

AGENDA
BOARD OF CITY COMMISSIONERS
August 20, 2012 AT 6:30 P.M.
COMMISSION CHAMBERS AT CITY HALL
SHAWNEE, OKLAHOMA

CALL TO ORDER

DECLARATION OF A QUORUM

INVOCATION

REV. LARRY SPARKS
NEW BEGINNINGS CHURCH

FLAG SALUTE

1. Consider approval of Agenda:
2. Consider approval of Consent Agenda:
 - a. Acknowledge staff will proceed in the instant meeting with the opening and consideration of bids as set forth in Agenda Item Number 2 on the Shawnee Municipal Authority Agenda.
 - b. Minutes from the August 6, 2012 regular meeting and the August 13, 2012 special called meeting.
 - c. Budget Amendment – Capital Fund 301
Airport Walking Track
 - d. Budget Amendment – Street Fund 302
 - e. Acknowledge the following minutes and reports:
 - Shawnee Urban Renewal Authority minutes from July 3, 2012
 - Project Payment Report for July 2012
 - License Payment Report for July 2012
 - f. Acknowledge Oklahoma Municipal Retirement Fund refund of contributions from the Defined Contribution plan for Lisa Ockert.
 - g. Acknowledge Oklahoma Municipal Retirement Fund refund of contributions from the Defined Contribution plan for Richard Miller.
 - h. Acknowledge Oklahoma Municipal Retirement Fund Normal Retirement for Hazel Bond.

i. Lake Lease Transfers:

- Lot 1 Seck Tract, 33700 Post Office Neck
From: R. Watkins and D. Watkins
To: T. Giddens and D. Watkins

- Lot 14 Magnino Tract, 16704 Clearpond Lane
From: M. Clements and S. Clements
To: D. Lovelace

j. Approve contract with The Shaughnessy Group for video production work for Channel 30 and Web media outlets.

3. Citizens Participation

(A three minute limit per person)
(A twelve minute limit per topic)

4. City Manager's presentation of Employee of the Month to Bryan Logan.

5. Discuss and consider an ordinance modifying the Shawnee Municipal Code so that it conforms to Oklahoma Statutes as to the definition of a "dilapidated building".

6. Acknowledge Sales Tax report received August, 2012.

7. Discuss and consider city's contract with BCBS providing medical insurance coverage for elected officials and dependents.

RECESS TO CONVENE THE SHAWNEE MUNICIPAL AUTHORITY TO BE FOLLOWED BY
THE SHAWNEE AIRPORT AUTHORITY

RECONVENE

8. Consider an Executive Session for discussion and possible action on any litigation pending against the City of Shawnee by the Shawnee Area Chamber of Commerce as authorized by 25 O. S. §307 (B(4)) on the recommendation of counsel that public discussion would impair the ability of the City Attorney to adequately defend the City.

9. Consideration and possible action on matters discussed in Executive Session regarding any litigation pending against the City of Shawnee by the Shawnee Area Chamber of Commerce as authorized by 25 O. S. §307 (B(4)) on the recommendation of counsel that public discussion would impair the ability of the City Attorney to adequately defend the City.

10. Discussion, consideration and possible action to contract with 501(c)(6) corporation, Shawnee Tourism, Inc., for administration of the proceeds of the Shawnee Hotel Surcharge and operation of a Convention and Visitor's Bureau. *Continued from Special Called meeting August 16, 2012*
11. Discussion, consideration and possible action to authorize City Manager to provide for the administration of the Shawnee Hotel Surcharge.
12. Discussion, consideration and possible action on such items as may be necessary to effect a transition from the contract with Shawnee Area Chamber of Commerce.
Continued from Special Called meeting August 16, 2012
13. Discussion, consideration and possible action on an ordinance creating a Tourism Advisory Committee.
14. Appointments to Tourism Advisory Committee.
15. New Business

(Any matter not known about or which
could not have been reasonably foreseen
prior to the posting of the agenda)
16. Administrative Reports
17. Commissioners Comments
18. Adjournment

Respectfully submitted

Phyllis Loftis, CMC, City Clerk

The City of Shawnee encourages participation from its citizens in public meetings. If participation is not possible due to a disability, notify the City Clerk, in writing, at least forty-eight hours prior to the scheduled meeting and necessary accommodations will be made. (ADA 28 CFR/36)

Regular Board of Commissioners

2. a.

Meeting Date: 08/20/2012

Bids Open

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Acknowledge staff will proceed in the instant meeting with the opening and consideration of bids as set forth in Agenda Item Number 2 on the Shawnee Municipal Authority Agenda.

Regular Board of Commissioners

2. b.

Meeting Date: 08/20/2012

Minutes 8-6-12 and SP 8-13-12

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Minutes from the August 6, 2012 regular meeting and the August 13, 2012 special called meeting.

Attachments

Minutes 8-6-12

Minutes SP 8-13-12

BOARD OF CITY COMMISSIONERS PROCEEDINGS
AUGUST 6, 2012 AT 6:30 P.M.

The Board of City Commissioners of the City of Shawnee, County of Pottawatomie, State of Oklahoma, met in Regular Session in the Commission Chambers at City Hall, 9th and Broadway, Shawnee, Oklahoma, Monday, August 6, 2012 at 6:30 p.m., pursuant to notice duly posted as prescribed by law. Vice Mayor Collier presided and called the meeting to order. Upon roll call, the following members were in attendance.

Absent

Mayor

Absent

Commissioner Ward 1

Frank Sims

Commissioner Ward 2

James Harrod

Commissioner Ward 3

Billy Collier

Commissioner Ward 4-Vice Mayor

Absent

Commissioner Ward 5

Steve Smith

Commissioner Ward 6

ABSENT: Peterson, Stephens, Winterringer

INVOCATION

Rev. David Henry
Calvary Baptist Church

FLAG SALUTE

AGENDA ITEM NO. 1:

Consider approval of Agenda.

A motion was made by Commissioner Sims, seconded by Commissioner Smith, to approve the Agenda. After some discussion regarding pulling some items from the agenda, it was noted by City Attorney Mary Ann Karns that because only four Commissioners were present all motions must be unanimous. Commissioner Sims withdrew his motion and Commissioner Smith withdrew his second to the motion.

Commissioner Sims then made a motion to adjourn the meeting, seconded by Commissioner Smith. Motion failed 3-1.

AYE: Sims, Smith, Collier

NAY: Harrod

The meeting moved forward with Commissioners agreeing to consider continuing some of the items of disagreement when those items were called on the agenda.

AGENDA ITEM NO. 2: Consider approval of Consent Agenda:

- a. Minutes from the July 16, 2012 regular meeting.
- b. Acknowledge the following minutes:
 - Shawnee Beautification Committee minutes from March 8, 2012
 - Shawnee Civic and Cultural Development Authority minutes from May 17, 2012 meeting. (*Deferred from the July 16, 2012 meeting*)
- c. Request authorization to solicit bids for emergency snow removal agreement.
- d. Authorize Information Systems Department to purchase Tyler Content Management Enterprise imaging system solution.
- e. Acknowledge Official Certificate of Votes from the June 26, 2012 election for Mayor, Ward II Commissioner, Ward III Commissioner and Ward IV Commissioner.
- f. Authorize Fire Department to submit SAFER Grant request to FEMA

A motion was made by Commissioner Sims, seconded by Commissioner Harrod, to approve the Consent Agenda Items a-f. Motion carried 4-0.

AYE: Sims, Harrod, Collier, Smith

NAY: None

AGENDA ITEM NO. 3:

Citizens Participation
(A three minute limit per person)
(A twelve minute limit per topic)

Mr. Phil Tomlinson spoke regarding the time of certain agenda items and asked that any controversial items such as the Shawnee Convention and Visitors Bureau and the Executive Session regarding the contracts of the City Attorney and City Manager be continued.

Mr. Hershel Ring spoke once again regarding alleged fraud regarding two members of the Shawnee Police Department. Mr. Ring was told that this issue is a personnel matter and the City Commission is not the proper forum for this discussion. He was told to refer to the letter he'd received from the City Attorney that advises him to seek assistance with the District Attorney's office regarding the fraud allegation.

Mr. Dane Pollei, of Mabee Gerrer Museum spoke in support of the Convention and Visitors Bureau and urged all parties to sit down and work out an agreement beneficial to all.

Ms. Linda Agee echoed Mr. Tomlinson's request to continue the CVB agenda items, the Executive Session and the Mayor's appointment of the Pool Committee.

AGENDA ITEM NO. 4:

Consider an ordinance de-annexing property located at northwest of the intersection of Lake Road and Drummond Road consisting of a part of the plat of Rolling Meadows.

A motion was made by Commissioner Sims, seconded by Commissioner Harrod, to approve an ordinance de-annexing property located at northwest of the intersection of Lake Road and Drummond Road consisting of a part of the plat of Rolling Meadows.

Ordinance No. 2483NS was introduced.

AN ORDINANCE DE-ANNEXING/DETACHING
CERTAIN PROPERTY NOW WITHIN THE CITY LIMITS
OF SHAWNEE, OKLAHOMA, DESCRIBING SAID
PROPERTY, REPEALING ALL ORDINANCES AND

PARTS OF ORDINANCES IN CONFLICT HEREWITH
AND DECLARING AN EMERGENCY.

Motion carried 4-0.

AYE: Sims, Harrod, Collier, Smith

NAY: None

A motion was made by Commissioner Sims, and seconded by Commissioner Harrod, to approve the Emergency Clause. Motion carried 4-0.

AYE: Sims, Harrod, Collier, Smith

NAY: None

AGENDA ITEM NO. 5:

Consider acceptance of public easements and dedications associated with the Final Plat of Legacy Park Second Addition and authorizing recording of the final plat and obtainment of signatures.

A motion was made by Commissioner Sims, seconded by Commissioner Smith, to approve the public easements and dedications associated with the Final Plat of Legacy Park Second Addition and authorizing recording of the final plat and obtainment of signatures. Motion carried 4-0.

AYE: Sims, Smith, Collier, Harrod

NAY:

AGENDA ITEM NO. 6:

Consider a resolution authorizing approval of ODOT LPA Agreement for the Kickapoo Street Paving Project (MacArthur to Kickapoo Spur)

Resolution No. 6429 was introduced.

A RESOLUTION APPROVING THE EXECUTION OF A CERTAIN RIGHT-OF-WAY, PUBLIC UTILITY AND ENCROACHMENT AGREEMENT BETWEEN THE CITY OF SHAWNEE AND THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF OKLAHOMA REGARDING PUBLIC PROJECT SEC 177-163A(227)SG, J/P 22908.

It was noted by Commissioner Sims, that the address listed on the agreement stated “north of University” and should most likely read “north of MacArthur”. City Engineer John Krywicki agreed that MacArthur was correct and he would provide corrected copies of the agreement. A motion was made by Commissioner Harrod, seconded by Commissioner Smith, to approve a resolution authorizing approval of ODOT LPA Agreement for the Kickapoo Street Paving Project (MacArthur to Kickapoo Spur). Motion carried 4-0.

AYE: Harrod, Smith, Sims, Collier

NAY: None

AGENDA ITEM NO. 7:

Consider an ordinance relating to water and sanitary sewer rates. *(Deferred from July 16, 2012 meeting).*

A motion was made by Commissioner Harrod, seconded by Commissioner Sims, to approve an ordinance relating to water and sanitary sewer rates.

Ordinance No. 2484NS was introduced.

AN ORDINANCE RELATING TO WATER AND SANITARY SEWER RATES FOR THE CITY OF SHAWNEE, OKLAHOMA, AMENDING SUBSECTIONS (a) AND (b), SECTION 26-26, ARTICLE II, CHAPTER 26 OF THE CODE OF THE CITY OF SHAWNEE; AMENDING WATER RATES FOR RESIDENTIAL AND COMMERCIAL USE BOTH INSIDE AND OUTSIDE THE CITY LIMITS; AMENDING SUB-SECTIONS (b) AND (c), SECTION 26-27, ARTICLE II, CHAPTER 26 OF THE CODE OF THE CITY OF SHAWNEE; AMENDING SANITARY SEWER RATES FOR RESIDENTIAL AND COMMERCIAL USE BOTH INSIDE AND OUTSIDE THE CITY LIMITS; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

Motion carried 4-0.

AYE: Harrod, Sims, Collier, Smith

NAY: None

A motion was then made by Commission Sims, seconded by Commissioner Harrod, to approve the emergency clause. Motion carried 4-0

AYE: Sims, Harrod, Collier, Smith
NAY: None

AGENDA ITEM NO. 8: Consider approval of an ordinance revising the Drought Management Plan that was passed and approved on June 18, 2012.

After some discussion from Commissioner Sims regarding allowing residents to “hand water” shrubs, flowers, house foundations, etc., it was requested that staff look into this option and see if this was something that could be incorporated into our current Drought Management Plan. A motion was made by Commissioner Sims, seconded by Commissioner Harrod, to approve an ordinance revising the Drought Management Plan that was passed and approved on June 18, 2012, as presented.

Ordinance No. 2485NS was introduced.

AN ORDINANCE RELATING TO A DROUGHT MANAGEMENT PLAN FOR THE CITY OF SHAWNEE, OKLAHOMA, REPEALING AND AMENDING SECTIONS 26-67 AND 26-67.1 OF THE SHAWNEE MUNICIPAL CODE, SETTING FORTH VOLUNTARY AND MANDATORY RESTRICTIONS FOR WATER USE IN CASE OF WATER SHORTAGES, PROVIDING FOR PENALTIES, PROVIDING FOR REPEALER, PROVIDING FOR CODIFICATION, PROVIDING FOR SEVERABILITY, AND DECLARING AN EMERGENCY.

Motion carried 4-0.

AYE: Sims, Harrod, Collier, Smith
NAY: None

A motion was made by Commissioner Sims, seconded by Commissioner Harrod, to approve the emergency clause. Motion carried 4-0,

AYE: Sims, Harrod, Collier, Smith
NAY: None

AGENDA ITEM NO. 9: Discussion, consideration and possible action to determine whether to renew contract with Shawnee Area Chamber of Commerce for operation of a Convention

and Visitor's Bureau, and, if so, discussion, consideration and possible action on amendments to the Contract.

