

# Circuit Engineering District 5

## Regular Board Meeting Agenda

---

Date: April 25, 2023

Time: 11:00 am

Place: FSB

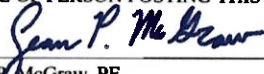
5801 Broadway Extension, Suite 500  
Oklahoma City, OK 73118

### AGENDA

1. Call to Order.
2. Pledge and Prayer.
3. Roll Call.
4. Recognition of Attendees.
5. Approval or Modification of the Minutes of the March 28, 2023 meeting. **(Attachment 1)**
6. Discussion and Acceptance of Treasurer's Report.
  - a) Claims
    - i. CPA: Jayna Vaughn, P.C. (March) - **(Attachment 2)**
    - ii. FSB – for Program Management. (March) **(Attachment 3)**
  - b) CED 5 February Financials. **(Attachment 4)**
7. Discussion and Possible action regarding:
  - a) CED 5 Distribution Fund **(Attachment 5)**
    - i. Approve County application for CED disbursement funds.
  - b) CIRB 5-Yr Allocation Plans rebalance for 2024-2028. - **(Attachment 6)**
  - c) Resolution for Beam Transfer form. - **(Attachment 7)**
  - d) ODOT Local Government Report - Project Status.
  - e) OCCEDB – Randy Robinson or Melinda Anoatubby.
8. New Business.
9. Board member discussion regarding CED5 business.
10. Public Comment.
11. Adjourn.



NAME OF PERSON POSTING THIS NOTICE



Date: April 21, 2023, 11:00 A.M.

Sean P. McGraw, PE

Circuit Engineering District 5

Circuit Engineering District 5

Minutes

Regular Board Meeting

Date: **April 25, 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 April 25, 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:** Rusty Grissom – Cleveland County, Wilson Lyles – McClain County, Carrie Blumert – Oklahoma County, Zachary Cavett - Payne County and Tom Manske – Canadian County.

**Board Members Absent:** Gary Ayers – Garvin County

**Board Members Late:** none

**4. Recognition of Attendees:** See Attached Sign in sheet.

**5. Approval or Modification of the Minutes of the March 28, 2023, Meeting**

The motion to approve the minutes was made by Rusty Grissom. The motion was seconded by Zach Cavett.

**Aye:** Rusty Grissom – Cleveland County, Wilson Lyles – McClain County, Carrie Blumert – Oklahoma County, Zachary Cavett - Payne County, and Tom Manske – Canadian County

**Nay:** none

**Abstain:** none

**6. Discussion and Acceptance of Treasurer's Report**

**a) Claims from Jayna Vaughn, P.C. and FSB**

i. CPA Jayna Vaughn, P.C. – Invoice for CPA services March \$225.00 (**Attachment 2**)

ii. FSB invoice - Monthly program management for April \$9550.00 (**Attachment 3**)

A motion to accept these items was called by Zach Cavett. The motion was seconded by Rusty Grissom. The motion passed as follows:

**Aye:** Rusty Grissom – Cleveland County, Wilson Lyles – McClain County, Carrie Blumert – Oklahoma County, Zachary Cavett - Payne County, and Tom Manske – Canadian County

**Nay:** none

**Abstain:** none

**b) CED5 Financials (February 2023) (Attachment 4)**

As per Carrie Blumert – our statement of assets and liabilities as of March 31<sup>st</sup> is \$918,726.41. Our CED disbursement will show up at the next month’s meeting. A question... given that our current balance is around \$900,000.00, how many of the CED distributions to counties have we approved? Per Wilson – there is about \$100,000.00 before us today for approval. Per Carrie – so we are about halfway. Per Sean – there are 6 districts remaining if all the ones in front of you are approved today.

A motion to accept the financials was called by Tom Manske. The motion was seconded by Zach Cavett. The motion passed as follows:

**Aye:** Rusty Grissom – Cleveland County, Wilson Lyles – McClain County, Carrie Blumert – Oklahoma County, Zachary Cavett - Payne County, and Tom Manske – Canadian County

**Nay:** none

**Abstain:** none

**7. Discussion and Possible action regarding:**

**a) CED5 Distribution Fund (Attachment 5)**

Our member counties that are asking for distributions as of today is Payne County District 1 for \$35,000, Cleveland County District 2 for \$25,000, Oklahoma County District 2 for \$25,000 and McClain County District 2 for \$25,000.00. Please take a moment to look at these. It appears Cleveland County District 2 is missing signatures of the local board. This will need to be run through the local commissioners meeting. We will visit Cleveland County District 2 next month.

