

AGENDA
SHAWNEE MUNICIPAL AUTHORITY
February 2, 2015 AT 6:30 P.M.
COMMISSION CHAMBERS AT CITY HALL
SHAWNEE, OKLAHOMA

CALL TO ORDER

DECLARATION OF A QUORUM

1. Consider approval of Consent Agenda:
 - a. Minutes from the January 20, 2015 meeting.
 - b. Recommendation to County Commission to appoint Steve Nelms as city's representative to PCDA Board.
2. Consideration, discussion and possible action on agreement with the Lester, Loving & Davies, P.C. for legal services in connection with matters related to encroachment into the City of Shawnee's utility service areas by other entities.
3. New Business

(Any matter not known about or which could not have been reasonably foreseen prior to the posting of the agenda)
4. Adjournment

Respectfully submitted

Phyllis Loftis, CMC, City Clerk

Shawnee Municipal Authority

1. a.

Meeting Date: 02/02/2015

SMA Minutes 1-20-2015

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Minutes from the January 20, 2015 meeting.

Attachments

SMA Minutes 1-20-2015

THE TRUSTEES OF THE SHAWNEE MUNICIPAL AUTHORITY OF THE CITY OF SHAWNEE, COUNTY OF POTTAWATOMIE, STATE OF OKLAHOMA, MET IN REGULAR SCHEDULED SESSION IN THE COMMISSION CHAMBERS AT CITY HALL, 9TH AND BROADWAY, SHAWNEE, OKLAHOMA, TUESDAY, JANUARY 20, 2015, DURING THE BOARD OF CITY COMMISSIONERS MEETING AT 6:30 P.M., PURSUANT TO NOTICE DULY POSTED AS PRESCRIBED BY LAW. UPON ROLL CALL, A QUORUM WAS DECLARED WITH THE FOLLOWING MEMBERS IN ATTENDANCE:

PRESENT: Agee, Harrod, Mainord, Hall, Shaw, Dykstra

ABSENT: Vogel

Call to Order

Declaration of a Quorum

AGENDA ITEM NO. 1: Consider approval of Consent Agenda

- a. Minutes from the January 5, 2015 meeting
- b. Authorize staff to solicit bids to install a natural gas backup generator at the South Side Sewer Plant.

A motion was made by Trustee Hall, seconded by Trustee Harrod, to approve Consent Agenda item Nos. 1(a-b). Motion carried 5-1.

AYE: Hall, Harrod, Mainord, Dykstra, Agee

NAY: Shaw

AGENDA ITEM NO. 2: 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. 3: Consider an Executive Session for discussion of potential claims, litigation or other options regarding encroachment into the City's utility service area by other entities as authorized by 25 O.S. §307(B)(4).

A motion was made by Trustee Harrod, seconded by Trustee Dykstra, to enter into Executive Session for discussion of potential claims, litigation or other options regarding encroachment into the City's utility service area by other entities as authorized by 25 O.S. §307(B)(4). Motion carried 5-1.

AYE: Harrod, Dykstra, Agee, Mainord, Hall

NAY: Shaw

TRUSTEES ENTERED INTO EXECUTIVE SESSION AT 8:14 P.M. WITH ALL MEMBERS PRESENT.

TRUSTEES RECONVENED FROM EXECUTIVE SESSION AT 9:00 P.M. WITH ALL MEMBERS PRESENT.

AGENDA ITEM NO. 4:

Consider matters discussed in Executive Session regarding potential claims, litigation or other options regarding encroachment into the City's utility service area by other entities as authorized by 25 O.S. §307(B)(4).

A motion was made by Trustee Dykstra, seconded by Trustee Hall, to proceed as discussed in Executive Session. Motion carried 5-1.

AYE: Dykstra, Hall, Agee, Harrod, Mainord

NAY: Shaw

AGENDA ITEM NO. 5:

Adjournment

There being no further business to be considered, the meeting was adjourned by power of the Chair. (9:03 p.m.)