AGENDA ITEM NO. 10:

Discussion, consideration and possible action to create a new entity for operation of a Convention and Visitor's Bureau and administration of the Proceeds of the Hotel Occupancy Surcharge. Items to be considered will be whether the entity should be an Oklahoma Statutory Trust or a tax-exempt corporation pursuant to Oklahoma law and Section 501(c)(6) of the Internal Revenue Code. Items to be considered include the approval of either a Trust Indenture or Articles of Incorporation, powers and duties of the entity, name of entity, selection of initial Board of Trustees/Directors and any other administrative items needed for creation of the entity. (This item will be considered only if the Commission determines it will not continue the Contract with the Chamber of Commerce)

AGENDA ITEM NO. 11:

Discussion, consideration and possible action to set a special meeting to meet with Board of Trustees or Board of Trustees for newly created entity for purposes of contracting for the operation of a Convention and Visitor's Bureau and arranging for transition of operations. (This item will be considered only if the Commission determines it will not continue the Contract with the Chamber of Commerce and also creates a new entity.)

A motion was made by Commissioner Sims, seconded by Commissioner Smith, to move Agenda Items 9 – 11, to a Special Called meeting to be held on a later date. Motion carried 4-0.

AYE: Sims, Smith, Collier Harrod

NAY: None

AGENDA ITEM NO. 12:

Consider Mayor's appointment of the following as an advisory committee for improvements to the Shawnee Municipal Pool:

Sam Freas

Terry West

Kevin Kalies

John Winterringer

Chris Harden

Cathy Collum

Jo Davis

Linda Agee

A motion was made by Commissioner Sims, seconded by Commissioner Smith, to defer this agenda item to a Special Called meeting to be held on a later date, but within the next week. Motion failed 3-1.

AYE: Sims, Smith, Collier

NAY: Harrod

Commissioner Harrod then made a motion to defer this item until after September 6, 2012, the second meeting after the new Mayor and Commissioners are sworn in. Motion dies for lack of a second.

A motion was again made by Commissioner Sims, seconded by Commissioner Smith, to include this Agenda Item in a Special Called meeting to be held within the next week. Motion failed 3-1.

AYE: Sims, Smith, Collier

NAY: Harrod

No action was taken on this item.

AGENDA ITEM NO. 13:

Consider Bids:

a. Harrison Street Planter Project Contract No. COS-PW-11-06 (Award)

City Engineer John Krywicki announced that three bids were received and after review and consideration it was staff's recommendation to award the bid to Rudy Construction of Oklahoma City, Oklahoma in the amount of \$98,624.00.

A motion was made by Commissioner Harrod, seconded by Commissioner Sims, to accept staff's recommendation and award the bid to Rudy Construction in the amount of \$98,624.00. Motion carried 4-0.

AYE: Harrod, Sims, Collier, Smith

NAY: None

b. RFP's for Phone System Replacement (Open)

	<u>Vendor</u>	<u>Proposal</u>	<u>Alternate</u>
(1)	BTC Broadband Bixby, OK	\$117,493.50	\$6,500.74
(2)	Communication Services Shawnee, OK	\$49,641.62	\$11,785.67
(3)	CK Telephone Enid, OK	\$74,299.19	\$25,523.28
(4)	Alexander Operations Systems	\$122,337.35	No quote
(5)	American Telcom, Inc. Del City, OK	\$162,262.90	Included in City Hall and Annex Package
(6)	Avaya Intelligent Communications Edmond, OK	\$105,557.80	\$14,905.20
(7)	Stolz Telecom, LLC Oklahoma City, OK	\$126,745.00	\$19,065.00

Emergency Management Director Don Lynch read the RFP's into the record and requested to defer action until the October 15, 2012 City Commission meeting.

A motion was made by Commissioner Harrod, seconded by Commissioner Sims, to accept staff's recommendation and defer action until the October 15, 2012 City Commission meeting. Motion carried 4-0.

AYE: Harrod, Sims, Collier, Smith

NAY: None

c. RFQ's for Design of the Municipal Pool (Open)

BIDDER

Planning Design Group
Tulsa, OK

Paddock Enterprises Inc.
Oklahoma City, OK

Randy Floyd Architects
Oklahoma City, OK

Bockus Payne Associates Architects
Oklahoma City, OK

Guernsey Engineers – Architects - Consultants
Oklahoma City, OK

HSE Architects
Oklahoma City, OK

Brinkley Sargent Architects
Dallas, TX

Crafton Tull & Amp Associates Inc.
Oklahoma City, OK

Water's Edge Aquatic Design
Lenexa, KS

GH2 Architects, LLC
Tulsa, OK

Director of Operations James Bryce read the RFQ vendors into the record and requested time to review the qualifications and to possibly include the Pool Committee when established in the decision process.

A motion was made by Commissioner Harrod, seconded by Commissioner Sims, to accept staff's recommendation and defer action until after September 6, 2012. Motion carried 4-0.

AYE: Harrod, Sims, Collier, Smith

NAY: None

AGENDA ITEM NO. 14: New Business (Any matter not known about or which could not have been reasonably foreseen prior to the posting of the agenda)

There was no New Business.

AGENDA ITEM NO. 15: Administrative Reports

There were no Administrative Reports

AGENDA ITEM NO. 16: Commissioners Comments

There were no Commissioner Comments

AGENDA ITEM NO. 17: Consider an Executive Session to discuss City Attorney's employment contract pursuant to 25 O.S. §307(B)(1).

A motion was made by Commissioner Sims, seconded by Commissioner Collier, to defer this item under the next regularly scheduled City Commission meeting. Motion Failed 3-1.

AYE: Sims, Collier, Smith

NAY: Harrod

AGENDA ITEM NO. 18: Consider an Executive Session to discuss City Manager's employment contract pursuant to 25 O.S. §307(B)(1).

A motion was made by Commissioner Smith, seconded by Commissioner Sims, to defer items 17 through 20 under the next regular City Commission meeting. Motion failed 3-1.

AYE: Smith, Sims, Collier

NAY: Harrod

In reference to Agenda Item No. 17, City Attorney Mary Ann Karns asked to be allowed to withdraw the item from consideration at this time.

Regarding Agenda Item No. 18, City Manager McDougal also withdrew the item from consideration.

AGENDA ITEM NO. 21: Adjournment

There being no further business to be considered, a motion was made by Commissioner Harrod, seconded by Commissioner Sims, that the meeting be adjourned. Motion carried 4-0. (7:28 p.m.)

AYE: Harrod, Sims, Collier, Smith

NAY: None

BILLY COLLIER, VICE MAYOR

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

BOARD OF CITY COMMISSIONERS
CITY OF SHAWNEE
SPECIAL CALLED SESSION
AUGUST 13, 2012

The Board of City Commissioners met in Special Called Session at the Shawnee Commission Chambers at Shawnee City Hall, 16 W. 9th, Shawnee, Oklahoma, Monday, August 13, 2012 at 6:30 p.m., pursuant to notice duly posted as prescribed by law. Mayor Peterson presided and called the meeting to order. Upon roll call, the following members were in attendance.

Linda Peterson

Chairman

Pam Stephens

Commissioner Ward 1

Frank Sims

Vice Mayor

James Harrod

Commissioner Ward 3

Billy Collier

Commissioner Ward 4

John Winterringer

Commissioner Ward 5

Steve Smith

Commissioner Ward 6

Absent: None

The Call for said meeting was entered upon the records by the City Clerk, said Call being as follows:

NOTICE OF A CALLED SPECIAL SESSION OF THE BOARD OF CITY
COMMISSIONERS OF THE CITY OF SHAWNEE, OKLAHOMA

TO THE CITY COMMISSION OF THE CITY OF SHAWNEE, OKLAHOMA:

You and each of you are hereby notified that by virtue of a call issued by me on this 8th day of August, 2012, a Special Called Session will be held of the Board of Commissioners of the City of Shawnee, Oklahoma at the Shawnee Commission Chambers, 16 W. 9th, Shawnee, Oklahoma at 6:30 p.m. on August 13, 2012, and you are hereby notified to be present at said meeting.

The purpose of the following special call session of the City Commissioners will be for discussion, consideration and possible action to determine whether to renew contract with Shawnee Area Chamber of Commerce for operation of a Convention and Visitor's Bureau, and, if so, discussion, consideration and possible action on amendments to the Contract, discussion, consideration and possible action to create a new entity for operation of a Convention and Visitor's Bureau and administration of the Proceeds of the Hotel Occupancy Surcharge. Items to be considered will be whether the entity should be an Oklahoma Statutory Trust or a tax-exempt corporation pursuant to Oklahoma law and Section 501(c)(6) of the Internal Revenue Code. Items to be considered include the approval of either a Trust Indenture or Articles of Incorporation, powers and duties of the entity, name of entity, selection of initial Board of Trustees/Directors and any other administrative items needed for creation of the entity. (This item will be considered only if the Commission determines it will not continue the Contract with the Chamber of Commerce), and discussion, consideration and possible action to set a special meeting to meet with Board of Trustees or Board of Trustees for newly created entity for purposes of contracting for the operation of a Convention and Visitor's Bureau and arranging for transition of operations. (This item will be considered only if the Commission determines it will not continue the Contract with the Chamber of Commerce and also creates a new entity.)

(SEAL)

ATTEST:

s/s Phyllis Loftis
PHYLLIS LOFTIS, CMC
CITY CLERK

s/s Justin Erickson
JUSTIN ERICKSON
ACTING CITY MANAGER

STATE OF OKLAHOMA, COUNTY OF POTTAWATOMIE, SS.

I received this notice on the 8th day of August, 2012 at 11:39 o'clock a.m., and executed the same by delivering a true and correct copy thereof to each of the Commissioners of the City of Shawnee, Oklahoma as follows:

I delivered a true and correct copy to Mayor Linda Peterson
via e-mail at 12:28 o'clock p.m. on August 9, 2012

I delivered a true and correct copy to Commissioner Frank Sims
via e-mail at 7:47 o'clock p.m. on August 9, 2012

I delivered a true and correct copy to Commissioner John Winterringer
via e-mail at 10:58 o'clock p.m. on August 13, 2012

I delivered a true and correct copy to Commissioner Steve Smith
via e-mail at 12:27 o'clock p.m. on August 9, 2012

I delivered a true and correct copy to Commissioner James Harrod
via e-mail at 6:17 o'clock p.m. on August 8, 2012

I delivered a true and correct copy to Commissioner Pam Stephens
via e-mail at 11:39 o'clock a.m. on August 8, 2012 but no response was received

I delivered a true and correct copy to Commissioner Billy Collier
via e-mail at 5:27 o'clock p.m. on August 8, 2012

s/s Phyllis Loftis
City Clerk

CALL FOR SPECIAL SESSION OF THE SHAWNEE BOARD OF CITY COMMISSIONERS OF THE CITY OF SHAWNEE, OKLAHOMA TO BE HELD ON THE 13TH DAY OF AUGUST, 2012 AT 6:30 O'CLOCK P.M. AT THE SHAWNEE COMMISSION CHAMBERS, 16 W. NINTH, SHAWNEE, OKLAHOMA. THE PURPOSE OF SAID MEETING WILL BE FOR DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO DETERMINE WHETHER TO RENEW CONTRACT WITH SHAWNEE AREA CHAMBER OF COMMERCE FOR OPERATION OF A CONVENTION AND VISITOR'S BUREAU, AND, IF SO, DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON AMENDMENTS TO THE CONTRACT, DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO CREATE A NEW ENTITY FOR OPERATION OF A CONVENTION AND VISITOR'S BUREAU AND ADMINISTRATION OF THE PROCEEDS OF THE HOTEL OCCUPANCY SURCHARGE. ITEMS TO BE CONSIDERED WILL BE WHETHER THE ENTITY SHOULD BE AN OKLAHOMA STATUTORY TRUST OR A TAX-EXEMPT CORPORATION PURSUANT TO OKLAHOMA LAW AND SECTION 501(C)(6) OF THE INTERNAL REVENUE CODE. ITEMS TO BE CONSIDERED INCLUDE THE APPROVAL OF EITHER A TRUST INDENTURE OR ARTICLES OF INCORPORATION, POWERS AND DUTIES OF THE ENTITY, NAME OF ENTITY, SELECTION OF INITIAL BOARD OF TRUSTEES/DIRECTORS AND ANY OTHER ADMINISTRATIVE ITEMS NEEDED FOR CREATION OF THE ENTITY. (THIS ITEM WILL BE CONSIDERED ONLY IF THE COMMISSION DETERMINES IT WILL NOT CONTINUE THE CONTRACT WITH THE CHAMBER OF COMMERCE), AND DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO SET A SPECIAL MEETING TO MEET WITH BOARD OF TRUSTEES OR BOARD OF TRUSTEES FOR NEWLY CREATED ENTITY FOR PURPOSES OF CONTRACTING FOR THE OPERATION OF A CONVENTION AND VISITOR'S BUREAU AND ARRANGING FOR TRANSITION OF OPERATIONS. (THIS ITEM WILL BE CONSIDERED ONLY IF THE COMMISSION DETERMINES IT WILL NOT CONTINUE THE CONTRACT WITH THE CHAMBER OF COMMERCE AND ALSO CREATES A NEW ENTITY.)

By virtue of the authority vested in me by Section 4, Article IV of the Charter of the City of Shawnee, Oklahoma, a Special Session of the Board of City Commissioners of the City of Shawnee, Oklahoma is hereby called to meet at the City Commission Chambers, 16 W. 9th, Shawnee, Oklahoma at 6:30 p.m. on August 13, 2012 for discussion, consideration and possible action to determine whether to renew contract with Shawnee Area Chamber of Commerce for operation of a Convention and Visitor's Bureau, and, if so, discussion, consideration and possible action on amendments to the Contract, discussion, consideration and possible action to create a new entity for operation of a Convention and Visitor's Bureau and administration of the Proceeds of the Hotel Occupancy Surcharge. Items to be considered will be whether the entity should be an Oklahoma Statutory Trust or a tax-exempt corporation pursuant to Oklahoma law and Section 501(c)(6) of the Internal Revenue Code. Items to be considered include the approval of either a Trust Indenture or Articles of Incorporation, powers and duties of the entity, name of entity, selection of initial Board of Trustees/Directors and any other administrative items needed for creation of the entity. (This item will be considered only if the Commission determines it will not continue the Contract with the Chamber of Commerce), and discussion, consideration and possible action to set a special meeting to meet with Board of Trustees or Board of Trustees for newly created entity for purposes of contracting for the operation of a Convention and Visitor's

Bureau and arranging for transition of operations. (This item will be considered only if the Commission determines it will not continue the Contract with the Chamber of Commerce and also creates a new entity.)

Witness my hand this 8th day of August, 2012.

s/s Justin Erickson
JUSTIN ERICKSON
ACTING CITY MANAGER

(SEAL)

ATTEST:

s/s Phyllis Loftis
PHYLLIS LOFTIS, CMC, CITY CLERK

CALL TO ORDER:

DECLARATION OF A QUORUM

Roll was called with seven Commissioners present and a quorum was declared.

