AGENDA
BOARD OF CITY COMMISSIONERS
November 4, 2013 AT 6:30 P.M.
COMMISSION CHAMBERS AT CITY HALL
SHAWNEE, OKLAHOMA

CALL TO ORDER

DECLARATION OF A QUORUM

INVOCATION

FLAG SALUTE

1. Consider approval of Agenda:

2. Consider approval of Consent Agenda:

   a. Minutes from the October 21, 2013 regular meeting.

   b. Acknowledge the following minutes:

      • Traffic Commission minutes from September 24, 2013
      • Shawnee Civic and Cultural Development Authority minutes from September 19, 2013

   c. Acknowledge Pioneer Library Audit Report for Fiscal Year ended June 30, 2013

   d. Acknowledge Oklahoma Municipal Retirement Fund refund of contributions from the Defined Contribution plan for Sherry Bumgarner

   e. Approve contract with City Manager Brian McDougal

   f. Approve request to purchase Bunker Gear for the Fire Department

   g. Mayor's Committee/Board Appointments:

      Shawnee Library Board

Name	Replaces- Termed Out	Term Expires
Cherity Pennington	Allison Brown	6-30-2016
Dephanie Lilite	Starla Howard	6-30-2016

h. Traffic Commission Recommendations

A. Consideration of request by Staff to reduce the speed limit in residential areas from 30 mph to 25 mph

STAFF RECOMMENDATION : Staff recommends approval of request
BOARD RECOMMENDATION : Board recommends denial of request

B. Consideration of request by Julia Storie, to have no parking along Chicago from Union west to mid-block on both sides of the street from 2:00 pm to 3:30 pm Monday thru Friday

STAFF RECOMMENDATION : Board recommends approval of request
BOARD RECOMMENDATION : Board recommends approval of request

3. Commissioners Comments

4. Citizens Participation

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

5. Mayor's Proclamation's:

"America Recycles Day"
November 15, 2013

"Winter Weather Preparedness Day"
November 13, 2013

6. Public hearing and consideration of an ordinance modifying rules applicable to vehicles for hire/taxicabs contained within Chapter 8, Article X of the Shawnee Municipal Code.

7. Discussion and presentation concerning the requirement or non-requirement of façade treatments in commercial zoning districts.

8. Discussion, consideration and possible action on proposal that City rather than employees pay fee increase assessed by Blue Cross/Blue Shield for health insurance.

9. Consider and approve the granting of a utility easement to OG&E for replacement of electrical line(s) to feed the Dockery Park Softball Complex.

10. Consider resolution approving sale not to exceed $15,000,000.00 Oklahoma Baptist University Authority, Student Housing Revenue Note (Oklahoma Baptist University Project) in one or more Series and waiving competitive bidding.

11. New Business

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

12. Administrative Reports

13. 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 accommodatons will be made. (ADA 28 CFR/36)

Regular Board of Commissioners **2. a.**

Meeting Date: 11/04/2013

Minutes

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Minutes from the October 21, 2013 regular meeting.

Attachments

Minutes

BOARD OF CITY COMMISSIONERS PROCEEDINGS
OCTOBER 21, 2013 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, October 21, 2013 at 6:30 p.m., pursuant to notice duly posted as prescribed by law. Mayor Mainord presided and called the meeting to order. Upon roll call, the following members were in attendance.

Wes Mainord
Mayor

Pam Stephens Commissioner Ward 1	Linda Agee Commissioner Ward 2
James Harrod Commissioner Ward 3-Vice Mayor	Keith Hall Commissioner Ward 4
John Winterringer Commissioner Ward 5	Steve Smith Commissioner Ward 6

ABSENT: None

INVOCATION — Lord's Prayer led by Mayor Mainord

FLAG SALUTE — Led by Commissioner Hall

AGENDA ITEM NO. 1: Consider approval of Agenda.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Winterringer, to approve the Agenda. Motion carried 7-0.

AYE: Harrod, Winterringer, Stephens, Agee, Mainord, Hall, Smith
NAY: None

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

a. Minutes from the October 7, 2013 regular meeting and the October 14, 2013 special called joint meeting.

b. Acknowledge the following minutes and reports:

- Shawnee Civic and Cultural Development Authority minutes from the August 15, 2013 meeting
- License Payment Report for September 2013
- Project Payment Report for September 2013

c. Approve agreement with the Housing Authority of the City of Shawnee for supplemental police services.

d. Acknowledge Oklahoma Municipal Retirement Fund refund of contributions from the Defined Contribution and Define Benefit plans for Amy Modlin of the Unzner Center.

e. Approve agreement with Mitchell Armitage of Excel Auction for sale of surplus property

f. Acknowledge Holiday Schedule for 2014.
g. Acknowledge Evidence and Found Property list for destruction.

h. Lake Lot Lease Renewal:

- Lot 15B Belcher Tract, 33308 Post Office Neck
  Tom Gabel and Mardell Gabel

A motion was made by Commissioner Hall, seconded by Commissioner Agee, to approve the Consent Agenda Item Nos. 2(a-h). Motion carried 7-0.

AYE: Hall, Agee, Stephens, Harrod, Mainord, Winterringer, Smith
NAY: None

AGENDA ITEM NO. 3: Commissioners Comments

Commissioner Stephens asked staff about a rumor regarding the City of Shawnee accepting two buildings from Oklahoma Baptist University. City Manager Brian McDougal informed the Commission that he had been notified

very recently from a representative of OBU that they would like to donate a building and the pillars that marked the entry into the old Naval base site to the City. He said that staff would review the issue and bring it back for Commissioners' consideration at a future meeting.

Vice Mayor Harrod asked for a status report regarding the separation of the CVB from the Chamber of Commerce as discussed in a special called meeting on October 14, 2013. City Manager McDougal said he had tried to get in touch with Kinlee Farris, but that she was out of the office. Vice Mayor Harrod said he would like to move forward on this as soon as possible.

Commissioner Winterringer asked if any additional work sessions had been scheduled. Mr. McDougal responded that the second half of the retreat has been scheduled for November 12, 2013 at 6:30 p.m.

AGENDA ITEM NO. 4: Citizens Participation
(A three minute limit per person)
(A twelve minute limit per topic)

Mr. Jim Sims spoke regarding an incident where city workers had obstructed a sidewalk with orange barrels while working on a line break. He provided Commissioners with a picture of the incident.

Mr. Jim Kinnamon addressed the Commission regarding the building(s) which may be donated to the City from OBU. Mr. Kinnamon said the Historical Society has been talking with OBU about this building for several years. They would like to use it as a museum. He asked that the Commission consider the Historical Society when considering acceptance of this gift.

AGENDA ITEM NO. 5: City Manager's presentation of Employee of the Month to Dawn Morgan, Police Department Dispatcher.

Dawn Morgan was present to accept the Employee of the Month Certificate presented by City Manager Brian McDougal.

AGENDA ITEM NO. 6: Discussion, consideration and possible action on an ordinance repealing and amending Chapter 15, Article IV of the code of ordinances of the City of Shawnee,

Oklahoma, regarding smoking in public places.