A motion to approve the disbursements was called by Zach Cavett. The motion was seconded by Carrie Blumert, with the exception of Cleveland County District 2, due to missing signatures. The motion passed as follows:

**Aye:** Rusty Grissom – Cleveland County, Wilson Lyles – McClain County, Carrie Blumert – Oklahoma County, Zachary Cavett - Payne County, and Tom Manske – Canadian County

**Nay:** none

**Abstain:** none

**b) CIRB 5-Yr Allocation Plans rebalance for 2024-2028 (Attachment 6)**

Per Ryan Belatti - I’ve been helping FSB with reaching out to help with updating your 5 year plans for the past several weeks. We have put together District 3 and District 4 rebalances. I have both plans here for you to review.

For District 4 – We recommend approval for the plan as shown. We would like to have a meeting at 1:00 tomorrow for the District 4 counties here to approve the plan as a whole after the meeting if somebody from Oklahoma, Payne County, Canadian County would be available after 1:00. That would finalize this years overall plan for this board.

For District 3 – I’ve been talking with their manager, Daniel. He would like us to have further discussions about the plan. We were talking about meeting this week on Thursday with local government to discuss options and then he was talking about having a CIRB committee meeting following to approve the revised plan. So, we recommend to table the District 3’s plan today, until the CIRB committee meeting for that.

Per Wilson – so all we would be asking for action is on behalf of District 4 today? Correct? Yes. So on that, I’m going to call for a motion, as far as our District 4 commissioners are concerned, at what your wishes may be. District 3 will sit out.

A motion to accept the recommendation for District 4 only was called by Tom Manske. The motion was seconded by Carrie Blumert. The motion passed as follows by District 4 commissioners:

**Aye:** Carrie Blumert – Oklahoma County, Zachary Cavett - Payne County, and Tom Manske – Canadian County

**Nay:** none

**Abstain:** none

Per Wilson, I will make a motion to table Division 3 on the 5 year allocation plan. Seconded by Rusty Grissom. The motion passed.

**Aye:** Rusty Grissom – Cleveland County and Wilson Lyles – McClain County

**Nay:** none

**Abstain:** none

### **c) Resolution for Beam Transfer Form (Attachment 7)**

Per Wilson – For McClain County, we are requesting, and we’ve done this in the past, for some of the Commissioners that may have not been here at that time. They are wanting to get these crosstown beams utilized across the state of Oklahoma. We’ve had good results with them in McClain County. These beams will be transferred on to the city of Newcastle to be used within their incorporated limits and the beams’ ID numbers as you see are with this, so I am just going to ask for a blessing for these beams to transfer through McClain County to the city of Newcastle. Do you all have any questions about that?

A motion to approve the resolution was called by Rusty Grissom. The motion was seconded by Carrie Blumert. The motion passed as follows:

**Aye:** Rusty Grissom – Cleveland County, Wilson Lyles – McClain County, Carrie Blumert – Oklahoma County, Zachary Cavett - Payne County, and Tom Manske – Canadian County

**Nay:** none

**Abstain:** none

### **d) ODOT Local Government Report – ODOT officials are in training workshops. No update.**

**e) OCCEDB – Randy Robinson –** We have our meeting tomorrow morning at 11:00 if you can sit in. Depending on your agenda, or Zach or someone can sit in on the CED5’s behalf. We’ve received the auction check this last week and we’ll disperse that at next month’s meeting. In my engineer’s report, CDA has received that Bridge investment program grant for 11.5 million dollars. They competed nationally. They spent \$70,000 of their own CED funds. They used Garber to submit that application for FY2023 funds. They were one of the very few entities that received that grant. They got seven bridges for six different counties. I think they have at least a couple of years to get that spent. So all of those projects were already in their CIRB plan. It will definitely help alleviate the stress on the five year plan for them. I was at the NACE conference this last week and that was a big deal. We had the 2<sup>nd</sup> in command of the FHWA speaking to us and they mentioned Oklahoma four times. Not only the highest per capita number of EV stations in the country, then they also mentioned this grant, which every other county engineer is very interested in how Oklahoma got the grant because they all basically applied also. A lot of information on that is available and their application is online if you care to look at it.

A question was asked if it was on the OCCEDB website? Per Randy – No, it is not yet. I can send you the link on FHWA’s website where they post all the information they have gathered.