AGENDA ITEM NO. 1:

Discussion, consideration and possible action to determine whether to renew contract with Shawnee Area Chamber of Commerce for operation of a Convention and Visitor's Bureau, and, if so, discussion, consideration and possible action on amendments to the Contract.

A motion was made by Commissioner Harrod, seconded by Commissioner Winterringer, to adopt the recommendations of the CVB sub-committee and to work with the Chamber of Commerce on amendments to the current contract. Motion failed 2-5.

AYE: Harrod, Winterringer

NAY: Smith, Sims, Peterson, Collier, Stephens

A motion was then made by Commissioner Smith, seconded by Commissioner Sims, to sever the September 6, 1994 contract with the Chamber of Commerce as it relates to the Convention and Visitors Bureau; the effective date of said contract cancellation to be August 31, 2012. Motion carried 5-2

AYE: Smith, Sims, Peterson, Stephens, Collier

NAY: Harrod, Winterringer

AGENDA ITEM NO. 2:

Discussion, consideration and possible action to create a new entity for operation of a Convention and Visitor's Bureau and administration of the Proceeds of the Hotel Occupancy Surcharge. Items to be considered will be whether the entity should be an Oklahoma Statutory Trust or a tax-

exempt corporation pursuant to Oklahoma law and Section 501(c)(6) of the Internal Revenue Code. Items to be considered include the approval of either a Trust Indenture or Articles of Incorporation, powers and duties of the entity, name of entity, selection of initial Board of Trustees/Directors and any other administrative items needed for creation of the entity. (This item will be considered only if the Commission determines it will not continue the Contract with the Chamber of Commerce)

A motion was made by Commissioner Sims, seconded by Commissioner Collier, to create a Convention and Visitors Bureau 501(c)(6), with Articles of Incorporation similar to those provided as an example by the City Attorney; further, to appoint the City Manager Brian McDougal, Commissioner Steve Smith and John Barrett to the Board of Directors; and to name the new entity Shawnee Tourism, Inc., if that name is available Motion carried 5-2

AYE: Sims, Collier, Smith, Stephens, Peterson

NAY: Harrod, Winterringer

AGENDA ITEM NO. 4:

Discussion, consideration and possible action to set a special meeting to meet with Board of Trustees or Board of Trustees for newly created entity for purposes of contracting for the operation of a Convention and Visitor's Bureau and arranging for transition of operations. (This item will be considered only if the Commission determines it will not continue the Contract with the Chamber of Commerce and also creates a new entity.)

A motion was made by Commissioner Sims, seconded by Commissioner Stephens, to call a special meeting for Thursday, August 16, 2012 at 6:30 p.m. Motion carried 5-2

AYE: Sims, Stephens, Peterson, Collier, Smith

NAY: Harrod, Winterringer

AGENDA ITEM NO. 4:

ADJOURNMENT

There being no further business to come before the meeting, a motion was made by Commissioner Winterringer, seconded by Commissioner Sims, that the meeting be adjourned. Motion carried 7-0. (7:42p.m.)

AYE: Winterringer, Sims, Harrod, Peterson, Collier, Smith, Stephens

NAY: None

LINDA PETERSON,
MAYOR

(SEAL)

ATTEST:

PHYLLIS LOFTIS, CMC
CITY CLERK

Regular Board of Commissioners

2. c.

Meeting Date: 08/20/2012

Budget Amendment Capital Fund 301

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Budget Amendment – Capital Fund 301

Airport Walking Track

Attachments

Capital Fund

Estimated Revenue, Fund Balance, or Transfers IN

Appropriations

Posted By _____ Date _____ BA# _____ Pkt.# _____

Regular Board of Commissioners

2. d.

Meeting Date: 08/20/2012

Budget Amendment Street Fund 302

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Budget Amendment – Street Fund 302

Attachments

Street Fund

Estimated Revenue, Fund Balance, or Transfers IN

Appropriations

Posted By _____ Date _____ BA# _____ Pkt.# _____

Regular Board of Commissioners

2. e.

Meeting Date: 08/20/2012

Board and Committee minutes and reports

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Acknowledge the following minutes and reports:

- Shawnee Urban Renewal Authority minutes from July 3, 2012
- Project Payment Report for July 2012
- License Payment Report for July 2012

Attachments

Minutes SURA

Project Payment

License Payment

SHAWNEE URBAN RENEWAL AUTHORITY

MINUTES OF JULY 3, 2012

The Board of Commissioners of the **Shawnee Urban Renewal Authority** met for a regular meeting Tuesday, July 3, 2012 at 9:00 a.m. in the 4th Floor Conference Room, Masonic Building, 23 E. 9th, Room 440, Shawnee, Oklahoma.

Vice-Chairman Monte Cockings called the meeting to order at 9:02 a.m.

AGENDA ITEM NO. 2

ROLL CALL:

Roll call was taken showing the following members present:

Commissioner	Tiffany Barrett
Commissioner	Monte Cockings
Commissioner	Ron Henderson
Commissioner	Patty L. Nida

Absent: Chairman Stephen Rice

Also present:

Justin Erickson, Program Director
Mike Wolf, Program Manager, SURA
Carla Clemons, Planning Assistant, SURA
Elaine Shrum, Administrative Specialist, SURA

A quorum was declared.

AGENDA ITEM NO. 3

APPROVAL OF MINUTES:

A motion to approve the minutes of June 5, 2012 was made by **Commissioner Barrett** seconded by **Commissioner Henderson**. Motion carried with no abstentions.

VOTING YES: Barrett, Cockings, Henderson and Nida

VOTING NO: None

AGENDA ITEM NO. 4
APPROVAL OF CLAIMS:

A motion to approve claims totaling \$ 3,588.39 was made by **Commissioner Nida**, seconded by **Commissioner Barrett**. Motion carried with no abstentions.

VOTING YES: Barrett, Cockings, Henderson and Nida
VOTING NO: None

AGENDA ITEM NO. 5
REQUEST FOR ASSISTANCE:

Home Repair: Harrison & Sandra Hedrick, 414 N. Pennsylvania

Mike Wolf, Program Manager reported that Mr. & Mrs. Hedrick are 46 and 56 years old and have lived in their home 6 years. They are income qualified. The sewer line needs replacing.

A motion to approve the request for assistance was made by **Commissioner Henderson**, seconded by **Commissioner Nida**. Motion carried with no abstentions.

VOTING YES: Barrett, Cockings, Henderson and Nida
VOTING NO: None

AGENDA ITEM NO. 6
BID OPENINGS:

a) Home Repair: Harrison & Sandra Hedrick, 414 N. Pennsylvania
Cost Estimate: \$3,000.00

<u>Contractor</u>	<u>Amount</u>
LG Construction:	\$ 4,737.00

A motion to refer bid to staff for review was made by **Commissioner Nida**, seconded by **Commissioner Barrett**. Motion carried with no abstentions.

VOTING YES: Barrett, Cockings, Henderson and Nida
VOTING NO: None

- b) Deferred Payment Loan: Delois Taylor, 406 N. McKinley
Cost Estimate: \$26,600.00

<u>Contractor</u>	<u>Amount</u>
LG Construction:	\$ 34,890.00
Kingworks:	29,000.00

A motion to refer bids to staff for review and award was made by **Commissioner Henderson**, seconded by **Commissioner Barrett**. Motion carried with no abstentions.

VOTING YES: Barrett, Cockings, Henderson and Nida
VOTING NO: None

AGENDA ITEM NO. 7
OLD BUSINESS:

Mike Wolf, Program Manager reported that the lease was signed with Family Promise for the duplex.

AGENDA ITEM NO. 8
NEW BUSINESS:

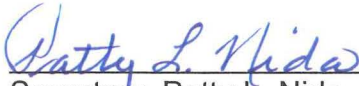
Mike Wolf, Program Manager reported that COCAA no longer wants to lease 613 N. Dorothy and 1630 N. Park for transitional housing. SURA is renting them to the current occupants now.

AGENDA ITEM NO. 9
ADJOURNMENT

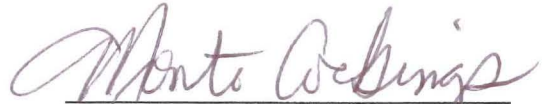
There being no further business to come before the Board at this time, a motion to adjourn at 9:15 a.m. was made by **Commissioner Nida**, seconded by **Commissioner Barrett**. Motion carried with no abstentions.

SURA
July 3, 2012
Page 4

VOTING YES: Barrett, Cockings, Henderson and Nida
VOTING NO: None



Secretary, Patty L. Nida



Vice-Chairman, Monte Cockings

08/13/2012 2:07 PM
STATUS: ALL
SEGMENT CODES: All
FEE CODES: All

P R O J E C T P A Y M E N T R E P O R T

PAGE: 6
PROJECTS: THRU ZZZZZZZZZZ
PAYMENT DATES: 7/01/2012 TO 7/31/2012
SORTED BY: PROJECT

** GENERAL LEDGER DISTRIBUTION **

FUND G/L ACCOUNT	ACCOUNT NAME	AMOUNT
001-2133	UBCC FEE PAYABLE	311.70CR
001-4202	BUILDING PERMITS	14,384.90CR
001-4203	PLUMBING PERMITS	1,240.00CR
001-4204	ELECTRICAL PERMITS	270.00CR
001-4205	ZONING PERMITS & APPLICATIONS	330.00CR
001-4206	HEATING & A/C PERMITS	1,660.30CR
001-4249	OTHER PERMITS	505.00CR
001-4822	OTHER MISC. REVENUE	39.00CR
101-4249	OTHER PERMITS	200.00CR
501-4510	WATER TAPS	900.00CR
799-1023	BANCFIRST GENERAL	19,840.90

08/13/2012 2:07 PM
STATUS: ALL
SEGMENT CODES: All
FEE CODES: All

P R O J E C T P A Y M E N T R E P O R T

PAGE: 4
PROJECTS: THRU ZZZZZZZZZZ
PAYMENT DATES: 7/01/2012 TO 7/31/2012
SORTED BY: PROJECT

** SEGMENT CODE TOTALS **

SEGMENT CODE	DESCRIPTION	TOTAL PAID
B1-NEW	BUILDING CONSTRUCTION NEW	15,036.30CR
B2-ADD	BUILDING CONSTRUCTION ADD	110.52CR
B3-REMODEL	BUILDING CONSTRUCTION REM	560.40CR
B4-OTHER	BUILDING CAPORT/SHELTER	312.18CR
E3-REMODEL	ELECTRICAL REMODEL/REPAIR	315.00CR
M3-REMODEL	MECHANICAL REMODEL/REPAIR	1,772.50CR
P3-REMODEL	PLUMBING REMODEL	490.00CR
P4-WELL	WELL PERMIT	100.00CR
P5-SEPTIC	SEPTIC PERMIT	40.00CR
UNAPPLIED	UNAPPLIED CREDITS	64.50CR
X-BORE/CUT	BORING & PAVING CUT PERMI	150.00CR
X-CURBCUT	CURBCUT/DRIVEWAY/SIDEWALK	50.00CR
X-DEMO	DEMOLITION PERMIT	50.00CR
X-SIGN	SIGN PERMIT	350.00CR
X-SWIMPOOL	SWIMMING POOL PERMIT	34.50CR
Z-OCCUP	OCCUPANCY PERMIT	75.00CR
Z-REZONCUP	REZONE W/ C U P	280.00CR
Z-REZONING	REZONING REQUEST	50.00CR
TOTAL		19,840.90CR

8/06/2012 8:57 AM
LICENSES: THRU ZZZZZZZZZZ

L I C E N S E P A Y M E N T R E P O R T
SORTED BY: CODE

PAGE:
PAYMENT DATES: 7/01/2012 TO 7/31/2012

** FEE CODE TOTALS **

FEE CODE	DESCRIPTION		FEE	PENALTY	PAYMENT DISTRIBUTION	TOTAL PAI
					TAX INTEREST	
ALARM	BURGLAR/FIRE ALARM LICENSE	8	200.00CR			200.00
ALARMRENEW	BURGLAR/FIRE ALARM RENEW	11	165.00CR			165.00
BEER1	BEER CONSUMPTION ON PREMISE	13	260.00CR			260.00
BEER2	BEER PACKAGE FEE	9	90.00CR			90.00
BEERWINER	BEER AND WINE RENEWAL	1	450.00CR			450.00
BOATREG	BOAT REGULAR PERMIT	41	1,066.00CR			1,066.00
ELEC1	ELECTRICAL CONTRACTOR INITIAL	1	100.00CR			100.00
ELEC2	ELECTRICAL CONTRACTOR RENEW	11	825.00CR			825.00
FISHANNUAL	FISHING ANNUAL FEE	14	210.00CR			210.00
HUNT2	MIGRATORY FOWL	2	16.00CR			16.00
LAKE-IN	LAKE LEASE CITY RESIDENT	4	800.00CR			800.00
LAKEINSP	LAKE LEASE INSPECTION	6	450.00CR			450.00
LAKELEASE	LAKE LEASE	9	3,872.10CR			3,872.10
LIQR	RETAIL LIQUOR OCCUPATIONAL TAX	2	1,200.00CR			1,200.00
MECH1	MECHANICAL CONTRACTOR INTIAL	1	100.00CR			100.00
MECH2	MECHANICAL CONTRACTOR RENEW	8	600.00CR			600.00
PLUM1	PLUMBING CONTRACTOR INITIAL	2	200.00CR			200.00
PLUM2	PLUMBING CONTRACTOR RENEW	3	225.00CR			225.00
REFUND	REFUND	1	495.90CR			495.90
RESAL	RESIDENTIAL SALE	117	1,170.00CR			1,170.00
SIGN	SIGN HANGERS LICENSE FEE	1	75.00CR			75.00
TREE	TREE TRIMMING LICENSE FEE	3	75.00CR			75.00
TOTAL			12,645.00CR			12,645.00

Regular Board of Commissioners

2. f.

Meeting Date: 08/20/2012

Refund of retirement DC Ockert

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Acknowledge Oklahoma Municipal Retirement Fund refund of contributions from the Defined Contribution plan for Lisa Ockert.

Regular Board of Commissioners

2. g.

Meeting Date: 08/20/2012

Refund Retirement DC Miller

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Acknowledge Oklahoma Municipal Retirement Fund refund of contributions from the Defined Contribution plan for Richard Miller.

Regular Board of Commissioners

2. h.

Meeting Date: 08/20/2012

Retirement Bond

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Acknowledge Oklahoma Municipal Retirement Fund Normal Retirement for Hazel Bond.

Regular Board of Commissioners

2. i.