Amy Dunn, representing Communities of Excellence, spoke about the possibilities available through the Healthy Community Initiative. She explained that in February of 2012, the Governor passed an executive order declaring government buildings tobacco free, indoor and outdoor. Ms. Dunn noted that many communities have passed ordinances declaring city owned properties, both indoor and outdoor, to be tobacco free zones. In the event Shawnee becomes certified, grant funding can be applied for. She further noted that 90% of the grant requirements have been accomplished, with only two future issues needing completion. Those issues involve regulation of store front advertisements and the advertisement of tobacco products at city sponsored events.

Vice Mayor Harrod expressed concern regarding the enforcement of such an ordinance. Ms. Dunn responded that most communities use passive enforcement, as used for other violations such as littering.

Commissioner Agee stated that she did not think that this ordinance would be good for the City of Shawnee. She felt it is punitive to a select group of people. She also expressed concern about enforcement, stating that she felt this ordinance was more of a burden than a benefit.

A motion was made by Commissioner Hall, seconded by Commissioner Smith, to approve the ordinance repealing and amending Chapter 15, Article IV of the code of ordinances of the City of Shawnee, Oklahoma, regarding smoking in public places.

Ordinance No. 2510NS was introduced.

AN ORDINANCE REPEALING AND AMENDING ARTICLE IV OF CHAPTER 15 OF THE SHAWNEE MUNICIPAL CODE, FINES, SMOKING IN PUBLIC PLACES AND INDOOR WORK PLACES; PROVIDING FOR DEFINITIONS; REGULATING USE OF TOBACCO; PROVIDING FOR PENALTY; PROVIDING FOR SEVERABILITY, PROVIDING FOR CODIFICATION, PROVIDING FOR REPEAL, AND DECLARING AN EMERGENCY.

Motion carried 4-3.

AYE: Hall, Smith, Mainord, Winterringer
NAY: Harrod, Agee, Stephens

The Commission then considered the emergency clause. A motion was made by Commissioner Smith, seconded by Commissioner Hall to approve the emergency clause making the ordinance effective on this date.

AYE: Winterringer, Hall, Smith, Mainord
NAY: Harrod, Agee, Stephens

Motion failed.

Ordinance No. 2510NS was adopted by the City Commission with its effective date 30 days from this date.

AGENDA ITEM NO. 7: Discussion, consideration and possible action on an ordinance repealing and amending Chapter 12, Court, of the code of ordinances of the City of Shawnee, Oklahoma.

City Attorney Mary Ann Karns addressed this proposed ordinance. She explained the ordinance as "housekeeping" to prepare for municipal code codification. Among other things, this ordinance creates the option of employing an additional municipal judge in addition to the senior presiding judge. It also addresses the acceptance of electronic signatures and electronic records.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Stephens, to approve the ordinance repealing and amending Chapter 12, Court, of the code of ordinances of the City of Shawnee, Oklahoma.

Ordinance No. 2520NS was introduced.

AN ORDINANCE REPEALING AND AMENDING ARTICLE 12, MUNICIPAL COURT, OF THE CODE OF ORDINANCES OF THE CITY OF SHAWNEE, OKLAHOMA, PROVIDING FOR APPOINTMENT AND REMOVAL OF JUDGES, DUTIES OF OFFICERS OF THE COURT; OPERATION OF THE MUNICIPAL COURT; AUTHORIZING AND SETTING FEES, WITH SOME TO BE DETERMINED BY RESOLUTION; ESTABLISHING JURISDICTION; AND ALL OTHER ACTIVITIES FOR THE MUNICIPAL COURT; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND DECLARING AN EMERGENCY.

Motion carried 7-0.

AYE: Harrod, Stephens, Agee, Mainord, Hall Winterringer, Smith
NAY: None

The emergency clause was considered separately. A motion was made by Vice Mayor Harrod, seconded by Commissioner Winterringer, to approve the emergency clause.

Motion carried 7-0.

AYE: Harrod, Winterringer, Smith, Stephens, Agee, Mainord, Hall
NAY: None

Ordinance No. 2520NS was adopted by the City Commission and placed into effect on this date.

AGENDA ITEM NO. 8: Consider a resolution declaring certain items of personal property and describing said items no longer needed by the City of Shawnee and authorizing sale of the items at public auction.

Director of Operations James Bryce discussed some of the items listed for auction.

A motion was made by Commissioner Winterringer, seconded by Commissioner Hall, to approve a resolution declaring certain items of personal property and describing said items no longer needed by the City of Shawnee and authorizing sale of the items at public auction.
Resolution No. 6456 was introduced.

A RESOLUTION DECLARING CERTAIN ITEMS OF PERSONAL PROPERTY SURPLUS AND NO LONGER NEEDED FOR CITY PURPOSES; DESCRIBING SAID ITEMS; AND AUTHORIZING THE SALE OF SAID ITEMS BY AUCTION.

Motion carried 7-0.

AYE: Winterringer, Hall, Stephens, Agee, Harrod, Mainord, Smith
NAY: None

AGENDA ITEM NO. 9: Consider a resolution declaring certain items in the possession of the Police Department as surplus to be disposed of by Propertyroom.Com.

A motion was made by Commissioner Hall, seconded by Commissioner Winterringer to approve the resolution declaring certain items in the possession of the Police Department as surplus to be disposed of by Propertyroom.Com

Resolution No. 6457 was introduced.

A RESOLUTION DECLARING CERTAIN ITEMS OF PERSONAL PROPERTY TO BE UNCLAIMED PERSONAL PROPERTY OR PROPERTY WHOSE OWNERSHIP IS NOT SATISFACTORILY ESTABLISHED, THE SAME BEING IN POSSESSION OF THE CHIEF OF POLICE FOR MORE THAN SIX MONTHS; DESCRIBING SAID ITEMS OF PROPERTY; AUTHORIZING THE CHIEF OF POLICE TO MAKE SAID ITEMS OF PERSONAL PROPERTY AVAILABLE FOR PICKUP AND SALE BY PROPERTYROOM.COM.

Motion carried 7-0.

AYE: Hall, Winterringer, Smith, Stephens, Agee, Harrod, Mainord
NAY: None

AGENDA ITEM NO. 10: Acknowledge Sales Tax Report received October 2013.

Cynthia Sementelli, Finance Director, reported that October Sales Tax receipts were up $78,406.00 this month or 5.65% compared to last year actual for the same time frame. October Sales tax amount received plus interest was $1,465,063.00, which accumulatively for the fiscal year we are up $231,234.00 or 4.21 %. Ms. Sementelli also provided a handout showing top revenue categories through September 30th, for the past three years. Included in her documents was a graph showing revenues other than sales tax.

AGENDA ITEM NO. 11: City Manager's Report.