I don’t have any other status updates on the grants that were going to submit in partnership with ODOT. I know that they’ve been divvied out to consulting firms, but I have not heard any more information from local government division on how that’s going. I’ve reached out to the Larry Derry law firm on the question whether a CED has the authority to accept or reject and that lawyer is out of town this week. I’ve sent him that information and he received it as of a week ago Monday. I’m still working through that. Hopefully, we’ll have something by next month’s board meeting. The other thing to report, there’s a case in Marshall County that’s coming up that kind of concerns me. It deals with common law dedication of roads. The county is being sued by a developer. The county accepted the plat. There was no indication that they accepted the roads per say, but they accepted the plat and so they’re being sued. The developer is wanting a judgment saying they dedicated the roads to the county so the county should automatically be required to maintain them. There is a great deal of concern because then everyone under the sun will be dedicating their roads to the counties and expecting you to maintain them. They are trying to get it thrown out of court, Of course, that DA and I’ve been working together. They have to file their dismissal or asking for dismissal in a couple weeks, so we’ll see how that plays out. That could affect everyone and might require some legislation tweaks for next year if that comes and works against you. I don’t know the specific details. You’re silent. Don’t say your accepting it. I think that’s part of the problem here is they didn’t one way or the other accept the roads. They didn’t take action. They accepted the plat. So if you formally say, I’m not accepting the roads, I think you’re going to be okay and you take action to that effect. But we will have to see how it plays out.

A comment from the floor – I’m know I’m not on the board, but Logan County, we make them put on the plat that these will not be county-maintained roads and our previous DA explained that were accepting the recording of the plat not accepting the plat or how everything is designed. Per Randy – and I think that’s where you’ll be safe. I don’t think that happened here in this case, so we might still need to clear up some things because even if you’re silent, you shouldn’t automatically be required to accept the roads just by sheer common law dedication of roads. So anyway, we will see how that plays out.

## **8. NEW BUSINESS - none**

## **9. Board member discussion regarding CED5 business –**

Per Wilson – Logan County was not on the agenda this month. We’re kind of waiting for that. I was reading through the bylaws again and I’d like to see them put back on the May agenda. Going forward to be discussed and acted upon appropriately, as this board desires to let Logan County know what direction they’re going in and let us know what we’re also going forward with. Randy, you answered one of my questions on legal opinion. There’s also something this board needs to take into consideration. As we all know, Commissioner Stacy has accepted another position. He’ll be missed. He is a director of PLEET. Statewide director of PLEET. Good for him. He felt that he had been in law

Enforcement a lot of years. He applied for the move and he hated giving up his commissioners position, be he felt this was best for him and his family at this time. I totally understand that.

Going forward, we have several new members and I think we will need to be thinking about filling the presidential seat that Darry vacated. I am willing to set in, if you all are willing to have me as an interim. I would like to see what our action may be on Logan County before we nominate for new President, Vice President, Secretary, Treasurer. So only make it fair, cause if they come, they come a member county and they would have that opportunity to serve it, on one of those positions. So you all be thinking about who you may want to be sitting in this seat. I've served there. Zach has served there. I'll just put this out there. With my serving on the SIG CIF board, we get into executive sessions that carry on longer than we'd like, I'm not really in a place to share my time between that and then make myself present at the OCCEDB board, which is of great importance.

A question – do all of the presidents of each CED automatically serve on the SIG CIF, no OCCEDB, and so your service on SIG CIF is a separate appointment or just overlapping? Just overlapping. I'll try to get across the hall tomorrow, if not it'll probably be Zach Cavett.

**10. Public Comment** – Per the floor – I'd like to tell the board members of ACCOG, which Tom already knows, I have started gently trying to push them and I am including small towns in that to give exemptions to unincorporated counties and small communities to their pool of money, and if we keep pushing slowly and we stay together and pushing them, we only have ten votes in here total. It doesn't affect Payne County at all, but that would give us another pool of money we could go trying to improve our roads and bridges from and our small communities inside of our ACCOG area. So I'm going to ask for your support, but I don't want to go in there ripping shirts off, pounding chests. I just want to push it slowly that way. So, Oklahoma City, Edmond, Norman... one vote and they can cancel the whole idea. Per Wilson – Right. That's the relationship we have to build. I think John Sharp touched on that last month a little bit and you know you have to be seen if you want your community or county recognized. You have to be seen at those meetings. We're actually in the middle of a \$1.3 million dollar award from ACCOG on a roadway.

### **11. Adjourn**

Motion to adjourn meeting was called by Wilson Lyles. The motion was seconded by Carrie Blumert.

**Aye:** Rusty Grissom – Cleveland County, Wilson Lyles – McClain County, Carrie Blumert – Oklahoma County, Zachary Cavett - Payne County, and Tm Manske – Canadian County

**Nay:** none

**Abstain:** none