Meeting Date: 08/20/2012

Lake Lease Transfers

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Lake Lease Transfers:

- Lot 1 Seck Tract, 33700 Post Office Neck
From: R. Watkins and D. Watkins
To: T. Giddens and D. Watkins
- Lot 14 Magnino Tract, 16704 Clearpond Lane
From: M. Clements and S. Clements
To: D. Lovelace

Attachments

Transfer Lot 1 Seck Tract

Transfer Lot 14 Magnino Tract



City of Shawnee
Community Development Department
222 N. Broadway
Shawnee, OK 74801
(405) 878-1665 Fax (405) 878-1587
www.ShawneeOK.org

**SHAWNEE TWIN LAKES CABIN SITE LEASES
SUMMARY/INSPECTION REPORT – FOR RENEWALS/TRANSFERS**

Date	8/13/2012	License No. #022719
Type	☐ Renewal ☒ Transfer	
Commission Meeting Date	8/20/2012	
Property Address	33700 POST OFFICE NECK	
Lake Site Location	LOT 1 SECK TRACT	
Lease Dates	8/20//2012 – 8/20/2042	
Lease Fee (changes annually)	\$624.00	
Inspection Fee	\$75.00 Applicable: ☒ Yes ☐ No	
Lessee (Transfer To)		
Name(s)	THOMAS GIDDENS AND DEBORAH WATKINS	
Address	SEE FILE	
Phone	SEE FILE	
Current Lessee (Transfer From) <i>(if applicable)</i>		
Name(s)	RUTH WATKINS AND DEBORAH WATKINS	
Address	SEE FILE	
Phone	SEE FILE	
Inspection Information		
Inspection Required	☒ Yes ☐ No (if no, due:)	
DEQ Report on File	☒ Yes ☐ No	
Type of Septic System	☒ Conventional ☐ Aerobic	
Last Inspected/Pumped	7/03/2012	
Misc. Comments	NO TRANSFER FEE REQUIRED DUE TO POWER OF ATTORNEY Total Charges Paid: \$699.00	



City of Shawnee
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222 N. Broadway
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(405) 878-1665 Fax (405) 878-1587
www.ShawneeOK.org

**SHAWNEE TWIN LAKES CABIN SITE LEASES
SUMMARY/INSPECTION REPORT – FOR RENEWALS/TRANSFERS**

Date	8/13/2012	License No. #022707
Type	☐ Renewal ☒ Transfer (Fee: \$1,000)	
Commission Meeting Date	8/20/2012	
Property Address	16704 CLEARPOND LANE	
Lake Site Location	LOT 14 MAGNINO TRACT	
Lease Dates	8/20/2012 – 8/20/2042	
Lease Fee (changes annually)	\$624.00	
Inspection Fee	\$75.00 Applicable: ☐ Yes ☒ No	
Lessee (Transfer To)		
Name(s)	DONALD LOVELACE	
Address	SEE FILE	
Phone	SEE FILE	
Current Lessee (Transfer From) <i>(if applicable)</i>		
Name(s)	MILBURN AND SHIRLEY CLEMENTS	
Address	SEE FILE	
Phone	SEE FILE	
Inspection Information		
Inspection Required	☐ Yes ☒ No (if no, due: 3/18/2013)	
DEQ Report on File	☒ Yes ☐ No	
Type of Septic System	☒ Conventional ☐ Aerobic	
Last Inspected/Pumped	3/18/2008	
Misc. Comments	 Total Charges Paid: \$624.00	

Regular Board of Commissioners

2. j.

Meeting Date: 08/20/2012

Contract Shaughnessy

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Approve contract with The Shaughnessy Group for video production work for Channel 30 and Web media outlets.

Attachments

Memo Shaughnessy

Contract Shaughnessy



Information Systems Department

Suite 233 / 16 W 9th St / Shawnee OK 74801

www.ShawneeOK.org

To: Mayor and City Commission
Cc: Brian McDougal, City Manager
Re: Shaughnessy Group LLC Annual Contract

Please find attached the updated contract for video production services as provided by Shaughnessy Group LLC for "City Connect" programs as regularly aired on local Channel 30 and online web streaming as well as the local news, events, sports and legislative update content provided.

This contract is similar to last year's contract with twenty six (26) City Connect episodes being produced during this fiscal year, the total contract amount has not changed.

The City continues to be pleased with the quality of production and content created by the Shaughnessy Group LLC and wish to continue the contract in order to better communicate to our citizens and customers. Additional City staff does not have the time or expertise to produce such content at this time.

A handwritten signature in black ink, appearing to read "Stephen W. Nolen".

Stephen W Nolen
Chief Information Officer
City of Shawnee Oklahoma

Stephen W Nolen – Systems Administrator | **Barry Poe** – Network Technician | **Ryan Ayers** – Software Support Specialist

"The mission of the City of Shawnee **Information Systems** department is to continuously improve the City of Shawnee through the **development, application, and support** of *technological solutions* within the City thereby *empowering* City staff and management to face the current and future challenges of providing the best services to **City of Shawnee Citizens.**"

AGREEMENT

This Agreement entered is into this ____ day of _____ by and between the City of Shawnee, Oklahoma, a municipal corporation (hereinafter the "City"), and Shaughnessy Group, LLC, (hereinafter the "Contractor").

WITNESSETH:

WHEREAS, the City desires to produce a cable TV video show highlighting various aspects of the City and its community; and

WHEREAS, Contractor possesses both the expertise and ability to produce the video programs desired by the City and wishes to contract with the City to do so; and

WHEREAS, the cable TV advisory committee of the City has negotiated with the Contractor and recommends that the City contract with Contractor to produce video shows presenting various aspects of the City and its community on the local cable TV system.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties hereto agree as follows:

1. Contractor will produce twenty-six (26) "City Connect" shows of various aspects of the City and its citizens, between the July 1, 2012 and June 30, 2013. Each program will be created and produced in conformance with the acknowledged and accepted standards and practices of the video production industry.
2. Contractor agrees to deliver the first "City Connect" within two (2) weeks of the execution of this agreement and contracted additional reports will follow approximately two (2) weeks apart.
3. Each "City Connect" production will be informative, predominantly interview based, covering current topics or events of interest to citizens of Shawnee of approximately ten (10) minutes in length. The City may also air additional programming as provided by the Contractor for local news, events, sports, legislative updates, or other community based content as modeled on the Public Broadcasting System (PBS) ad supported style. The City reserves the sole right to determine what will be accepted and aired. No reimbursement to the Contractor shall be made for such content.
4. In creating each "City Connect", Contractor and assignees of the City Manager will work together to develop a script for each show, with contractor providing all professional services needed to produce an approximately ten minute TV program, including scripting, lighting, cameras, video recording and post editing. This provision applies to all productions.
5. Both parties agree that the finished programs and any footage not used in the televised program but recorded during interview sessions will be the sole property of the City and may not be copied, used or distributed in any form without the express authority of the City Manager or his designee. Contractor will be allowed to library such footage for such future productions.

Upon request, the Contractor must provide to the City all copies of raw or produced media shot during any interview session under this Agreement.

6. A final approval will always be given by the city manager or his designees before any showing. Upon final approval by the City, Contractor will deliver a final DVD copy and invoice for services rendered to the finance department.

7. All productions created by Contractor may be subject to periodic review by the City's Cable TV Advisory Committee to insure quality of work and presentation of content.

8. Contractor acknowledges that the City's Cable TV Advisory Committee will report any concerns in the production to the city manager or his designee. Contractor and City agree that either party may terminate this contract with thirty (30) days written notice.

9. Nothing in this Agreement is to be construed to create an employer employee relationship between the City and the Contractor. Contractor remains an independent contractor at all times during this contractual relationship and will supply its own insurance, including workman's compensation insurance, labor and equipment totally independent of the City.

10. City agrees to pay Nine Hundred Ninety One dollars (\$991.00) for each "City Connect" show approved by the City subject to final approval by the city manager or his designee. Payment becomes due upon receipt of an invoice from Contractor to be submitted following the completion of each show. Should the Contractor fail to produce the required twenty-six (26) "City Connect" programs for any reason, including termination of this Agreement by the city manager, both parties agree the City will be liable for payment only for those shows which have been completed to the City's satisfaction. The City will not be liable for payment for any shows that were not produced or were produced in an inferior manner pursuant to the standards and practices of the Contractor's profession.

11. This agreement will be controlled by the laws of the state of Oklahoma. Venue for any legal action pursuant to this contract will be in Pottawatomie County, Oklahoma.

12. All notices are to be sent to each party at the following addresses:

City: City Manager,
P. O. Box 1448
Shawnee, OK 74802-1448

Contractor:
Shaughnessy Group, LLC
Dba Shawnee CTV
c/o Daniel Shaughnessy
44602 E Macarthur St
Shawnee, OK 74804-8947

13. This agreement terminates on June 30, 2013. Should the parties wish to continue the contractual relationship, a new contract will be negotiated between the parties to commence no sooner than July 1, 2013.

14. This contract represents the entire agreement of the parties and may only be amended in writing by both parties

15. Nothing contained in this agreement shall create a contractual relationship with a cause of action in favor of a third party against either the City or Contractor.

Done this ____ day of _____.

THE CITY OF SHAWNEE, OKLAHOMA
A Municipal Corporation
Shaughnessy Group, L.L.C.

By: _____
BRIAN MCDOUGAL
CITY MANAGER

ATTEST:

PHYLLIS LOFTIS, CITY CLERK

Shaughnessy Group, LLC

By: _____
DANIEL SHAUGHNESSY
OWNER

The foregoing instrument was subscribed and sworn to before me this ____ day of _____, 2012 by Daniel Shaughnessy on behalf of Shaughnessy Group LLC, a sole proprietorship.

NOTARY PUBLIC

My Commission Expires: _____

Commission No. _____

Regular Board of Commissioners

4.

Meeting Date: 08/20/2012

Employee of the Month

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

City Manager's presentation of Employee of the Month to Bryan Logan.

Regular Board of Commissioners

5.

Meeting Date: 08/20/2012

Ordinance dilapidated building

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Discuss and consider an ordinance modifying the Shawnee Municipal Code so that it conforms to Oklahoma Statutes as to the definition of a "dilapidated building".

Attachments

Dilapidated Building

Ordinance



City of Shawnee
Community Development Department
222 N. Broadway
Shawnee, OK 74801
(405) 878-1665 Fax (405) 878-1587
www.ShawneeOK.org

MEMORANDUM

AGENDA: August 20, 2012

TO: Shawnee City Commission

FROM: Justin Erickson,  Planning Director

RE: Dilapidated Structures – Limitations on Boarding and Securing

SUMMARY

Amendments to State law with respect to the definition of “dilapidated building” were made effective November 1, 2011. A “dilapidated building” is now defined, in part, as *a structure which has been boarded and secured for more than 18 months*. Previous law limited the City’s ability to declare a boarded and secure structure dilapidated unless it was boarded for more than 36 months.

With the change in State law, the City’s ordinance must be modified in order to utilize the new definition.

RECOMMENDATION

Staff respectfully requests ***approval*** of the attached ordinance to amend City code so that it reads the same as State law with respect to defining dilapidated buildings. This amendment will aid in the City’s ongoing clean-up efforts.

Attachments

Shawnee, Oklahoma, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 7 - BUILDINGS AND BUILDING REGULATIONS >> **ARTICLE XIII. - DILAPIDATED BUILDINGS** >>

ARTICLE XIII. - DILAPIDATED BUILDINGS

Sec. 7-581. - Definitions.

Sec. 7-582. - Procedure for notice, hearing, removal and assessment of costs.

Sec. 7-583. - Unsecured buildings.

Sec. 7-584. - Sign maintenance.

Sec. 7-585. - Prohibited signs.

Secs. 7-586—7-610. - Reserved.

Sec. 7-581. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Dilapidated building means a structure:

- (1) That, through neglect or injury, lacks necessary repairs or otherwise is in a state of decay or partial ruin to such an extent that the structure is a hazard to the health, safety or welfare of the general public;
- (2) That is unfit for human occupancy due to the lack of necessary repairs and that is considered uninhabitable or that is a hazard to the health, safety and welfare of the general public;
- (3) That is determined by the city commission or the community development director to be an unsecured building, as defined by subsection 7-583(c), more than three times during any 12-month period;
- (4) That has been boarded and secured, as defined by subsection 7-583(c), for more than 36 months; or
- (5) A structure declared by the city commission to constitute a public nuisance.

Owner means the owner of record as shown by the most current tax rolls of the county treasurer.

(Code 1986, § 7-321(7); Ord. No. 1941NS, § 1, 7-19-1999)

Cross reference— Definitions generally, § 1-2.

Sec. 7-582. - Procedure for notice, hearing, removal and assessment of costs.