City Manager McDougal listed the following items in his report to the Commission.

a. He will be attending the International Conference of Shopping Centers with Tim Burg, November 6-8th.
b. Sales tax compliance. A liaison group looking into the revenues of the Oklahoma Tax Commission discovered that the 1% fee collected from municipalities equals roughly $19 million in revenue to the OTC. Whereas the costs of administering the sales tax on behalf of

municipalities actually only costs approximately $10 million. A bill before the legislature would reduce the OTC fee from 1% to .5%.

c. Recycling. He has met with Mike Adcock and the attorneys will now work out the details involved. Potential start-up date is January 1, 2014.

d. Cleaning up Shawnee. The City supports the efforts of Jim Kinnamon and Johnny Kneisel in picking up trash in Shawnee. The City is provided 4 roll-off trash containers per month from Central Disposal and we have offered 1 of them to the group cleaning Shawnee.

e. Bill Geist. Apologize that the special call time was not convenient for all Commissioners and indicated the time was set according to Mr. Geist's availability. He said the City would be working with the Chamber during the transition of the CVB to a 501(C)(6).

f. OCAN and OneNet have fiber optic lines along Interstate 40. The Native American Broadband Association is looking for pilot cities to get internet to communities, universities, etc. and he would like Shawnee to participate

g. E-911. Met with County Commissioners Stackhouse and Dennis recently. They think another meeting needs to be called with the E-911 board. Mr. Stackhouse recently toured the City's dispatch area.

h. Shawnee Public Schools. He met recently with Dr. Moore, Shawnee Public School superintendent regarding their needs. It was estimated that the school system will need approximately $75 million in future years and he feels that the City and School System need to work together.

i. Retreat. The second half of the retreat will be at the Expo on November 12, 2013 at 6:30 p.m. with Leo Pressley acting as facilitator.

AGENDA ITEM NO. 12: 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. 13: Administrative Reports

There was no Administrative Reports.

AGENDA ITEM NO. 14: Consider an Executive Session to discuss City Manager's performance evaluation and employment contract pursuant to 25 O. S. §307(B)(1) "Discussing the employment, hiring, appointment, demotion, disciplining or resignation of any individual salaried public officer or employee;"

A motion was made by Vice Mayor Harrod, seconded by Commissioner Winterringer, to enter into Executive Session to discuss City Manager's performance evaluation and employment contract pursuant to 25 O. S. §307(B)(1) "Discussing the employment, hiring, appointment, demotion, disciplining or resignation of any individual salaried public officer or employee;". Motion carried 7-0.

AYE: Harrod, Winterringer, Smith, Stephens, Agee, Mainord, Hall
NAY: None

COMMISSION ENTERED INTO EXECUTIVE SESSION AT 7:33 P.M. WITH ALL MEMBERS PRESENT.

COMMISSION RECONVENED FROM EXECUTIVE SESSION AT 8:00 P.M. WITH ALL MEMBERS PRESENT.

AGENDA ITEM NO. 15: Consider matters discussed in Executive Session regarding City Manager's performance evaluation and employment contract pursuant to 25 O. S. §307(B)(1) "Discussing the employment, hiring, appointment, demotion, disciplining or resignation of any individual salaried public officer or employee;"

A motion was made by Commissioner Smith, seconded by Commissioner Hall, to renew the City Manager's contract with the 4 changes discussed in Executive Session and move forward. Motion carried 7-0.

AYE: Smith, Hall, Winterringer, Stephens, Agee, Harrod, Mainord
NAY: None

AGENDA ITEM NO. 16: Adjournment

There being no further business to be considered, the meeting was adjourned by power of the Chair. (8:03 p.m.)

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WES MAINORD, MAYOR

ATTEST:

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PHYLLIS LOFTIS, CMC, CITY CLERK

Regular Board of Commissioners **2. b.**

Meeting Date: 11/04/2013

Board/Commission Minutes

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Acknowledge the following minutes:

- Traffic Commission minutes from September 24, 2013
- Shawnee Civic and Cultural Development Authority minutes from September 19, 2013

Attachments

Traffic Commission Minutes

Minutes SCCDA

MINUTES
TRAFFIC COMMISSION
September 24, 2013 MEETING
COMMISSION CHAMBERS ROOM AT CITY HALL

I. CALL TO ORDER

II. ROLL CALL

MEMBERS PRESENT

Ronald Taffe, Teresa Cody, Rebecca Dolin, Wayne Ardrey, Ron Duffell, Larry Smith

MEMBERS ABSENT

Deena Harris

EX-OFFICIO MEMBERS

Michael Ludi, Asst. City Engineer
Keith Mangus, Traffic Control Supervisor
Dani Turner, Secretary

CITIZENS PRESENT

Della Hutton
Penny Peisley
Cindy Howard

III. APPROVAL OF FEBRUARY 26, 2013 MINUTES

Motion was made by **Smith**, seconded by **Dolin** to approve the February 26, 2013 minutes. **Motion carried.**

Aye: Taffe, Cody, Dolin, Ardrey, Duffell, Smith
Nay: none

IV. APPROVAL OF 2014 CALANDER OF MEETINGS

Motion was made by **Cody**, seconded by **Ardrey** to approve the 2014 Calander of Meetings`. **Motion carried.**

Aye: Taffe, Cody, Dolin, Ardrey, Duffell, Smith
Nay: none

V. CONSIDERATION OF REQUESTS

A. Consideration of request by Della Hutton, President of Westside Neighborhood Watch, to post a speed limit sign on Poplar Street between Kickapoo and Pottenger Streets.

Discussion:
Michael Ludi explains our standard policy is to deny the speed limit sign request in a neighborhood zone which we consider this part of. He clarified for commissioners that there are no speed limit signs now that it is the regular 30 mph residential zone.

Della Hutton spoke for the Westside Neighborhood Watch. She stated this neighborhood is not just any neighborhood but a very special one because it is between the High School parking lot and anywhere the students have got to be. She stated these students are always late to and from classes. She stated this street has a lot of traffic at one time and it is very fast. She would like to have a 15 mph suggested speed limit sign. It did not specifically say that on the request but that is what they would like. She is hoping a 15 mph sign might cause students to choose an alternate route. Taffe asked if the desire is to keep them off of Poplar? Ms. Hutton stated it would be if they can't drive slowly. Ludi suggested we vote specifically on the item that was put on the Agenda which is to add speed limit signs not to change the speed limit as that would take a larger process then just a vote.

Motion was made by **Taffe**, seconded by **Dolin** to Deny the motion. **Motion carried.**

Aye: Taffe, Cody, Dolin, Ardrey, Duffell, Smith
Nay: none

B. Consideration of request by Della Hutton, President of Westside Neighborhood Watch, to place additional street lights mid-block on : 500 block West Wallace, 600 block West Ford, 600 block West Wallace, 700 block West Dewey, 900 block Overland Court, 1000 block Overland Court, 1100 block West Dewey, and the 1100 block of West Wood

Discussion:
Michael Ludi reported the City does not typically put street lights mid block. It is our standard procedure to deny any such requests. With this request, there being so many lights requested, Ludi spoke with OG&E to receive a quote on the placement of the lights. This quote adds one light per block and is contingent on if OG&E can get easements, and the cost of tree trimming or removal of trees. The cost estimate is $31,742.00. General policy is to ask the resident to pay for the light to be installed. If a resident requests from OG&E a security light to be installed on their property there is no initial cost of the placement of the light only the monthly fee of about $12 to$15 a month paid by the resident.