WES MAINORD
CHAIRMAN

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK
SECRETARY

Shawnee Municipal Authority

1. b.

Meeting Date: 02/02/2015

PCDA Nelms Recommendation

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Recommendation to County Commission to appoint Steve Nelms as city's representative to PCDA Board.

Attachments

PCDA Nelms Memo

City of Shawnee Memorandum



To: Trustees
From: Mayor Mainord
Date: February 2, 2015
Re: **Appointment to Board of Pottawatomie County Development Authority**

Brian McDougal served as the City's representative to the PCDA Board. We need to appoint a replacement.

I am asking the Trustees to approve the appointment of Steve Nelms to replace Mr. McDougal. I believe his specialized knowledge would be a benefit to the PCDA and the SMA.

Shawnee Municipal Authority

2.

Meeting Date: 02/02/2015

Lester Attorneys

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Consideration, discussion and possible action on agreement with the Lester, Loving & Davies, P.C. for legal services in connection with matters related to encroachment into the City of Shawnee's utility service areas by other entities.

Attachments

Lester Memo

SMA Lester Letter

Mayor
WES MAINORD



CITY ATTORNEY
MARY ANN KARNS

The City of Shawnee

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maryann.karns@shawneeok.org
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Commissioners
GARY VOGEL
LINDA AGEE
JAMES HARROD
KEITH HALL
LESA SHAW
MICHEAL DYKSTRA

MEMORANDUM

To: Mayor and City Commissioners
From: Mary Ann Karns, City Attorney
Re: Agreement with Lester, Loving & Davies, P.C.
Date: February 2, 2015

Your packet contains the proposed language of an agreement with the firm of Lester, Loving & Davies, P.C.

Once you approve the language, we will formalize the letter for signatures.

Andy Lester
Susan Loving
Shannon Davies
Scott Thompson
George Freedman
Johnny Beech
Courtney Powell
Carrie Vaughn
Sarah Clutts
Hossein Farzaneh



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OF COUNSEL:
Governor Brad Henry
Susan Bize
Sherman Reed
James Sears Bryant

January 29, 2015

Shawnee Municipal Authority
c/o Mary Ann Karns
P.O. Box 1448
Shawnee, Oklahoma 74802

Re: Engagement Letter

This letter sets out the agreement between Lester, Loving & Davies, P.C. and the Shawnee Municipal Authority. SMA is engaging the firm to represent it in connection with matters related to, including possible litigation over, encroachment into the City of Shawnee's utility service area by other entities.

We first discussed this engagement with the City Attorney in October, and met about it on November 7, 2014. The firm has performed some preliminary work in connection therewith.

The firm will charge fees at its government rate, which is capped at \$275 per hour for the services of Andy Lester; other attorneys may charge at or below that rate. The work of the attorney who will do a substantial portion of the work will be billed at \$225 per hour. The work of legal assistants will be billed at the rate of \$110 per hour. SMA will also be billed for reimbursement of expenses.

We bill on a monthly basis. We will send the bill to the Shawnee Municipal Authority, c/o Mary Ann Karns, P. O. Box 1448, Shawnee, Oklahoma 74802.

Please confirm that this letter accurately sets forth the basic terms of our agreement and, when appropriate, that the governing body has properly approved it by returning the signed agreement to this firm.

We are excited about again representing the Shawnee Municipal Authority, and look forward to working with you in connection with this matter.

Sincerely,

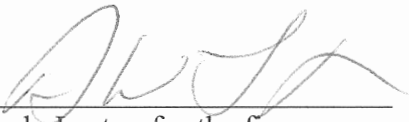
A handwritten signature in dark ink, appearing to read "Andy Lester", written over a light blue horizontal line.

Andy Lester

Shawnee Municipal Authority
c/o Mary Ann Karns
January 29, 2015
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Agreed:

Wes Mainord, Mayor
Shawnee Municipal Authority



Andy Lester, for the firm
Lester, Loving & Davies, P.C.