- (a) Without limiting any procedure contained in other sections of this Code or in any other code duly adopted by the city, the community development director may cause dilapidated buildings within the city to be torn down and removed in accordance with the following:
 - (1) At least ten days' notice that a building is to be torn down or removed shall be given to the owner of the property before the community development director holds a hearing and takes action. The notice shall state the date, time and place of the hearing and shall state in general terms the specific problem or problems with the building which

Oklahoma Statutes Citationized

Title 11. Cities and Towns

Chapter 1 - Oklahoma Municipal Code

Article Article XXII - General Powers of Municipalities

Section 22-112 - Condemnation of Dilapidated Buildings - Notice - Removal - Lien

Cite as: O.S. §, ___

A. A municipal governing body may cause dilapidated buildings within the municipal limits to be torn down and removed in accordance with the following procedures:

1. At least ten (10) days' notice that a building is to be torn down or removed shall be given to the owner of the property before the governing body holds a hearing. A copy of the notice shall be posted on the property to be affected. In addition, a copy of the notice shall be sent by mail to the property owner at the address shown by the current year's tax rolls in the office of the county treasurer. Written notice shall also be mailed to any mortgage holder as shown by the records in the office of the county clerk to the last-known address of the mortgagee. At the time of mailing of notice to any property owner or mortgage holder, the municipality shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailer. However, if neither the property owner nor mortgage holder can be located, notice may be given by posting a copy of the notice on the property, or by publication as defined in Section 1-102 of this title. The notice may be published once not less than ten (10) days prior to any hearing or action by the municipality pursuant to the provisions of this section;
2. A hearing shall be held by the governing body to determine if the property is dilapidated and has become detrimental to the health, safety, or welfare of the general public and the community, or if the property creates a fire hazard which is dangerous to other property;
3. Pursuant to a finding that the condition of the property constitutes a detriment or a hazard and that the property would be benefited by the removal of such conditions, the governing body may cause the dilapidated building to be torn down and removed. The governing body shall fix reasonable dates for the commencement and completion of the work. The municipal clerk shall immediately file a notice of dilapidation and lien with the county clerk describing the property, the findings of the municipality at the hearing, and stating that the municipality claims a lien on the property for the destruction and removal costs and that such costs are the personal obligation of the property owner from and after the date of filing of the notice. The agents of the municipality are granted the right of entry on the property for the performance of the necessary duties as a governmental function of the municipality if the work is not performed by the property owner within dates fixed by the governing body. Any action to challenge the order of the municipal governing body shall be filed within thirty (30) business days from the date of the order;
4. The governing body shall determine the actual cost of the dismantling and removal of dilapidated buildings and any other expenses that may be necessary in conjunction with the dismantling and removal of the buildings, including the cost of notice and mailing. The municipal clerk shall forward a statement of the actual cost attributable to the dismantling and removal of the buildings and a demand for payment of such costs, by mail to the property owner. In addition, a copy of the statement shall be mailed to any mortgage holder at the address provided for in paragraph 1 of this subsection. At the time of mailing of the statement of costs to any property owner or mortgage holder, the municipality shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailer. If a municipality dismantles or removes any dilapidated buildings, the cost to the property owner shall not exceed the actual cost of the labor, maintenance, and equipment required for the dismantling and removal of the dilapidated buildings. If dismantling and removal of the dilapidated buildings is done on a private contract basis, the contract shall be awarded to the lowest and best bidder; and
5. When payment is made to the municipality for costs incurred, the municipal clerk shall file a release of lien, but if payment attributable to the actual cost of the dismantling and removal of the buildings is not made within six (6) months from the date of the mailing of the statement to the owner of such property, the municipal clerk shall forward a certified statement of the amount of the cost to the county treasurer of the county in which the property is located. Once certified to the county treasurer, payment may only be made to the county treasurer except as

otherwise provided for in this section. The costs shall be levied on the property and collected by the county treasurer as are other taxes authorized by law. Until finally paid, the costs and the interest thereon shall be the personal obligation of the property owner from and after the date of the notice of dilapidation and lien is filed with the county clerk. In addition the cost and the interest thereon shall be a lien against the property from the date the notice of the lien is filed with the county clerk. The lien shall be coequal with the lien of ad valorem taxes and all other taxes and special assessments and shall be prior and superior to all other titles and liens against the property. The lien shall continue until the cost is fully paid. At the time of collection, the county treasurer shall collect a fee of Five Dollars (\$5.00) for each parcel of property. The fee shall be deposited to the credit of the general fund of the county. If the county treasurer and the municipality agree that the county treasurer is unable to collect the assessment, the municipality may pursue a civil remedy for collection of the amount owing and interest thereon including an action in personam against the property owner and an action in rem to foreclose its lien against the property. A mineral interest, if severed from the surface interest and not owned by the surface owner, shall not be subject to any tax or judgment lien created pursuant to this section. Upon receiving payment, the municipal clerk shall forward to the county treasurer a notice of such payment and shall direct discharge of the lien.

B. The municipality may designate, by ordinance, an administrative officer or administrative body to carry out the duties of the governing body specified in this section. The property owner shall have the right of appeal to the municipal governing body from any order of the administrative officer or administrative body. Such appeal shall be taken by filing written notice of appeal with the municipal clerk within ten (10) days after the administrative order is rendered.

C. For the purposes of this section:

1. "Dilapidated building" means:

- a. a structure which through neglect or injury lacks necessary repairs or otherwise is in a state of decay or partial ruin to such an extent that the structure is a hazard to the health, safety, or welfare of the general public,
- b. a structure which is unfit for human occupancy due to the lack of necessary repairs and is considered uninhabitable or is a hazard to the health, safety, and welfare of the general public,
- c. a structure which is determined by the municipal governing body or administrative officer of the municipal governing body to be an unsecured building, as defined by Section 22-112.1 of this title, more than three times within any twelve-month period,
- d. a structure which has been boarded and secured, as defined by Section 22-112.1 of this title, for more than eighteen (18) consecutive months, or
- e. a structure declared by the municipal governing body to constitute a public nuisance; and

2. "Owner" means the owner of record as shown by the most current tax rolls of the county treasurer.

D. Nothing in the provisions of this section shall prevent the municipality from abating a dilapidated building as a nuisance or otherwise exercising its police power to protect the health, safety, or welfare of the general public.

E. The officers, employees or agents of the municipality shall not be liable for any damages or loss of property due to the removal of dilapidated buildings performed pursuant to the provisions of this section or as otherwise prescribed by law.

F. The provisions of this section shall not apply to any property zoned and used for agricultural purposes.

Historical Data

Amended by Laws 1984, HB 1669, c. 126, § 42, eff. November 1, 1984; Amended by Laws 1988, HB 1770, c.

152, § 1, eff. November 1, 1988; Amended by Laws 1989, HB 1107, c. 5, § 2, emerg. eff. March 22, 1989; Amended by Laws 1990, HB 1801, c. 253, § 2, emerg. eff. May 22, 1990; Amended by Laws 1997, HB 1566, c. 83, § 1, eff. November 1, 1997 (superseded document available); Amended by Laws 1999, HB 1492, c. 343, § 2, eff. November 1, 1999 (superseded document available); Amended by Laws 2000, SB 858, c. 82, § 2, eff. November 1, 2000 (superseded document available); Amended by Laws 2004, HB 2639, c. 314, § 1, eff. November 1, 2004 (superseded document available); Amended by Laws 2011, HB 1669, c. 52, §1, eff. November 1, 2011 (superseded document available).

CITY OF SHAWNEE

ORDINANCE NO. _____

AN ORDINANCE RELATING TO DILAPIDATED BUILDINGS, AMENDING THE SHAWNEE MUNICIPAL CODE, CHAPTER 7 BUILDINGS AND BUILDING REGULATIONS, ARTICLE XIII - DILAPIDATED BUILDINGS, SECTION 7-581 AS MORE SPECIFICALLY SET FORTH HEREIN; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the State of Oklahoma has amended 11 O.S. § 22-112(c)(1)(d) regarding dilapidated buildings and new regulations took effect on November 1, 2011; and

WHEREAS, the City of Shawnee finds that conformity with State law in this regard will protect the public health, safety and welfare and promote the public good.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF SHAWNEE, OKLAHOMA:

SECTION 1: AMENDATORY. Section 7-581(4) of Article XIII, Chapter 7 of the Shawnee Municipal Code is hereby amended to read as follows:

- (4) That has been boarded and secured, as defined by subsection 7-583(c), for more than eighteen (18) consecutive months; or

SECTION 2: REPEALER. All ordinances or parts of ordinances in direct conflict herewith are repealed to the extent of the conflict only.

SECTION 3: SEVERABILITY. The provisions of this Ordinance are severable, and if any sentence, provision or other part of this Ordinance shall be held invalid, the decision of the courts so holding shall not affect or impair any of the remaining parts or provisions of this ordinance.

PASSED AND APPROVED this _____ day of _____, 2012.

LINDA PETERSON, MAYOR

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

Regular Board of Commissioners

6.

Meeting Date: 08/20/2012

Sales Tax

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Acknowledge Sales Tax report received August, 2012.

Attachments

Sales Tax

City of Shawnee Memorandum

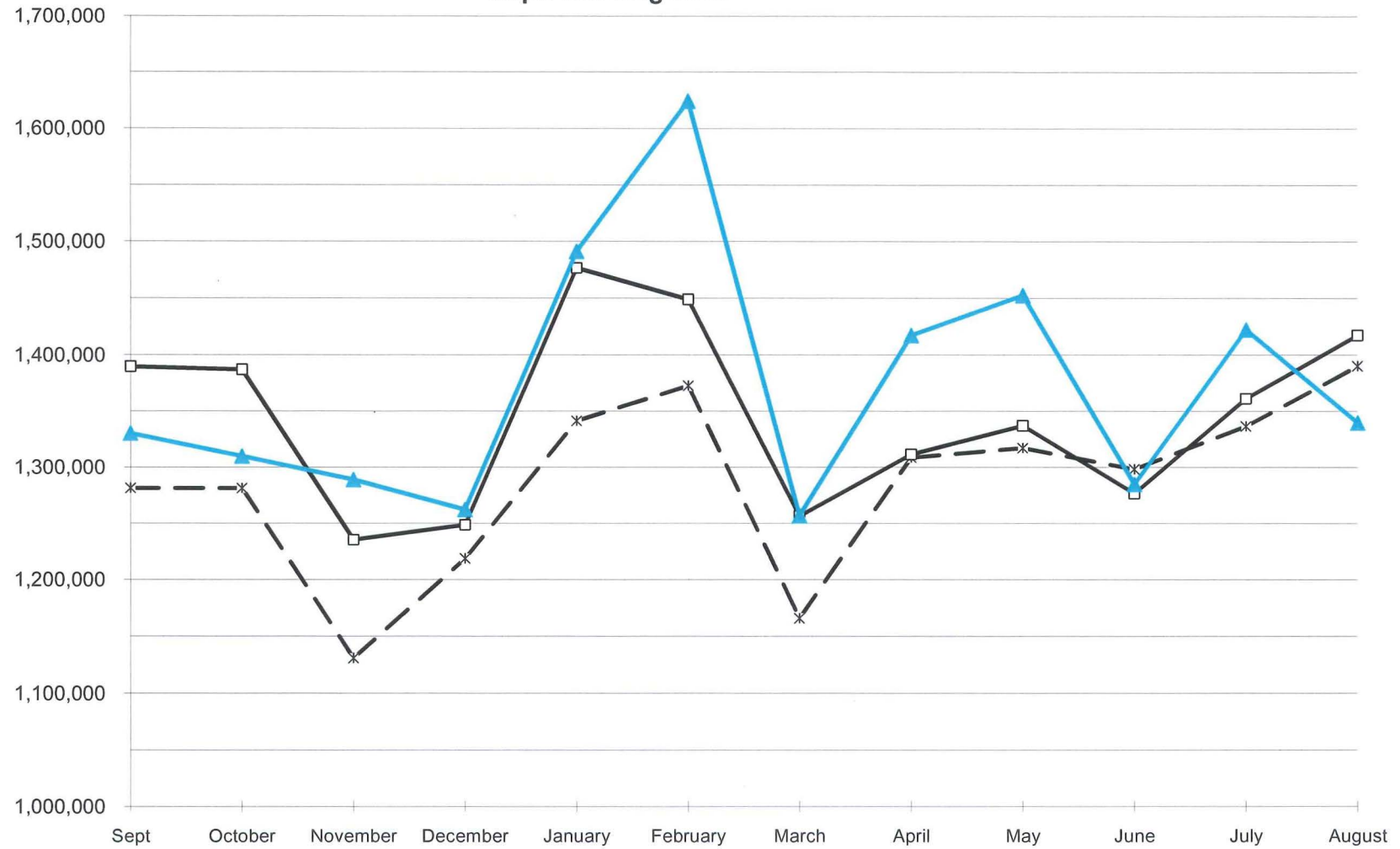
To: Mayor and City Commissioners
CC: Brian McDougal, City Manager
From: Cynthia R Sementelli, Finance Director
Date: August 10, 2012
Re: City Sales Tax Report



August Sales Tax receipts were down \$77,769 or 5.49% compared to last year receipts. The August Sales tax amount received plus interest was \$1,339,539 which is down compared to the budget by 3.02%. Compared to August 2010 figures we were down by \$50,547 or 3.64%.



**CITY OF SHAWNEE
SALES TAX COLLECTIONS
Sept 2009-Aug 2012**



- x— September 2009 through August 2010
- September 2010 through August 2011
- ▲— September 2011 through August 2012

	September 2009	September 2010	September 2011	Increase (Decrease)	
	through	through	through	Over Prior Year	
Month	August 2010	August 2011	August 2012	Amount	Percentage
Sept	1,281,234	1,389,702	1,330,420	(59,282)	(4.27%)
October	1,281,416	1,386,987	1,309,924	(77,063)	(5.56%)
November	1,130,651	1,235,390	1,289,143	53,754	4.35%
December	1,218,404	1,248,649	1,262,401	13,752	1.10%
January	1,341,370	1,476,824	1,491,647	14,824	1.00%
February	1,372,608	1,448,966	1,624,568	175,602	12.12%
March	1,165,927	1,256,430	1,256,806	376	0.03%
April	1,308,463	1,311,387	1,417,533	106,146	8.09%
May	1,317,167	1,337,029	1,452,759	115,731	8.66%
June	1,298,026	1,276,542	1,284,872	8,330	0.65%
July	1,336,599	1,361,273	1,422,363	61,090	4.49%
August	1,390,086	1,417,308	1,339,539	(77,769)	(5.49%)
Total	15,441,951	16,146,485	16,481,976	335,491	2.08%

Period	Prior Year Actual	Current Year Actual	Increase (Decrease) Over Prior Year	
Fiscal Year to Date	2,778,581	2,761,902	(\$16,679)	(0.60%)

Fiscal Year to Date Budget based on last year actual plus 2.5%

Period	Current Year Budget	Current Year Actual	Budget Variance Favorable (Unfavorable)	
Fiscal Year to Date	2,848,046	2,761,902	(\$86,144)	(3.02%)

Regular Board of Commissioners

7.

Meeting Date: 08/20/2012

Insurance

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Discuss and consider city's contract with BCBS providing medical insurance coverage for elected officials and dependents.

RECESS TO CONVENE THE SHAWNEE MUNICIPAL AUTHORITY TO BE FOLLOWED BY THE SHAWNEE AIRPORT AUTHORITY

RECONVENE

Attachments

Insurance

Memo Insurance

Canavan Opinion

Mayor
LINDA PETERSON



The City of Shawnee
Office of the City Manager

PO Box 1448
Shawnee Oklahoma 74802-1448
(405) 878-1601 Fax (405) 878-1571
www.ShawneeOK.org

Commissioners
PAM STEPHENS
FRANK SIMS
JAMES HARROD
BILLY COLLIER
JOHN WINTERRINGER
STEVE SMITH

Date: May 9, 2012

To: Mayor and City Commissioners

From: Brian McDougal, City Manager
Mary Ann Karnes, City Attorney

RE: Health Insurance – Commissioner Eligibility

Today, in organizing the voluminous files taken from John Canavan's office, we located an opinion he wrote on December 3, 1991 in which he advised the Commission it had the authority to provide health insurance benefits for City Commissioners and pay all or any part of the premiums.

Although there is a belief that the Commission took formal action about that time to put this into action, a review of ordinances, resolutions and minutes during that period has not turned up any action.

We lack actual records and institutional knowledge to determine how many commissioners and dependents have been on City insurance over the years. We have identified at least one dependent who stayed with the "old" plan through State of Oklahoma and is still with that plan. In that case, the commissioner is deceased and the individual is a survivor. (For privacy reasons, we will not be discussing names of individuals. HIPPA regulations also limit our ability to determine the precise history of prior insurance coverage.)