Cindy Howard is security patrol for Westside Neighborhood Watch. She stated the neighborhood has a lot of drug activity and a lot of residents do not leave their porch lights on. The large trees in the area cause even the moon not to be able to light the streets. She doesn't believe some of the residents would like the mid block lights simply because it would allow others to see the criminal activity being done at night. She states "Lighting is a must to keep the neighborhood safe."

Della Hutton states the trees do block a lot of the light and this is why mid block lights are needed. This neighborhood has a lot of people who will not put up their own security lights. It is hard to turn in information to the police on the drug activity when we can not see to tell them what is going on.

Motion was made by **Dolin**, seconded by **Duffell** to deny the motion. **Motion carried.**

Aye: Taffe, Cody, Dolin, Ardrey, Duffell
Nay: Smith

C. Consideration of request by Della Hutton, President of Westside Neighborhood Watch, to place additional lighting with-in Jefferson Circle Park located at the northeast corner of Chapman and Dill and with-in Strickland Park located at the corner of Chapman and Kirk.

Discussion:
Michael Ludi reports there are two (2) lights at the parks that are regular street lights but do not illuminate the park. The recommendation is to approve the addition of two (2) extra lights in these two parks. There will be no charge for the installation of lights by OG&E only monthly fees. In Strickland Park we would recommend putting the lights more North and west since it is a ball field so we would not obstruct the fields and in Jefferson Park we would recommend to center the two lights since there is play equipment centralized. The recommendation would also be to place brighter than normal lights for this area. The standard lights that are put on the street are 9500 lumens these lights would be 14000 lumen. These lights are about $5 more per month but would add to the security of the park. The two lights that are already in the park would remain. These two lights are not to replace but in addition to the others.

Della Hutton would like to thank everyone for their time.

Motion was made by **Smith**, seconded by **Ardrey** to approve the motion.
Motion carried.

Aye: Taffe, Cody, Dolin, Ardrey, Duffell, Smith
Nay: none

VI. NEW BUSINESS

none

VII. ADMINISTRATIVE REPORTS

*Kickapoo Street is a little behind on the project the new expected completion date is now August 2014
* Federal Bridge rehab should be complete mid October 2013

VIII. CITIZEN PARTICIPATION

None

IX. BOARD MEMBERS COMMENTS

None

There being no further business to come before the Traffic Commission, a motion was made by **Cody**, seconded by **Smith** recommending the meeting be adjourned. **Motion carried.**

Aye: Taffe, Cody, Dolin, Ardrey, Duffell, Smith
Nay: none

Respectfully submitted,

Dani Turner, Secretary

Ronald Taffe, Chairman

A MEETING OF THE SHAWNEE
CIVIC AND CULTURAL DEVELOPMENT AUTHORITY
SEPTEMBER 19, 2013
12:30 P.M.
HEART OF OKLAHOMA EXPOSITION CENTER

THE TRUSTEES OF THE SHAWNEE CIVIC AND CULTURAL DEVELOPMENT AUTHORITY MET FOR THEIR REGULAR MEETING THURSDAY, SEPTEMBER 19, 2013 AT 12:30 PM AT HEART OF OKLAHOMA EXPOSITION CENTER, PURSUANT TO NOTICE DULY POSTED AS PRESCRIBED BY LAW. NOTICE WAS FILED AT CITY HALL ON 9/16/2013 AT 2:55PM.

AGENDA ITEM NO.1 — CALL TO ORDER.

THE MEETING WAS CALLED TO ORDER AT 12:40 PM BY MR. KARL KOZEL, CHAIRMAN.

AGENDA ITEM NO.2 — ROLL CALL.

TRUSTEES PRESENT: MR. KARL KOZEL
MRS. SUSAN HAVENS
MR. CASEY BELL
MR. RANDY GILBERT

TRUSTEES ABSENT: MR. CARL PACKWOOD
MR. BRIAN MCDOUGAL
MR. DAVID HARMON

ALSO IN ATTENDANCE: MICHAEL JACKSON, OPERATIONS MANAGER; MIKE CLOVER, STUART & CLOVER, MICHAEL MCCORMICK OF THE SHAWNEE NEWS STAR AND SHELLY WELCH OF FINLEY & COOK.

AGENDA ITEM NO.3 — DECLARATION OF A QUORUM

CHAIRMAN MR. KARL KOZEL, DECLARED A QUORUM.

AGENDA ITEM NO.4 — APPROVAL OF MINUTES OF AUGUST 2013 MEETING

THE MOTION MADE BY TRUSTEE BELL, SECONDED BY TRUSTEE HAVENS TO APPROVE THE MINUTES OF THE AUGUST 2013 MEETING. MOTION CARRIED.

AYE: BELL, HAVENS, GILBERT, KOZEL
NAY: NONE
ABSTAIN:

AGENDA ITEM NO.6 — APPROVAL OF MONTHLY FINANCIAL REPORT AUGUST

THE MOTION MADE BY TRUSTEE BELL, SECONDED BY TRUSTEE GILBERT TO APPROVE THE MONTHLY FINANCIAL REPORT. MOTION CARRIED.

AYE: BELL, HAVENS, GILBERT, KOZEL
NAY: NONE
ABSTAIN:

AGENDA ITEM NO.7 — APPROVAL OF GENERAL CLAIMS.

THE MOTION MADE BY TRUSTEE HAVENS, SECONDED BY TRUSTEE BELL TO APPROVE THE GENERAL CLAIMS. MOTION CARRIED.

AYE: BELL, HAVENS, GILBERT, KOZEL
NAY: NONE
ABSTAIN:

General Claims

A.	Sparks Heat & Air	Equipment Maintenance	$4,093.19
B.	AT&T Mobility	Monthly Utilities	$46.22
C.	Bankers Credit Card Services	Monthly Payments	$3,204.91
D.	John Deere Financial	Bldg & Grounds Maintenance	$176.79
E.	Arvest Bank	Monthly Payment	$502.69
F.	OG&E	Monthly Utilities	$36,055.91
G.	Constellation Energy	Monthly Utilities	$97.50
H.	FMCA Dues	Membership Dues	$40.00
I.	ONG	Monthly Utilities	$724.25
J.	Vision Bank	Loan Payments	$1,031.02
K.	INS	Computer Maintenance	$665.00
L.	Fuelman	Monthly Fuel	$2,166.72
M.	City Grease Trap	Pumping Grease Trap	$200.00
N.	Cintas	Uniform Costs	$280.77
O.	Arrowhead Machinery	Equipment Maintenance	$10.00
P.	Shawnee Feed Center	Equipment	$1,700.00
Q.	Trivia Pages	Advertising	$442.00
R.	Dales Plumbing Service	Maintenance Services	$197.00
S.	Express Professionals	Temp Service	$432.00
T.	Locke Supply	Grounds Maintenance	$193.24
U.	Shawnee Office Systems	Equipment Maintenance	$63.88
V.	Burtis Jackson	RV Refund	$330.00
W.	Eduardo Guzman	RV Refund	$330.00
X.	Geoff Buell	RV Refund	$195.00
Y.	Jim Parsons	RV Refund	$375.00
Z.	Richard Willoughby	RV Refund	$285.00
AA.	Jill Anderson	State 4H Horse Show	$988.00
BB.	Winkler Door	Building Maintenance	$100.00

