne and Ripley. These are not posted on the website but we will try to do that.

There was a cap of \$500,000.00 and several were awarded at that amount. Two were complete reconstructs. Someone noted that the window of opportunity to apply went by quick. Shelly's response was that we reached out on every level we had, repeatedly. Applications were opened on October 1st and it wasn't until December when they finally started coming in. There were discussions on leaving the application cycle open. This was the first time through and we wanted to see what we got and see how best to administer. Totally new to ODOT to just write a check and not to have any accountability. Per Wilson, cities or towns can let these as a project on their own or they can partner with their counties to make their dollars stretch farther? Per Shelly, yes. In the end, what ODOT is going to require is just an audit report showing that you've contributed your 25%. That is all the statute requires.

c) OCCEDB – Randy Robinson

The bill deadline is March 2nd, so the 3,000 plus bills that have been filed, most of those will not make it out of committee. We have one by Representative Olson out of Sequoia County regarding communities less than 10,000, that if there is a project that is impacting a gas line serving that

community, that that movement/relocation will be borne by the project, not the community. ACCO is against that bill, because that is basically a private entity potentially, but the rep wants to go ahead and run that as is. Even though that project will increase our project costs on our CIRB projects. And what he was referencing to was actually an ODOT project in Sequoia County. ODOT has gone ahead and paid for that relocation, going to a small community under 10,000. So this has been addressed already by ODOT, but he is still going to run his bill.

Representative Miller had her bill that she ran this week taking the cap off of your county highway fund and that will probably be an appropriation bill that she has elected to run for us.+

We will be having our legislative meeting next Wednesday morning. Our second legislative breakfast will be tomorrow morning. We had one with CODA last week and there was good attendance. This Thursday, ACCO transportation committee will be meeting to discuss the information from Garber regarding the recommendations of projects for selection for the statewide board the following Wednesday. We are looking at all the CIRB projects in the 5 year plan that have not been scheduled for letting that meet the qualifications for those two grants. The bridge investment program grant and the rural surface transportation grant. Garber has looked at hundreds of projects and will put a package together for the committee to look at, review, to make recommendations for next Wednesday. Those two grants look like they will open up this spring or summer, making them FY23 funds that we will be applying for. Remember every CED kicked in some money. We have \$200,000 of CED funds and ODOT is going to match it with another \$200,00, then we will go through the process and get some insight from ODOT on once we select the projects, what are our next steps? Which consulting firm do we rely on? Do we spread it across some different firms on our applications and how many do we apply for? These are some of the things we will need to talk about for next week. Any other questions?

Per Wilson, there was one senate bill #950 ran by JAD on appointment. If commissioners have to make an appointment to an office, then that appointee will not be able to run for that office? Do you think that will go away? It seems unconstitutional. If you have a good person in place, then you don't want to appoint them if they are not going to be able to run for that office... Randy agreed.

11. Discussion and possible action regarding Logan County's requests to join CED5 (Attachment 9)

There is a letter they have put together of request to rejoin the CED5. Is there anyone from Logan County? No one from Logan County. If you all want to discuss this or we table it until we have an opportunity to reach out to those commissioners and find out a little bit more of their reasoning? If you recall, a year ago, they requested to exit for whatever reason and now they are asking to come back in. With a unanimous vote to exit and now a unanimous vote to come back in.

Per Randy, they invited us to their board meeting a week ago Monday. Chris and I were there. They had asked about federal funding. We talked about the CIRB plan and the Waterloo project. They also had this letter on their agenda and asked me to send this out. I recommended to them to reach out to their peers on this board and have that conversation. They expressed an interest in coming back. They see the value in working with surrounding counties.

A question was asked about they handled their funding in the past two years? Per Randy, It has not necessarily been pretty, per se. Because that was one of their questions at their board meeting. What the state of the projects were. I think there is definitely some disconnect there that they are kind of handling on their own with whatever consultant they are working with. I don't know what kind of dialogue they were having with ODOT. Shelly can entertain that. We were talking about these grants and they just didn't have anything moving looking at the statuses. That is what they wanted to try to do – to get back their projects.

Aren't they in ODOT's division 4? Per Randy, yes.

How were their projects included in ODOT's 8 year plan? Per Shelly, they as a board, voted on their priority projects and we took those projects and had to incorporate them into division 4's plan. There is no county allocation so it forced us to try to incorporate that. I know Jeffrey had worked with them some. It is just one of the things that was never a part of how things were supposed to play out. When the CIRB was created, the CEDs were part of putting together that 5 year plan, so in the absence of them being in a CED, ODOT had to play that role.

Per Randy, I told them they were missing a lot of opportunities, not only working with their peers, but that they had the Iowa Tribe. They could submit applications for grants through the tribe. They also have ACCOG and have funding opportunities through that. They have the 4th highest percentage of deficient bridges in the state. They have a lot of need out on bridges and are not taking advantage of that. They lay their own asphalt, so roadway projects cost a lot and it takes a long time to get them through, but tell them to focus their efforts on overlays, refunding, etc., and try to use the federal side of it for their bridges. They are needing a lot of help.

As per Shelly, to your point about federal funding, we divide that up by county bridges. There is an actual county allocation, but if they don't have project readiness, we cant put federal funds on it. So they have been missing out on that. They are losing 300,000 to 400.000 a year because of not having projects ready in federal funds.

Per Wilson, what are you hearing across the state, and I know Logan County was a large recipient of that funding, are you seeing those dollars spent towards force account bridges? Are the commissioners coming together and prioritizing their projects to say, hey, we are gonna build you two very nice force accounts this year. Per Randy, there was no stipulation in the bill or in the statues that require that money be spent on bridges. That money rolls into your county highway fund. The intent was that you would address your deficiencies. I would say that money gets washed into other activities.

What was the breakdown on Waterloo project? I remember this being discussed before. Previous opinion was that Oklahoma County could pave up to the centerline and Logan County could pave up to the centerline and we all said that was silly. Per Stacey – it was offered that one county take the east half and the other county take the west half, but they could never agree on that. That was one of the hangups. The other was that Oklahoma County and Logan County both throw in 3 million each and neither agreed.

Per Wilson, We may have been drifting away from the agenda item, but I'm trying to gather information here about how Logan County has been handling their business for consideration at this table moving forward.

A question: if Logan County is denied from this CED, can they apply to another CED. The answer is yes.

Per Shelly, we have a new commissioner in District 3 that touches Logan County, so I would assume he is going to try to work with Logan County on Waterloo.

Motion to table this item until next month's meeting was called by Carrie Blumert. The motion was seconded by Gary Ayers.

Aye: Wilson Lyles – McClain County, Carrie Blumert – Oklahoma County, Gary Ayers – Garvin County, Zachary Cavett - Payne County, Dave Anderson – Canadian County

Nay: none

Abstain: none

12. New Business – none

13. Board member discussion regarding CED5 business –

Per Wilson, we would like to recognize Tom Manske, as the new Canadian County commissioner. We welcome you. And the Commissioners are welcome to stay for a box lunch provided by FSB.

14. Public Comment - none

15. Adjourn

Motion to adjourn meeting was called by Carrie Blumert. The motion was seconded by Zach Cavett.

Aye: Wilson Lyles – McClain County, Carrie Blumert – Oklahoma County, Gary Ayers – Garvin County, Zachary Cavett - Payne County, Dave Anderson – Canadian County

Nay: none

Abstain: none