The current contract for insurance lists only employees, their spouses and dependents (up to age 26) as eligible for coverage. Under "other" – which is where other city official designations should appear – there is no listing.

Dependents obtain the right to coverage as a part of the employee (commissioner) coverage. There is not a “dependent only” option.

When an employee retires from the City, he is allowed to maintain City insurance for himself and his dependents with all costs paid by him until he becomes eligible for Medicare. If the employee goes to the Medicare Supplement of our carrier, the dependent can continue (at retired employee’s expense) on our base coverage. If the employee does not opt for that coverage, the dependent’s eligibility is also at an end. COBRA benefits might apply.

Since we do not define a commissioner as eligible, we do not have a definition of a “retired” commissioner. State statute (11 O.S. 23-108) provisions for insurance define a retired commissioner as one who has served eight years and is no longer serving. It has nothing to do with the commissioner’s age or employment status, but status as a commissioner.

Options:

1. Do nothing. (Not recommended)
2. Determine whether commissioners are to be eligible for coverage and, if so, amend the contract(s) of insurance accordingly. (City employees have access to medical, dental and vision insurance.) The recommendation from staff is that if commissioners are not to be covered, the contract should so state, given the existence of the state law on the subject.
 - A. If you determine commissioners are eligible, any commissioner using the plan and dependents should come into conformance with the requirements. You should determine whether the Commissioner can avail himself of the benefits only during his term, or whether he will have COBRA benefits if he serves less than eight years, what to do when he goes on Medicare, etc., just as you do for City employees.
 - B. If you determine commissioners are not to be eligible, any commissioners or dependents on the plan would receive COBRA benefits, which would allow the individual to continue coverage for a period of time as set out in those regulations..

Dustin Brand is our representative with Insurica and is available to come to a commission meeting and walk you through the decisions that you will need to make so that we can get our policy language in place.

Cc: Cindy Sementelli, Treasurer/Finance Director
Tamera Johnson, Human Resource Director
Dustin Brand, Insurica

To: Shawnee City Council

From: Dustin Brand, INSURICA

Date: May 17, 2012

Re: City of Shawnee – Eligibility for Elected Officials

Blue Cross & Blue Shield has approved a special exception for the City allowing the plan's current eligibility be amended to include elected officials. If approved by the City, Blue Cross will amend the plan to include the following verbiage:

- Elected Officials while in office who have not yet reached the age of 65; and their eligible dependents. Should an official attain age 65 while covered on the plan, their eligible dependents can remain covered until the point at which official is no longer in office or until the spouse turns age 65 whichever is first.

Upon approval by the City the verbiage above will be included with the plan's existing verbiage outlined below:

- An employee whose work schedule is forty (40) hours per week, or those designated as a full-time professional.
- Dependent children to the end of the year after they reach age 26, regardless of full-time student marital status.
- Retirees who are age 55 and have worked for the City of Shawnee for 7 years; or Police/Fire Union members who have worked a minimum of 20-years (there is no minimum age requirement for Police/Fire Union retirees). Disability continuation as defined by the Police Pension or OMRP Pension. Eligible dependents of a retiree are also allowed coverage under the retiree's membership. Retirees or older are not eligible for the regular active and Pre-65 Retiree plan.

With the expansion of this eligibility to include elected officials and their eligible dependents the City may also apply an additional surcharge of 125% to the plan's rates. This surcharge would apply only to elected officials and their qualifying dependents. Blue's exception also does not include coverage for retired elected officials or their dependents, which at this time Blue Cross has not approved for the City's plan. If we are later successful in obtaining approval to add retired elected officials to the City's already large pool of early retirees it could place the City's plan at risk for additional rate loads.

Blue Cross & Blue Shield's offer to extend the City eligibility provision to include elected officials is more lenient than what we would have had with other carriers in the Oklahoma market. When polled on this same request, United Health confirmed they will not cover elected officials unless the City has over 500 active employees participating on

the plan. Aetna confirmed they would take the eligibility under consideration, but that elected officials participating in the plan would certainly require a special exception being granted by their underwriting team due to it being out of the norm.

In summation Blue Cross Blue Shield's leniency with the plan's eligibility may not be granted by other carriers, which limit the City's option when shopping outside Blue Cross for better plan options. This could also result in elected officials who may participate in the plan losing coverage, because of a new carrier denying the exception. If the City does want the amended added we can honor this request and have it effective by July 1, 2012.

Sincerely,

Dustin Brand
Benefits Consultant

CHARLES T. HENRY INC. & ASSOCIATES

ATTORNEYS AND COUNSELORS AT LAW
HENRY BUILDING
45TH AT BRYAN
SHAWNEE, OKLAHOMA 74801
405-275-0039

CHARLES T. HENRY
C. BRAD HENRY
JOHN G. CANAVAN, JR.

MEMORANDUM OPINION

FACSIMILE
405-275-0259

MAILING ADDRESS
4419 NORTH BRYAN

TO: Mayor, City Manager and City Commissioners
FROM: John G. Canavan, Jr., City Attorney *g.s.l.*
RE: Payment of Health Insurance Premiums for elected
city officials
DATE: December 3, 1991

QUESTION: Can the City of Shawnee pay for or contribute to the payment of health insurance premiums for elected city officials?

ANSWER: Under present Oklahoma statutory law and the Charter of the City of Shawnee, the City can pay for or contribute to health insurance premiums for elected city officials.

O P I N I O N

The form of government of the City of Shawnee is defined as the statutory council-manager form of city government. 11 O.S. 1981 §10-101. The City operates under a charter first approved by the governor on April 18, 1930 and amended in its entirety and approved by vote of the City's electorate on April 1, 1986, thus making Shawnee a charter city of the first class.

The charter explicitly states the terms of compensation to be paid to the mayor and city commissioners. Article III, Section 5 states in pertinent part:

"The mayor and commissioners shall serve without compensation, but shall be paid their necessary expenses incurred in the performance of their duties."

This section of the Shawnee City Charter states almost verbatim the limitations on compensation set forth in the Oklahoma Statutes at 11 O.S. 1981 §10-111. Therefore, this is not a case of the city charter being in conflict with state law. 11 O.S. 1981 §13-109 sets out the legal principle known as the "Home Rule Doctrine". Said doctrine holds that where a city operates under the authority of a charter that said charter supercedes any conflicting state law on matters of purely municipal concern.

This doctrine has been strictly adhered to by the Oklahoma Supreme Court in a series of cases dealing from early statehood. See Goodwin v. Okla. City, et al., 182 P.2d 762 (1947); City of Ponca City, v. Edwards 460 P.2d 418, (1969); Oliver v. City of Tulsa 654 P.2d 607, (1981); see also Oklahoma Constitution, Article 18 -- Section 3(a).

It is clear by a review of these authorities that in matters of municipal concerns the city charter foremost controls. It is equally clear that compensation and benefits of elected officials are strictly a matter of municipal concern. The Charter of the City of Shawnee does not address the topic of benefits for elected city officials. However, the statutes of the state of Oklahoma do cover the subject of benefits for officers and employees.

11 O. S. (1991) 23-108 states in pertinent part:

"A municipality may provide hospital and medical benefits, accident, health, and life insurance, or any of the aforesaid through any company authorized to do business in Oklahoma, for any or all of its officers or employees and their dependents, whether said officers or employees are engaged in a governmental or non-governmental function of the municipality... The municipality may pay a portion or all of said premiums from any municipal general funds, and may deduct from the wages or salary of any such officer or employee, upon written authority, signed by the officer or employee, amounts for all or any portion of the monthly premium for same."

As the mayor and city commissioners of the City of Shawnee are officers of the City they can receive the benefits set forth in 23-108 providing the City Charter is not in conflict. The fact that the charter is silent as to this issue does not place it in conflict with state law. The Oklahoma Supreme Court has held that there is no conflict if the charter is silent on an issue and the state statutes address the same issue. State of Oklahoma ex rel. William J. Trimble v. City of Moore, Oklahoma and Louis Kindrick 62 O.B.J. 2887 (1991).

In the Trimble case the State Supreme Court addressed the exact issue to be answered in the present opinion. The Court, in an unanimous opinion, stated: "We find no conflict between the statute dealing with insurance benefits and the municipal charter, which speaks to compensation but is silent on the issue of benefits. In the absence of negative charter provisions, the specific statute will control over the charter."

The Court went further and addressed the possible conflict between the general compensation statute at 11 O.S. (1981) §10-111 and the specific benefits statute at 11 O.S. (1991) §23-108. The Court held the general rule that a specific

statute governs over a general statute was applicable and, therefore, that 28-108 was controlling in allowing city officers to receive these benefits.

In addition to these statutes the City of Shawnee by charter provision has the authority to raise revenue, make appropriations, issue bonds, regulate bond elections, issuance of bonds, sinking funds, the refunding of indebtedness, and all other fiscal affairs of the city subject to the provisions of this charter, the Oklahoma Constitution, and state law applicable to cities operating under a charter. Article XII, Section 1. In addition to this charter provision the City of Shawnee in April of 1980 passed and adopted Resolution No. 4855. By this resolution the City elected to comply with and operate under the Municipal Budget Act of the State of Oklahoma cited at 11 O. S. (1981) §17-201 through 17-216. By adopting this resolution the City has agreed to allow this Act to govern its budget procedures and that this Act will take precedence over any other state laws or ordinances applying to municipal budgets that may be in any conflict with the Act. Section 17-213 of the Act provides for the classification of revenues and expenditures. This section provides for one expense category to be personal services which may include related employee benefits paid to any officer or employee for services rendered to or for employment. Employee benefits may include employer contributions to a retirement system, insurance, sick leave, terminal pay or similar benefits. See Trimble id.

The City of Shawnee already contains an expense fund which deals specifically with employee benefits. The General Administration Division of the General Fund of the City of Shawnee contains the employer benefits account. Therefore, should the governing body of the City of Shawnee approve and budget for said health insurance premium expenses they could be paid for from this fund.

In summary, by state law the elected officials of the City of Shawnee can have their health insurance premiums paid for, all or in part, by the City of Shawnee through its General Fund. As the City Charter is silent on the issue of officer or employee benefits, 11 O. S. (1991) §23-108 would control on that subject as well as control over the compensation limits set forth in 11 O.S. (1981) §10-111. The only limitation would be the budgeting of the monies to cover said expense.

Respectfully submitted,



JOHN G. CANAVAN, JR.
CHARLES T. HENRY, INC. & ASSOCIATES
CITY ATTORNEY
CITY OF SHAWNEE, OKLAHOMA

Regular Board of Commissioners

8.

Meeting Date: 08/20/2012

Consider Executive Session

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Consider an Executive Session for discussion and possible action on any litigation pending against the City of Shawnee by the Shawnee Area Chamber of Commerce as authorized by 25 O. S. §307 (B(4) on the recommendation of counsel that public discussion would impair the ability of the City Attorney to adequately defend the City.

Regular Board of Commissioners

Meeting Date: 08/20/2012

Any action from Exec Session

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Consideration and possible action on matters discussed in Executive Session regarding any litigation pending against the City of Shawnee by the Shawnee Area Chamber of Commerce as authorized by 25 O. S. §307 (B(4)) on the recommendation of counsel that public discussion would impair the ability of the City Attorney to adequately defend the City.

Regular Board of Commissioners

10.

Meeting Date: 08/20/2012

501(c)(6)

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Discussion, consideration and possible action to contract with 501(c)(6) corporation, Shawnee Tourism, Inc., for administration of the proceeds of the Shawnee Hotel Surcharge and operation of a Convention and Visitor's Bureau. *Continued from Special Called meeting August 16, 2012*

Attachments

Articles of Incorporation

By-Laws

OFFICE OF THE SECRETARY OF STATE



**NOT FOR PROFIT
CERTIFICATE OF INCORPORATION**

WHEREAS, the Not For Profit Certificate of Incorporation of

SHAWNEE TOURISM, INC.

has been filed in the office of the Secretary of State as provided by the laws of the State of Oklahoma.

NOW THEREFORE, I, the undersigned, Secretary of State of the State of Oklahoma, by virtue of the powers vested in me by law, do hereby issue this certificate evidencing such filing.

IN TESTIMONY WHEREOF, I hereunto set my hand and cause to be affixed the Great Seal of the State of Oklahoma.



*Filed in the city of Oklahoma City this
15th day of August, 2012.*

V. Glenn Coffey

Secretary of State

08/15/2012 10:02 AM

OKLAHOMA SECRETARY OF STATE



SOS



19847280004

**CERTIFICATE OF INCORPORATION
(NOT FOR PROFIT)
SHAWNEE TOURISM, INC.**

TO: OKLAHOMA SECRETARY OF STATE
2300 N. Lincoln Blvd., Room 101, State Capitol Building
Oklahoma City, OK 73105-4897
(405) 521-3912

We, the undersigned Incorporators:

<u>Name</u>	<u>Mailing Address</u>	<u>City</u>	<u>State</u>	<u>Zip Code</u>
Mary Ann Karns	16 W. 9 th St	Shawnee	OK	74801
Frank Sims	PO Box 3815	Shawnee	OK	74802
Steve Smith	4220 N. Harrison	Shawnee	OK	74804

are legally competent to enter into contracts for the purpose of forming a non-profit corporation a non-profit corporation under the Oklahoma General Corporation Act, adopt the following Certificate of Incorporation (Not For Profit), under the provisions of Title 18, Section 1001:

ARTICLE I

The name of the Corporation is: Shawnee Tourism, Inc.

ARTICLE II

The name of the registered agent and the street address of the registered office in the State of Oklahoma is:

<u>Mary Ann Karns</u>	<u>16 W. 9th St.</u>	<u>Shawnee</u>	<u>County</u>	<u>Zip Code</u>
Name	Street Address	City	Pottawatomie	74801

ARTICLE III

The duration of the corporation is perpetual.