CC.	NAPA	Equipment Maintenance	$37.67
DD.	Hunzicker Brothers	Bldg & Grnds Maintenance	$258.24
EE.	Fuelman	Fuel Expenses	$1,084.34
FF.	Thyssenkrupp	Equipment Maintenance	$874.52
GG.	Select Janitorial Supply	Supplies	$67.82
HH.	US Postal Service	Re-Newal	$130.00
II.	City of Shawnee	Monthly Utilities	$1,165.52
JJ.	AT&T	Monthly Utilities	$2,141.93
KK.	Sparks Heat & Air	Equipment	$557.37
LL.	RBC	Insurance Coverage	$7,592.15
MM.	COX Systems	Equipment Maintenance	$1607.45
NN.	Allegiance Communications	Equipment Maintenance	$199.95
OO.	Finley & Cook	Accounting Services	$379.50
PP.	Dales Plumbing	Grounds Maintenance	$350.00
QQ.	Communication Services	Equipment Maintenance	$339.00
RR.	OK Tax Commission	Taxes Due	$2,068.63
SS.	Stuart Duran Clover & Thomas	Legal Fees	$187.50
TT.	John Deere Financial	Monthly Payment	$1,072.77
UU.	City of Shawnee	Surcharge	$2,239.00
VV.	Bow Hunting Council	Deposit Refund	$172.50
WW.	Back 40 Design	Web Hosting	$50.00

AGENDA ITEM NO. 8 APPROVAL OF SPECIAL EVENT CLAIMS

THE MOTION MADE BY TRUSTEE GILBERT, SECONDED BY TRUSTEE BELL THAT THE SPECIAL EVENT CLAIMS BE APPROVED. MOTION CARRIED.

AYE: BELL, HAVENS, GILBERT, KOZEL
NAY: NONE
ABSTAIN:

Special Events IFYR 2013 Claims

A.	Shawnee News Star	$966.00
B.	Gist Silversmiths	$496.00
C.	Cavendar Ariat Team	$420.00
D.	Cool Horse Team	$840.00
E.	Bloomer Trailers Team	$1,260.00
F.	Diamond J Team	$1,680.00
G.	Mike McCormick	$300.00

AGENDA ITEM NO.9 APPROVAL OF SHAVINGS CLAIMS

THE MOTION MADE BY TRUSTEE BELL, SECONDED BY TRUSTEE GILBERT THAT THE SHAVINGS CLAIMS BE APPROVED. MOTION CARRIED.

AYE: BELL, HAVENS, GILBERT, KOZEL
NAY: NONE
ABSTAIN:

Shavings Claims

A.	Xylo of OK	$3,780.00

AGENDA ITEM NO.10 DISCUSSION CONSIDERATION AND POSSIBLE ACTION TO APPROVE ADDING / UPDATING ACCOUNT SIGNERS AT THE LOCAL BANKS (FIRST UNITED, BANC FIRST, ARVEST) FOR SC&CDA BUSINESS TO CHAIRMAN - MR KARL KOZEL & TRUSTEE- MR. RANDY GILBERT.

THE MOTION MADE BY TRUSTEE BELL, SECONDED BY TRUSTEE HAVENS THAT THE ACCOUNT SIGNERS BE UPDATED TO KARL KOZEL & RANDY GILBERT AT THE LOCAL BANKS (FIRST UNITED, BANC FIRST & ARVEST) USED BY SC&CDA FOR BUSINESS PURPOSES. MOTION CARRIED.

AYE: BELL, HAVENS, GILBERT, KOZEL
NAY: NONE
ABSTAIN:

AGENDA ITEM NO.11 IFYR UP-DATE

IFR ROOMS HAVE BEEN RESERVED FOR THE JANUARY TRIP TO OKC-

AGENDA ITEM NO.12

COMMITTEE REPORTS

NONE

AGENDA ITEM NO.13

ADMINISTRATIVE REPORT

PROJECTORS & SCREENS HAVE BEEN INSTALLED IN 3 ROOMS UPSTAIRS, SECURING THE COMFORT STATION DOOR FOR LAUNDRY SECURITY ARE BEING WORKED ON AT THIS TIME

AGENDA ITEM NO.14, 15, & 16

OLD BUSINESS, NEW BUSINESS, PUBLIC & TRUSTEE COMMENTS-

NONE

AGENDA ITEM NO.17

ADJOURNMENT

THE MOTION MADE BY TRUSTEE BELL, SECONDED BY TRUSTEE GILBERT TO ADJOURN MEETING. MOTION CARRIED.

AYE: BELL, HAVENS, GILBERT, KOZEL
NAY: NONE
ABSTAIN: NONE

Karl K Kozel

CHAIRMAN: MR. KARL KOZEL

SECRETARY: MR. BRIAN MCDOUGAL

Regular Board of Commissioners **2. c.**

Meeting Date: 11/04/2013

Pioneer Library Audit

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Acknowledge Pioneer Library Audit Report for Fiscal Year ended June 30, 2013

Attachments

Pioneer Library Audit

Financial Statements

For the Year Ended June 30, 2013

PIONEER LIBRARY SYSTEM

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June 30, 2013

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Gray, Blodgett & Company, PLLC
CERTIFIED PUBLIC ACCOUNTANTS
BUSINESS ADVISORS

629 24TH AVE S.W.
NORMAN, OKLAHOMA 73069
(405) 360-5533 FAX (405) 364-3771
1-800-360-5535

RODNEY GRAY, CPA, CVA
JANICE L. GRAY, CPA, CVA
TED BLODGETT, CPA, CVA
C. JANESE SHEPARD, CPA
ROSS H. ROYE, CPA

ANN M. ALBERTSON, CPA
WILLIAM R. SOUTH, CPA

INDEPENDENT AUDITORS' REPORT

September 24, 2013

To the Board of Directors of
Pioneer Library System
Norman, Oklahoma

Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities, the aggregate discretely presented component unit, each major fund and the fiduciary fund type of Pioneer Library System, as of and for the year ended June 30, 2013, and the related notes to the financial statements, which collectively comprise the Library's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditors' Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. The financial statements of Pioneer Library System Foundation were not audited in accordance with Government Auditing Standards. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditors' judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the aggregate discretely presented component unit, each major fund, as well as the fiduciary fund type of the Library, as of June 30, 2013, and the respective changes in financial position, for the year then ended in accordance with accounting principles generally accepted in the United States of America.

CPA SM
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MEMBER OF
OKLAHOMA SOCIETY OF CERTIFIED
PUBLIC ACCOUNTANTS
AMERICAN INSTITUTE OF
CERTIFIED PUBLIC ACCOUNTANTS
PRIVATE COMPANIES PRACTICE SECTION

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MEMBER

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis and budgetary comparison information on pages 5–11 and 31–32 be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated September 24, 2013, on our consideration of the Library's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering Pioneer Library System's internal control over financial reporting and compliance.

GRAY, BLODGETT & COMPANY, PLLC

Gray, Blodgett + Company, PLLC

Pioneer Library System
Management's Discussion and Analysis for the
Fiscal year Ended June 30, 2013

This discussion and analysis of the financial performance of Pioneer Library System provides an overall review of the System's financial condition and results of operations for the fiscal year ended June 30, 2013. Readers should read this information in conjunction with the System's financial statements.

Financial Highlights

For fiscal year 2012-2013, the Library's general fund reported an ending balance of $4,686,009 versus $5,447,930 for the fiscal year 2011-2012. Of the 2012-13 year end-total, $1,945,464 is reserved for outstanding encumbrances and $918,996 is designated for service upgrades and improvements of library services at current and future libraries within the system. Although the remaining balance of $1,821,549 is unrestricted, the Library administration, with the Board of Trustee's approval, will use some of these funds, if necessary, to complete the remodeling of the building that the Library purchased in December 2011. The remainder of the money in these funds will be prudently used or committed to alleviate summer/fall cash flow problems and other emergencies that might arise.

The Pioneer Library System's operating revenue increased by 2.4% this year. This increase, along with the use of fund balance reserve funds, allowed the library system to undertake the remodeling project of the new building. The Library System began the remodeling of the old Borders Book Store building in December. The Library System plans to use the building to house the administrative offices of the Library System and a new branch library leased by the City of Norman. The total cost associated with the remodeling of the building in 2012-2013 was $1,860,232. In addition, most of the furnishings and equipment costs for the new building and the library were paid out of the current year and totaled $215,607.

The Pioneer Library System Foundation completed its third year of operation as of June 30, 2013. The Foundation was organized for the purpose of supporting, promoting and improving the programs, collections, facilities and services of the Pioneer Library System. The Foundation provided financial support for many of the Library's programs including the 2013 Big Read and the Libraries System-Wide summer programming. The Foundation has been included as a component unit of the Library System and the Foundation has issued its own financial statements, available from the Library Foundation administrative office.

Grant highlight for FY13 included the following: The Oklahoma Department of Libraries awarded the Library a $90,642 grant to fund Pottawatomie County's TANF program.

The general fund balance decreased by $921,289 from fiscal year 2012 due to the remodeling, furniture, and equipment cost associated with the new building.

The governmental fund beginning balance from 2012 was increased by $282,022.26. This adjustment was made to record the value of the contributions made to the Communities Foundation of Oklahoma by the Pioneer Library System as of June 30, 2012 as assets on the Pioneer Library System's balance sheet.

Overview of the Financial Statement

The Pioneer Library System's basic financial statements consist of fund financial statements, notes to financial statements, and required supplementary information.

Government-Wide Financial Statements

The government-wide financial statements are designed to provide readers with a broad overview of the Library's finances, in a manner similar to a private-sector business.

The statement of net assets represents information on all of the Library's assets and liabilities, with the difference between assets and liabilities reported as net assets. Over time, increases or decreases in net assets may serve as a useful indicator of whether the financial position of the Library is improving or deteriorating.

The statement of activities presents information showing how the Library's net assets changed during the most recent fiscal year. All changes in net assets are reported as soon as the underlying event giving rise to the change occurs, regardless of the timing of related cash flows.

Thus, revenues and expenses are reported in this statement for some items that will only result in cash flows in future periods (e.g. uncollected taxes and earned but unused vacation leave).

The government-wide financial statements can be found on pages 12 and 13 of this report.

Fund Financial Statements

The Library System has two kinds of funds – Governmental Funds and Fiduciary Funds:

Governmental Funds encompass two types: General Fund and Other Governmental Funds:

General Fund represents unrestricted resources that are available for on-going general library operations. This is the Library System's primary operating fund.

Other Governmental Funds include Gift/Grant Funds.

Gifts/Grant Funds include funds provided by intergovernmental grants and other third parties' gifts and grants. All those funds are generally restricted as to use. Therefore, each fund accounts for its receipts and disbursements of the restricted functions.

Fiduciary Funds are reported in the fiduciary fund financial statements but are excluded from government-wide reporting. They include the Pioneer Library System Pension Plan. Fiduciary fund financial statements report resources that are not available to fund Library System general operations.

Notes to the Financial Statements

The accompanying notes to the financial statements provide information essential to a full understanding of the Library System's fund financial statements.

Supplemental Information

In addition to the basic financial statements and accompanying notes, this report also presents certain required supplementary information, including the comparative statement between budget and actual expenditures.

Financial Analysis of Library System's Funds

As financial information is accumulated on a continuous and consistent basis, financial statements and expenditure reports for governmental funds are presented to the Pioneer Library System Board of Trustees.

For fiscal year 2012-13 governmental fund balances changed as follows:

	General Fund Funds	Other Governmental Funds	Total Governmental Funds
Revenues	$ 14,420,333	$ 239,557	$14,659,890
Expenditures	$ 15,341,622	$ 197,111	$15,538,733
Net Decrease	$ (921,289)	$ 42,446	$ (878,843)

For fiscal year 2011-12 governmental fund balances changed as follows:

	General Fund Funds	Other Governmental Funds	Total Governmental Funds
Revenues	$ 14,088,150	$ 187,999	$14,276,149
Expenditures	$ 15,384,036	$ 255,292	$15,639,328
Net Decrease	$ (1,295,886)	$ (67,293)	$ (1,363,179)

General Fund:

The Library System is primarily (or 96%) funded by Ad Valorem (property) tax. For the 2012-13 financial year the tax rates were; a 6.06 mill Ad Valorem (property) tax in Pottawatomie County, a 6.11 mill Ad Valorem (property) tax in McClain County and a 6.11 mill Ad Valorem (property) tax in Cleveland County. For fiscal year 2012-13, the Counties' assessed property value had an increase of 2.6% versus 3.8% for 2011-12. Actual tax collections increased by 2.8% versus 3.3% for the prior year. Fine and other charges for services revenue for 2012-13 decreased by $41,030 from 2011-12. This decrease was due to a decrease in fine revenue, which was a direct result of the Library waiving fines in the aftermath of the May tornado, and an insurance reimbursement check was received in 2011-12 that wasn't received this year. State Aid increased by $743 over the prior year. This increase was caused by the state giving us more money. Interest income decreased by $8,349 over the prior year. This decrease is attributed to less funds being held in reserve because some reserve funds were spent on the building project.

The Expense category Personnel Services increased from 2012 to 2013 due to an increase in hospitalization expense, the 2.5% graduated COLA that was given to the staff, an increase in workers compensation insurance, an increase in disability insurance, an increase in unemployment, and an increase in retirement costs. The Expense category of Materials was decreased because some of the costs of the opening day collection for the Southwest Oklahoma City library were paid out of last year's budget and therefore weren't spent out of this year's budget. Some of the funds for this budget were budgeted to reserves for use in the future. The Technology and Automation category was lower in 2013 than 2012 due to the fact that the purchases of the equipment for the Southwest Oklahoma City library were made during 2012 and the fact that several items had been ordered but not received as of June 30 and therefore are encumbered out of this year's budget.