ARTICLE IV

The purposes for which this Corporation is formed are:

- a. To receive, administer, and expend funds for charitable and educational purposes and for the improvement of conditions of all types and lines of business in and around the City of Shawnee, Oklahoma.
- b. The specific and primary purposes for which this Corporation are formed and for which it shall be exclusively administered and operated are to receive, administer, and expend funds for purposes in connection with and including, but not limited to, the following:
 1. To promote general interest in and for the City of Shawnee, Oklahoma;
 2. To improve business conditions of all types of business in and around the City of Shawnee, Oklahoma, by increasing visitors and tourism in the City of Shawnee, Oklahoma;
 3. To take a leadership and educational role in the community to provide a coordinated effort to promote the City of Shawnee as a meeting place, athletic venue, and visitor determination;
 4. To promote and develop existing events, fairs, festivals, attractions, and athletic events, and assist in building and incubating future ones;
 5. To attract conventions, meetings, and visitors, acquire their loyalty, service their needs, and retain their business in the future;
 6. To participate in Regional and State Tourism efforts to utilize the funding and promotional opportunities available;
 7. To monitor legislation and events impacting tourism;
 8. To assist other charitable and educational organizations exempt under Section 501(c)(3) or business league organizations exempt under Section 501(c)(6) of the Internal Revenue Code, in the conduct of similar activities;
 9. To establish in the main office or elsewhere all departments and activities necessary to carry out the purposes of the Corporation;
 10. To engage in any and all lawful activities incidental to the foregoing purposes except as restricted herein and according to State and Federal Law.

ARTICLE V

This Corporation is not organized for pecuniary profit nor shall it have any power to issue certificates of stock or declare dividends, and no part of its net earnings shall inure to the benefit of, or be distributable to, any member, director, trustee, or individual, except that this corporation shall be authorized and empowered to pay reasonable compensation for services rendered. The balance, if any, of all money received by the Corporation from its operations, after the payment in full of all debts and obligations of the Corporation of whatsoever kind and nature, shall be used and distributed exclusively for carrying out only the purpose or purposes of the Corporation particularly set forth in Article IV above. Notwithstanding any other provision of this Certificate, the Corporation shall not carry on any other activities not permitted to be carried on by a corporation exempt from federal income tax under Section 501(c)(6) of the Internal Revenue Code (or the corresponding provision of any future United States Internal Revenue law).

Upon the dissolution of the Corporation, the Board of Directors shall, after paying or making provision for the payment of all of the liabilities of the Corporation, dispose of all of the remaining assets of the Corporation by distribution to one or more regularly organized and qualified charitable, educational, scientific, philanthropic, or business league organizations described in Sections 501(c)(3) or 501(c)(6) of the Internal Revenue Code, or to the City of Shawnee, Oklahoma, as shall be determined by the Board of Directors. Any such assets not so disposed of shall be disposed of by the District Court of the county in which the principal office of the Corporation is then located, exclusively for such purposes or to such organization or organizations, as that court shall determine, which are organized and operated exclusively for such purposes.

ARTICLE VI

The business of this Corporation shall be carried on through its Board of Directors; the manner of their election or appointment shall be provided in the Bylaws. Conditions of membership shall be as provided by the Bylaws.

ARTICLE VII

In furtherance of and not in limitation of the general powers conferred by the laws of the State of Oklahoma, the Board of Oklahoma, the Board of Directors is expressly authorized to make, alter, or repeal the Bylaws of the Corporation subject to the provisions of the "Oklahoma General Corporation Act" of the State of Oklahoma, and to exercise any and all other powers, in addition to the powers expressly conferred by law and by this Certificate of Incorporation, which may be conferred upon the Board of Directions by the Corporation through appropriate Bylaws.

ARTICLE VIII

No transaction (other than those expressly prohibited or invalidated by the statutes or Constitution of the State of Oklahoma) in which the Corporation may engage with any Officers or Directors, any other interested person, or with any affiliated Corporation shall be affected or invalidated merely because the relationship involved, or in which the Directors or Officers are present at or participate in a meeting of the Board of Directors or a committee thereof which authorizes the transaction, or solely because the Directors or Officers or their votes are counted for such purpose: PROVIDED, HOWEVER, notwithstanding the provisions of this Article, the Corporation shall not carry on any other activities not permitted to be carried on by a corporation exempt from Federal income tax under Section 501(c)(6) of the Code.

ARTICLE IX

The Board of Directors is expressly authorized to indemnify any person who was or is a party, or who is threatened to be made a party, to any threatened, pending, or completed cause of action, suit, or proceeding, whether civil, criminal, administrative, or investigative, other than an action by or in the right of the Corporation because such person is or was a Director, Officer, employee, or agent of the Corporation or is or was serving at the request of the Corporation as a Director, Officer, employee, or agent of another corporation, partnership, joint venture, trust, or other enterprise against expenses, including attorney's fees and costs, judgments, fines, and amounts paid in settlement to the extent and in the manner permitted by the laws of the State of Oklahoma.

ARTICLE X

In furtherance and not in limitation of the powers conferred by statute, the Board of Directors is expressly authorized to:

1. Adopt, amend, or repeal the Bylaws of the Corporation, including the making of any other provisions or requirements for the arrangement or conduct of the business of the Corporation, provided the same be neither inconsistent with this Certificate of Incorporation nor contrary to the laws of the State of Oklahoma or the United States of America;
2. Authorize or cause to be executed or granted mortgages, security interest, and liens upon the real and personal property of the Corporation;
3. Set apart reserve(s) for any proper purpose and to abolish any such reserve(s) in the manner in which it was created;
4. By a majority of the whole Board of Directors, designate one or more committees,

each committee to consist of one (1) or more of the Directors of the Corporation. The Board may designate one (1) or more Directors as alternate members of any committee who may replace any absent or disqualified member at any meeting of the committee. Any such committee, to the extent provided in the resolution or in the Bylaws of the Corporation, shall have and may exercise the powers of the Board of Directors in the management of the business and affairs of the Corporation, and may authorize the seal of the Corporation to be affixed to all papers which may require it; PROVIDED HOWEVER, the Bylaws may provide that in the absence or disqualification of any member of such committee or committees, the member or members thereof present at any meeting and not disqualified from voting, whether or not he or they constitute a quorum, may unanimously appoint another member of the Board of Directors to act at the meeting in the place of any such absent or disqualified member; and

5. Sell, lease, or exchange all, or substantially all, of the property and assets of the Corporation, including its goodwill and its corporate franchises, if any, upon such terms and conditions and for such consideration which may consist in whole or in part of money or property, including shares of stock in, and/or other securities of, any other corporation or corporations, as its Board of Directors shall deem expedient and in the best interests of the Corporation.

ARTICLE XI

The private property of the incorporators, directors, and officers shall not be subject to the payment of corporate debts to any extent whatsoever. In furtherance and not in limitation of the powers conferred by statute, the Corporation is expressly authorized to carry on its business and to hold annual or special meetings of its Board of Directors in any of the states, territories, or possessions of the United States or the District of Columbia.

ARTICLE XII

The number of directors to be elected at the first meeting of the Incorporators is three. The names and mailing addresses of the persons who are to serve as initial Directors of the Corporation, or until their successors are elected and qualified, are as follows:

<u>Name:</u>	<u>Mailing Address</u>	<u>City</u>	<u>State</u>	<u>Zip Code</u>
Brian McDougal	16 W. 9 th St	Shawnee	OK	74801
Steve Smith	4220 N. Harrison	Shawnee	OK	74804
John A. "Rocky" Barrett	Citizen Potawatomi Nation 1601 S. Gordon Cooper Dr	Shawnee	OK	74801

ARTICLE XIII

This Corporation reserves the right to amend, alter, change, or repeal any provision in this Certificate of Incorporation in the manner now or hereafter prescribed by law and all rights conferred on the Officers and Directors of this Corporation are granted subject to this reservation.

The undersigned, being the Incorporators of this Corporation, for the purpose of forming a non-profit corporation pursuant to the Oklahoma General Corporation Act make this Certificate, declare and certify that this is their act and deed, and that the facts stated here are true.

DATED THIS 14th day of August, 2012.

INCORPORATORS

Mary Ann Karns
MARY ANN KARNs

Frank Sims
FRANK SIMS

Steve Smith
STEVE SMITH

STATE OF OKLAHOMA)
)
COUNTY OF POTTAWATOMIE)

SS

Before me, a Notary Public in and for Pottawatomie County in the State of Oklahoma, on this 14th day of August, 2012, personally appeared Mary Ann Karns, Frank Sims, and Steve Smith, to me known to be the identical persons who executed this Certificate of Incorporation and acknowledged to me that they executed this document as their free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have set my hand and seal the day and year written above.

My Commission Expires:

10/13/13

articles of incorporation shawnee tourism, inc. - TMA 08-14-12



Celia C. Elwell

Notary Public, Commission # 09008505

**BYLAWS
OF
SHAWNEE TOURISM, INC.**

**ARTICLE I
NAMES AND OFFICES**

Section 1.1. **NAME**. The name of this corporation is Shawnee Tourism, Inc., a private not-for-profit Oklahoma corporation (the “Corporation”).

Section 1.2. **OFFICES**. Shawnee Tourism, Inc. will have an office or place of business in furtherance of its purposes, as agreed upon by the Board of Directors.

**ARTICLE II
GOALS AND PURPOSES**

Section 2.1. **GENERAL**. The specific and primary purposes for which this Corporation is formed and for which it shall be exclusively administered and operated are to receive, administer, and expend funds for charitable and educational purposes and for the improvement of conditions of all types and lines of business in and around the City of Shawnee, Oklahoma, in connection with and including, but not limited to, the following:

- a. To promote general interest in and for the City of Shawnee, Oklahoma;
- b. To improve conditions of all types of business in and around Shawnee, by increasing visitors and tourism in Shawnee;
- c. To take a leadership and educational role in the community to provide a coordinated effort to promote Shawnee as a meeting place, athletic venue, and visitor destination;
- d. To promote and develop existing events, fairs, festival, attractions, and athletic events and to assist in building and incubating future ones;
- e. To attract conferences, meetings and visitors, acquire their loyalty, service their needs, and retain their business in the future;
- f. To participate in Regional and State Tourism efforts to utilize the funding and promotional opportunities available;
- g. To monitor legislation and events impacting tourism;
- h. To assist other charitable and educational organizations exempt under Section 501(c)(3) or business league organizations exempt under Section 501(c)(6) of the Internal Revenue Code in the conduct of similar activities;
- i. To establish in the main office or elsewhere all departments and activities necessary carry out the purposes of the Corporation;

- j. To engage in any and all lawful activities incidental to the forgoing purposes except as restricted herein and according to State and Federal Law.

Section 2.2. **RESTRICTIONS.** The specific and primary restrictions for which this Corporation will adhere to in the administration and operation of this Corporation are as follows:

- a. The Corporation shall use its funds only to accomplish objectives and purposes consistent with these Bylaws and no part of such funds shall inure or be distributed to the members, directors, or officers of the Corporation, except that the Corporation shall be authorized and empowered to pay reasonable compensation for services rendered;
- b. In the event of dissolution of the Corporation, any assets remaining shall be distributed to one or more regularly organized and qualified charitable, educational, scientific, or philanthropic organizations described in Sections 501(c)(3) or 501(c)(6) of the Internal Revenue Code, or to the City of Shawnee, Oklahoma, as shall be determined by the Board of Directors;
- c. The Corporation shall take part in no activity prohibited by an organization described in Section 501(c)(6) of the Internal Revenue Code currently in effect or as it may be amended.

ARTICLE III **DIRECTORS**

Section 3.1. **POWERS.** Subject to all limitations of these Bylaws and within the scope of the Certificate of Incorporation, all powers of the Shawnee Tourism, Inc., shall be exercised by or under the direction of a board to be known as the Board of Directors and shall be conducted for the purposes set forth in Section 2.1. It is expressly declared that the Board of Directors shall have and may exercise the following powers on behalf of the Shawnee Tourism, Inc.:

- a. **Management.** To conduct, manage, and oversee the affairs and business of Shawnee Tourism, Inc., in furtherance of its goals and purposes and to make no decision inconsistent with the course of action and policy observed by the Shawnee Tourism, Inc., as it may deem best and financially feasible;
- b. **Executive Board.** The elected officers shall constitute the members of the Executive Board. The Chair of the Board of Directors also shall be the Chair of the Executive Board. They shall set the agenda for the Board of Directors, serve as the Personnel Committee, and have the advisory authority to bring motions to the Board of Directors. The Executive Board has the authority to act if a quorum of Board members cannot be gathered.
- c. **Committees.** The Board of Directors shall appoint committees as needed to address issues. The Chair is allowed to appoint a committee at his/her discretion, as approved by the Board.

Section 3.2. **NUMBER, QUALIFICATIONS, AND TERM OF BOARD MEMBERS.**

The authorized number of board members of the Shawnee Tourism, Inc., shall be _____, all of whom shall serve without compensation except for reimbursement of necessary expenses incurred in the course of their duties. The term of all members shall be three (3) years and run from July 1 of the first year to June 30 of the third year for their respective terms. Board members are eligible to serve a maximum of three (3) terms. Each term consists of three (3) years. If a Board member is fulfilling the term of another member, the three-term limit begins at the start of their first full term. After an individual has been off the Board for one (1) year, they are eligible for reappointment to the Board. These members shall be composed of the following:

- a. _____ Directors, each as elected by the Shawnee Tourism Board of Directors, and as nominated from organizations and businesses within the City of Shawnee that are significantly affected by convention and tourism activities in the City of Shawnee, as follows:
 1. Oklahoma Baptist University;
 2. St. Gregory's University;
 3. Heart of Oklahoma Exposition Center;
 4. The Shawnee Public Schools;
 5. The Shawnee Chamber of Commerce;
 6. The Shawnee hotels and hospitality industry; and
 7. The Shawnee restaurant and entertainment industry.
- b. Two (2) Directors, each as appointed by the Mayor of the City of Shawnee, and chosen generally from organizations and businesses within Shawnee that are significantly affected by convention and tourism activities in Shawnee.
- c. Four (4) Directors, each as elected by the Shawnee Tourism Board of Directors, and chosen generally from the Shawnee community to serve in "at-large" capacities.
- d. Four (4) Ex-Officio representatives as follows:
 1. The Mayor of the City of Shawnee; or a City Councilmember of the City of Shawnee as appointed by the Mayor to serve in this role;
 2. The City Manager of the City of Shawnee, or another City of Shawnee employee as designated by the City Manager to serve in this role;
 3. The President of the Shawnee Area Chamber of Commerce; and
 4. The Executive Director of the Shawnee Economic Development Foundation, Inc.

Section 3.3. **NOMINATING COMMITTEE.** This committee shall present candidates to the Board members to fill any “at-large” Director position before the first meeting of the new fiscal year where a vote will take place. The Nominating Committee shall be composed of the following: The Past-Chair and two (2) Shawnee Tourism Board members. In the absence of a Past-Chair, the Board will elect a Chair of the Nominating Committee.

Section 3.4. **REMOVAL OR RESIGNATION.** Missing three (3) regularly scheduled meetings within one year shall, at the Board’s discretion, subject the Board member for removal. Any BoBard member may be removed by a majority vote of the Board, with or without cause for any reason whatsoever, with or without a meeting, by secret ballot. Action by the members without a meeting pursuant to this action shall be evidenced by written consent filed with the minutes of the proceedings of the Board of Directors.