The System Services and General and Administrative expense categories were different in 2013 than in 2012 because of the following:

- The increase in attorney fees was due to the negotiation of several contracts including the remodeling of the new building, revisions in the retirement plans, and revisions in the personnel policy and purchase policy.

- The decrease in system signage was caused by the fact that phase two of an ongoing project to install new interior signage throughout the system was completed last year.
- The increase in equipment is due to the fact that equipment purchases for the new building were made this year.
- Outreach expense category decreased because a customer survey was conducted for Norman residents to determine the needs and wants of the library customers was done during the prior year and not this year.
- The Continuing Education expenses decreased because there was less new staff hired during the current year and less conferences were attended this year.
- Supplies decreased because additional supplies that were purchased last year due to the addition of the Southwest Oklahoma City Library weren't purchased this year.
- System facilities decreased because the purchase of a building was made out of this category last year
- A construction project account was added this year to reflect the construction and remodeling of the building that was purchased the previous year.
- Insurance increased because additional coverage was needed to insure the remodeling building and its equipment and furnishings. In addition, the rates were increased and the level of coverage was increased as it was determine that the libraries assets were under- insured.
- Postage costs decreased because board packets were sent electronically this year and more overdue materials notices were sent electronically. In addition, the overdue notices that are mailed are now being mailed as postcards and therefore are mailed at a lower rate.
- Vehicle costs decreased because the new vehicle that was ordered this year had not arrived by June 30 and therefore is encumbered and will be paid for next year.
- Revaluation costs increased because the cost of the service increased.
- Programming costs decreased because business service programming expenses were paid last year that weren't paid this year and some programs hadn't occurred as of June and therefore are encumbered.
- The decrease in development is due to the fact that some expenses were encumbered at year end and will be paid for next year.
- The decrease in contract services is because these expenses were paid out of other budget categories.

Other Governmental Funds:

Gifts/Grants Funds – In FY13, Pioneer Library System received $201,104 in gifts and grants.
Outright gifts to PLS totaled $90,490, over half of which was provided by Friends groups throughout the library system ($48,027). This past year, Pioneer Library System received $110,614 in grants. In addition to the grants mentioned in the financial highlights section there were several other grants received this year. With a combined gift of $17,345, the Oklahoma Department of Libraries continued to support adult literacy in all three counties. The Oklahoma Department of Libraries also provided continuing education grants to the library system for $1,624. The Mom's Club of Norman donated $3,981 from their Touch a Truck event for the Norman Public Library's Children's Department. The City of Purcell donated $11,000 to fund programs at the Purcell Library. Tinker Federal Credit Union donated $1,000 to the Moore Library to help fund the movie night in the park program. Hastings Entertainment donated $1,342 to help fund literacy programs within the Pioneer Library System. A Norman customer won an Oklahoma College Savings Plan Grant for $1,000 from the Oklahoma Department of Libraries which was awarded to the Norman Library. The Tecumseh Library received a $1,000 People and Stories Grant to fund a Story Talk Program. All of the grantors and donors have not only provided financial support but have also been active partners providing excellent library services to the community.

Fiduciary Funds:

The investments of the System Pension Plan increased due to the increase in the stock market. The Pioneer Library System Board of Trustees froze the defined benefit pension plan as of December 31, 2008 and instituted a defined contribution retirement plan.

The Library System as a Whole

	2012-13	2011-12
Assets		
Current and Other Assets	5,926,051	6,515,807
Capital Assets	9,504,024	8,038,345
Total Assets	15,430,075	14,272,130
Liabilities		
Accounts Payable and Accrued Expenses	318,980	55,357
Other Liabilities	329,105	303,641
Total Liabilities	648,085	358,998
Net Assets		
Invested in Capital Assets	9,504,024	8,038,345
Unreserved/Unrestricted Net Assets	4,686,009	5,607,298
Restricted Net Assets	591,957	549,511
Total Net Assets	14,781,990	14,195,154
Change in Net Assets:		
Beginning Net Assets	14,195,154	13,588,759
Revenues		
Property Taxes	13,883,622	13,418,882
Charges for Services	368,407	410,276
Operating Grants	201,104	183,590
Capital Grants	1,410	11,520
State Aid	155,128	154,385
Investment Earnings	51,629	25,934
Loss on Disposal	(8,512)	(6,631)
Total Revenues	14,652,788	14,197,956
Expenses		
Public Library Services	9,736,292	9,924,894
Administrative Services	2,232,920	2,198,142
Depreciation – unallocated	2,096,740	2,168,525
Total Expenses	14,065,952	13,591,561
Increase in Net Assets	586,836	606,395
Ending Net Assets	14,781,990	14,195,154

General Fund Budgetary Highlights

The General Fund budget for fiscal year 2012-13 was $17,698,191. This was a 11.84% increase over the previous year. The highlights of the budget include:

- A 2.5% cost of living increase averaged over the pay grades was awarded to all staff.
- The Materials budget shows a decrease because purchases of the Southwest Oklahoma City Library opening day collections were purchased during the prior year. In addition, $200,000 was budgeted to reserve funds out of the current year budget. There was also a line item created for the Norman Westside Library for $175,000.
- Health insurance cost increased 13% over last year.
- The Continuing Education budget was decreased by $9,300.
- Workers compensation was increased by $5,200 to reflect actual costs.
- Equipment was increased by $282,226 to cover the costs of equipment and furnishings for the new building.

- Contract Labor was decreased by $33,000. There were several projects that were completed last year.
- Vehicles was increased by $30,000 to cover the purchase of an additional box delivery vehicle.
- Revaluation was increased by $8,000 to reflect actual and estimated costs.
- Insurance was increased $23,500 to cover the new insurance policy on our security officers and to cover the increased costs associated with the purchase of the Pioneer building.
- The Technology budget was increased to cover the costs of items that were encumbered last year but not received and paid for until this year. In addition, a new line item was added to the budget reflecting the expected purchases for the Pioneer building.
- Virtual Library was decreased by $10,000.
- Construction Project Norman Center Court was a new line item to reflect the costs associated with the remodeling of the Pioneer building.
- Development was decreased by $5,000.
- Public Information was decreased by $5,000.
- System Facilities was decreased due to the fact that last year's budget contained the cost of the building purchase.
- Fund Balance Designated Current Year is a new line time that reflects the amount of the current year income that is being budgeted to fund reserves for the materials budget. $200,000 was budgeted for this year.
- The Designated Fund Balance reflects several items: Cleveland County, $495,000; McClain County, $173,996; and Pottawatomie County, $50,000.
- Undesignated Fund Balance decrease because these funds were moved to the operating budget to offset the expenses for the remodeling project of the Pioneer building.