Any Board member may resign at any time by giving written notice to the Chair or Secretary of the Board of Directors. Any such resignation shall take effect at the date of receipt of such notice or such latter time as may be specified therein.

Section 3.5. **VACANCIES.** Vacancies in the Board of Directors, however caused, may be filled pursuant to the election provisions of Sections 3.2 and 3.3.

A vacancy or vacancies in the Board of Directors shall be deemed to exist in case of death, resignation, expiration of term or removal of any Board members, or if the authorized number of Board members be increased, or if there is not then in office the full authorized number of board members.

No reduction of the authorized number of Board members shall have the effect of removing any Board member prior to the expiration of term of office.

ARTICLE IV **MEETINGS**

Section 4.1. **PLACE OF MEETINGS.** Regular and special meetings of the Board of Directors shall be held in any place within or outside the State of Oklahoma, which may be designated from time to time by resolution of the Board of Directors or by written consent of a majority of all members of the Board of Directors; provided, however, the notice of such designation is given to all members. In the absence of such designation, all meetings shall be held at the principal office of the Shawnee Tourism, Inc.

Section 4.2. **OTHER REGULAR MEETINGS.** Regular meetings of the Board of Directors shall be held monthly, except for the months of December and July, at such hour as determined by the Board of Directors.

Section 4.3. **SPECIAL MEETINGS.** Special meetings of the Board of Directors for any purposes, the general nature of which are specified in the written notice of such meeting, shall be held at any time by the Chair or, if he or she is absent or unable or refuses to act, by the Vice-Chair or by any three Directors.

Written notice of the time and place of such meetings, signed by the respective officers or Directors calling such meetings and specifying the general nature of the business to be conducted at the meeting, shall be delivered or sent by mail or other form of written or verbal communication to each Director not less than (a) seventy-two (72) hours if by telephone, fax, e-mail, or cell phone text and/or hand delivery or (b) seven (7) days if by mail before the date of such meeting. Any director may waive notice of a special meeting, and a special meeting may be held with less than ten (10) days' notice, if a majority of the Directors indicate in writing their willingness to waive such notice.

Section 4.4. **ENTRY OF NOTICE**. Whenever any director has been absent from any special meeting of the Board of Directors, an entry in the minutes to the effect that notice has been duly given shall be conclusive and incontrovertible evidence that due notice of such a special meeting was given to such directors as required by the Bylaws of the Shawnee Tourism, Inc.

Section 4.5. **VOTING**. At all meetings of the Board each director shall have one vote and must cast such vote in person. Votes by proxy will not be accepted. Such vote may be viva voce or by ballot; however, any vote may be by ballot upon demand made by a director before the voting begins.

Section 4.6. **QUORUM**. The presence in person at any meeting of a majority of the Board of Directors and at least one officer of the Board shall constitute a quorum for the transaction of business. Presence in person may include presence remotely by way of computer internet/web conference, and telephone speaker conference, where the parties may all hear each other. This section shall govern the quorum requirements of all meetings of the full Board, except as otherwise provided in the Bylaws. The directors present at a duly called or held meeting at which a quorum is present may continue to do business until the time fixed for the next regular meeting of the Board of Directors. At the adjourned meeting any business may be transacted which might have been transacted at the original meeting.

Section 4.7. **ADJOURNMENT**. A quorum of the Board may adjourn any Board of Directors meeting to meet again at a stated day and hour; provided, however, that in the absence of a quorum, a majority of the Directors present at any Board meeting, either regular or special, may adjourn from time to time until the time fixed for the next regular meeting of the Board of Directors. At the adjourned meeting any business may be transacted that might have been transacted at the original meeting.

Section 4.8. **NOTICE OF ADJOURNMENT**. Notice of the time and place to hold an adjourned meeting need not given to the absent Directors if the time and place is to be fixed at the meeting at which the adjournment takes place. As a courtesy, the professional staff of the Shawnee Tourism, Inc., shall make reasonable efforts to give actual notice of such time and place to absent Directors by telephone or other means, but no failure of any such absent Director to receive such notice or to attend such adjourned meeting shall in any way affect the validity of such adjourned meeting or actions therein.

Section 4.9. **ACTION WITHOUT MEETING**. Notwithstanding any other provision of these Bylaws, any action required or permitted to be taken by the Board of Directors may be taken without a meeting if all Directors shall individually or collectively consent in writing to such action. Such action by written consent shall have the same force and effect as a unanimous

vote of such Directors. Such written consent or consents shall be filed with the minutes of the proceedings of the Board of Directors.

ARTICLE V **OFFICERS**

Section 5.1. **ELECTIVE OFFICERS.** All officers on the Executive Board are elected annually by the Board of Directors. The elective officers of Shawnee Tourism, Inc. shall include a Chair, Past Chair, Vice-Chair, Secretary, and Treasurer. Elective officers must be members of the Board of Directors with the exception of the immediate Past Chair who may or may not be a member of the Board of Directors. The offices of Past Chair, Chair, and Vice-Chair must be held by three (3) different people. Any other offices can be held by the same person. An Executive Board member may serve in the same office for no more than three (3) consecutive years. If elected to consecutive additional three (3) year terms on the Board of Directors, the officer must serve in a different office on the Executive Board for at least one year.

Section 5.2. **ELECTION.** The elective officers set forth in Section 5.1 shall be elected annually by the Board, and each shall hold his or her office for one year.

Section 5.3. **NOMINATING COMMITTEE.** This Nominating Committee shall present the slate of officers to the Board members before the first meeting of the new fiscal year where the vote will take place. In the absence of a Past-Chair, the Board will elect a Chair of the Nominating Committee. The Nominating Committee shall be composed of the following: The Past-Chair and two (2) Shawnee Tourism Board members.

Section 5.4. **REMOVAL OR RESIGNATION.** Any elective officer may be removed by a majority vote of the Directors, with or without cause for any reason whatsoever, at any meeting of the Board of Directors.

Any elective officer may resign at any time upon written notice addressed to the Board of Directors and delivered to the Executive Director for transmittal to each member of the Board of Directors. Any such resignation shall take effect at the date of the receipt of such notice or at any later date specified therein: and, unless otherwise specified, the acceptance of such resignation shall not be necessary to make it effective.

Section 5.5. **VACANCIES.** Subject to the provisions of these Bylaws, a vacancy in any effective office because of death, resignation, removal, or disqualification or any other cause may be filled by the Board of Directors.

Section 5.6. **CHAIR OF THE BOARD.** A new Chair is to be elected annually by the Board of Directors to serve one (1) year. After serving one (1) year, the Chair is eligible for re-election for another one (1) year, with three consecutive years being the maximum. An individual is eligible for re-election to the Chair position after they have not been on the Executive Board as Chair or Past-Chair for one year. The Chair shall be the executive officer of the Corporation. Subject to the control of the Board, the Chair shall have general supervision over business and officers of the Board. He/she shall preside at all meetings of the Board of Directors. He/she shall be an ex officio member of all committees of the Board of Directors and shall have such other capacities and duties as may be prescribed by the Board of Directors or by

these Bylaws. The Chair shall maintain a close working association with the Corporation's Executive Director and provide the Corporation's main office with the necessary latitude to carry out the goals and purposes of the Corporation within the Board of Directors approved budget. Furthermore, he/she shall execute binds, mortgages, and other contracts requiring a seal under the seal of the Corporation, except where required or permitted by law to be otherwise signed and executed and except where the signing and execution thereof shall be expressly delegated by the Board of Directors to some other Officer or Agent of the Corporation.

Section 5.7. **PAST CHAIR OF THE BOARD.** The Past Chair shall act in an advisory capacity to the current Chair. He/she shall serve as the chairman of the Nominating Committee.

Section 5.8. **VICE CHAIR OF THE BOARD.** In absence or disability of the Chair, the Vice Chair shall perform all duties of the Chair, and when so acting shall have all the powers of, and be subject to, all the restrictions upon the Chair provided. Should both the Chair and the Vice Chair be absent, the Board of Directors may appoint, for the period of such temporary absence, some member of the Board of Directors to serve as Chair Pro Tem; provided further that in the event of such absence or disability of the Chair and Vice Chair, until such Chair Pro Tem is so appointed, the Executive Director may be designated to act as Chair Pro Tem.

Section 5.9. **SECRETARY OF THE BOARD.** The Secretary of the Board of Directors shall keep, or cause to be kept, a complete record of the proceedings of all meetings of the Board at the principal office or such other places as the Board may order, with the time and place of holding such meetings, whether regular or special and, if special, how authorized, the notice given, the names of those present or represented at the meetings and the proceedings, including written reports of committees. The Secretary shall take the roll, shall present the minutes of the preceding meeting at or before each meeting of the Board of Directors, and shall oversee the conduct of any official correspondence of the Corporation and Board as directed by that body.

The Secretary shall keep, or cause to be kept, at the principal office a complete register showing names of the current Board of Directors then in office and their addresses.

The Secretary shall duly give, or cause to be given, notice of all meetings of the Board of Directors required by the Bylaws and shall have other powers and perform such other duties as may be prescribed by the Board of Directors or the Bylaws.

Section 5.10. **TREASURER OF THE BOARD.** The Treasurer of the Board of Directors shall have custody of the corporate funds and securities and shall keep, or cause to be kept, a full and accurate accounting of receipts and disbursements in books belonging to the Corporation and shall deposit, or cause to have deposited, all monies and other valuable effects in the name and to the credit of the Corporation in such depositories as may be designated by the Board of Directors.

The Treasurer shall disburse, or cause to be disbursed, the funds of the Corporation as may be ordered by the Board of Directors, and shall render to the Chair and the Board of Directors at its regular meetings, or at its special meetings when the Board of Directors requests, an account of all corporate transactions and of the financial condition of the Corporation. The executing financial officer of Shawnee Tourism, Inc., under the purview of the Board of Directors, shall be the Executive Director.

ARTICLE VI **AGENTS AND REPRESENTATIVES**

Section 6.1. **EXECUTIVE DIRECTOR**. The Executive Director is the official representative and Executive of the Corporation, and is in the employ of the Board of Directors. The Executive Director is the liaison officer between the Board of Directors and the general public. The Executive Director is responsible for lending continuity and direction to Shawnee Tourism, Inc., by proposing at each annual meeting an imaginative, aggressive program in keeping with the long-range plans of the Corporation and the Board of Directors. The Executive Director shall be a non-voting, ex-officer member of the Board of Directors and of all committees of the Board.

Section 6.2. **OTHER AGENTS AND REPRESENTATIVES**. The Board of Directors may appoint such agents and representatives of the Corporation with such powers and to perform such acts or duties on behalf of the corporation as the Board of Directors may see fit, so far as may be consistent with these Bylaws and to the extent authorized or permitted by law.

Section 6.3. **SALARIES**. The salaries, if any, of all agents and representatives of the Corporation shall be fixed by the Board of Directors.

ARTICLE VII **CONTRACTS AND INVESTMENTS**

Section 7.1. **CONTRACTS**. The Board of Directors, except as in these Bylaws otherwise provided, may authorize any officer or agent to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Corporation, and such authority may be general or confined to a specific instance; and unless so authorized by the Board of Directors, no officer, agent, or employee shall have power or authority to bind the Corporation by any contract or engagement, to pledge its credit, or to render it liable financially for any purpose or to any amount.

Section 7.2. **INVESTMENTS**. Unless otherwise provided in these Bylaws, the Corporation shall have the right to retain all or any part of any securities or property acquired by it in whatever manner, and to invest and reinvest any funds held by it, according to the judgment of the Board of Directors, without being restricted to the class of investments which the Board is, or may hereafter be, permitted by law to make or any similar restrictions, according to all regulations of the Internal Revenue Code governing tax-exempt organizations.

ARTICLE VIII **INDEMNIFICATION**

Section 8.1. **INDEMNIFICATION**. The Corporation may, by resolution of the Board of Directors, provide the indemnification, and/or Directors and officer liability insurance coverage, of any and all its Directors or officers of former Directors or officers against expenses actually and necessarily incurred by them in connection with the defense of any action, suit, or proceeding in which they or any of them are made parties by reason of having been Directors or a Director or officer of the Corporation, except in relation to matters as to which Director or officer or former Director or officer shall be adjudged in such action, suit, or proceeding to be

liable for negligence or misconduct in the performance of duty and in relation to matters settled by agreement predicated on the existence of such liability.

ARTICLE IX **FISCAL YEAR**

Section 9.1. **FISCAL YEAR**. The fiscal year of the Corporation shall commence on July 1 of each year and end on June 30 of each year, or at any other such time as the Board of Directors determine from time to time.

ARTICLE X **CONDUCT OF BUSINESS**

Section 10.1. **PROCEDURE**. All meetings of the full Board of Directors shall be conducted generally in accordance with the latest edition of *Robert's Rules of Order*.

Section 10.2. **ORDER OF BUSINESS**. The Chair of the Board shall determine the order of business to be observed in the conduct of the meetings of the Board of Directors.

Section 10.3. **ADOPTED RULES**. The Board of Directors may adopt Bylaws and Standing Rules as may be necessary for the conduct of business and implementation of the provisions of these Bylaws.

ARTICLE XI **MEMBERS**

Section 11.1. **MEMBERS**. The Corporation reserves the right, at some future date by resolution of the Board of Directors, to add or allow membership in a manner to be specified at that time.

ARTICLE XII **AMENDMENTS**

Section 12.1. **AMENDMENTS PROCEDURES**. New Bylaws may be adopted or these Bylaws may be amended or repealed by the vote of a majority of all of the Board of Directors then in office, provided, however, that the action is proposed at a regular or special meeting of the Board of Directors and adopted at a subsequent regular meeting, except as otherwise provided by law.

Regular Board of Commissioners

11.

Meeting Date: 08/20/2012

City Manager Admin Shawnee Hotel Surcharge

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Discussion, consideration and possible action to authorize City Manager to provide for the administration of the Shawnee Hotel Surcharge.

Regular Board of Commissioners

12.

Meeting Date: 08/20/2012

Transition from Chamber

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Discussion, consideration and possible action on such items as may be necessary to effect a transition from the contract with Shawnee Area Chamber of Commerce.

Continued from Special Called meeting August 16, 2012

Regular Board of Commissioners

13.

Meeting Date: 08/20/2012

Tourism Advisory Committee

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Discussion, consideration and possible action on an ordinance creating a Tourism Advisory Committee.

Regular Board of Commissioners

14.

Meeting Date: 08/20/2012

Appointment of TAC

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Appointments to Tourism Advisory Committee.