Capital Asset and Long-Term Debt

The Library System's investment in capital assets, net of accumulated depreciation, as of June 30, 2013 was $9,504,024 and on June 30, 2012 was $8,038,345. Of the total depreciable capital assets, net of accumulated depreciation, on June 30, 2013, 12% are furniture, equipment and vehicles; 37% are building and property; and the remaining 51% are books and materials. Of the total depreciable capital assets, net of accumulated depreciation, on June 30, 2012 13% are furniture, equipment, and vehicles; 21 % are building and property; and the remaining 66% are books and materials.

The Library System has no long-term liabilities. The Board limits borrowing to short-term, usually in the fall in anticipation of ad valorem receipts beginning in December. The note is usually paid off in mid-January. This year the library system didn't need to borrow any money.

Economic Environment and Next Year's Budget

The Library System's primary revenue is Ad Valorem (property) tax. The annual growth in the Cleveland, McClain and Pottawatomie County's property value is the most important factor for the Library System's revenue outlook. For the most recent fiscal year the System collected 6.11, 6.11 and 6.06 mills of the assessed property value from the respective counties. The voters in all three counties approved a two mill increase in May of 2008. The millage increase was much needed, especially since there had been no increase in millage since the voters approved the 4 mill increase in 1990 for Cleveland County and in 1992 for the other two counties. The fractional part of the millage is due to the abolishment of the personal property tax in two of the counties. The system is now at the millage cap allowed by state law.

The presence of interstate traffic in all three counties has accounted for some of the continued growth as well as being in the middle of the State and near the State Capitol. The dramatic growth in facilities and related commercial services emanating from the University of Oklahoma has made a favorable climate around the Norman area. Moore has grown dramatically as more shopping centers along I-35 have been and continue to be developed. This growth continues in Norman as well with the implementation of a TIF district along I-35.The growth did continue this past year but at a slower rate than previous years due to the effects of the May tornados and the legislative changes that were passed in November.

In general, the Library System still expects a continued growth in the tax revenue for the next year. The Cleveland County Assessor has certified a 2.3% growth in property value for 2013; the Pottawatomie County Assessor has certified a 3.34% growth and the McClain County Assessor has certified a 1.72% growth.

For fiscal year 2013-14, the Library Board approved a general fund budget of $16,404,894 versus $17,698,191 for 2012-13.

- A 2% salary adjustment for staff who received a successful or outstanding rating on their annual performance evaluation and aren't in their training period.
- Health insurance was increased $37,057 to cover anticipated increases in the renewal rates which take effect on May 1, 2014.
- Contract labor was decreased $66,800 because a new expense account was added that covers most of these costs.
- Unemployment was increased by $5,200 to reflect actual costs.
- Retirement was increased $9,400 to reflect actual costs.
- Disability insurance was increased $5,900 to reflect the new rates.
- The Materials budget was increased by $11,219 to reflect year end encumbrances for items ordered last year but not yet received as of June 30.
- Materials Westside Norman was increased to cover the cost of the opening day collection.
- Professional Services is a new line item containing expenses that used to be in contract labor.
- Attorney Fees was increased $5,000 to reflect actual expenses.
- Equipment was increased by $71,802 to account for the equipment for the Pioneer building project..
- Insurance was increased $29,500 to cover the increased costs associated with the new Pioneer building and its contents. In addition, the Library increased its level of coverage on its furniture, materials, and equipment.
- Revaluation was increased by $16,000 to reflect actual and estimated costs.
- Postage was decreased $15,000 because board packets and most overdue item notices are now sent electronically.
- Data processing was increased $15,000 to account for expenses that were previously paid from another category.
- Interest expense was increased because we will have to borrow money this year due to the timing of building project completion.
- The Technology budget was increased $18,511 which reflects the movement of some expenses from another budget line item and the addition of items that were encumbered out of last year's budget.
- Technology Westside Norman was increased $110,000 to cover the cost of the technology for the new building.
- Virtual Library was increased to cover items that were encumbered out of last year's budget.
- Construction Project Norman Center Court was decreased because a majority of the cost of the remodeling project was paid out of last year's budget.
- Development was increased $7,680 to cover items that were encumbered out of last year's budget.
- System Facilities was decreased to reflect the fact that the Library will not be leasing the property on McGee Street or paying the utilities of the facility for the entire year.
- Contractual services have been reallocated to other line items.
- Fund Balance Designated Current Year is zero as no funds from the current year operating budget are being budgeted to fund balance.
- Reserved for encumbrances is zero because these funds are now being added to the expense line item in the budget.
- Designated Fund Balance reflects several items: Cleveland County, $645,000; McClain County, $198,996; and Pottawatomie County, $75,000.

Contacting the Library System's Financial Management

This financial report is designed to provide a general overview of the Pioneer Library System, comply with finance-related laws and regulations, and demonstrate the Library System's commitment to public accountability. If you have any questions about this report or would like to request additional information, contact the Library System's Business Office at 225 North Webster, Norman, OK 73069.

PIONEER LIBRARY SYSTEM
Statement of Net Position
June 30, 2013

	Primary Government	Component Unit
	Governmental Activities	Library Foundation
Assets		
Cash and Cash Equivalents	$ 4,998,917	$ 110,229
Investments	311,097	
Ad Valorem Tax Receivable, net of Allowance for Uncollectible Taxes	127,080	-
Accrued Interest Receivable	898	22
Other Current Assets	390,849	6,100
Note Receivable	97,210	-
Depreciable Capital Assets, Net	9,504,024	-
Total Assets	$ 15,430,075	$ 116,351
Liabilities		
Accounts Payable and Accrued Expenses	$ 289,462	$ -
Deferred Revenue	29,518	-
Compensated Absences Payable	329,105	-
Total Liabilities	$ 648,085	$ -
Net Position		
Net Investment in Capital Assets	$ 9,504,024	$ -
Restricted Net Assets	591,957	38,335
Unrestricted Net Assets	4,686,009	78,016
Total Net Position	$ 14,781,990	$ 116,351

See Accompanying Notes to Financial Statements

PIONEER LIBRARY SYSTEM
Statement of Activities
For the Year Ended June 30, 2013

Functions/Programs	Expenses	Program Revenues: Charges for Services	Program Revenues: Operating Grants and Contributions	Program Revenues: Capital Grants and Contributions	Net (Expense) Revenue and Changes in Net Assets: Primary Government Governmental Activities	(Expense) Revenue and Changes in Net Assets: Component Unit Library Foundation
Governmental Activities:						
Public Library Services	$ 9,736,292	$ 368,407	$ 201,104	$ 1,410	$ (9,165,371)	
Administrative Services	2,232,920	-	-	-	(2,232,920)	
Depreciation - unallocated	2,096,740	-	-	-	(2,096,740)	
Total Primary Government	$ 14,065,952	$ 368,407	$ 201,104	$ 1,410	$ (13,495,031)	
Component Unit						
Library Foundation	$ 137,174	$ -	$ 171,829	-		$ 34,655
General Revenues:						
Property taxes, levied for general purposes					$ 13,883,622	$ -
State Aid					155,128	-
Book Sales					-	618
Investment earnings					51,629	250
Loss on Disposals					(8,512)	-
Total General Revenues					$ 14,081,867	$ 868
Change in net assets					$ 586,836	$ 35,523
Net position - beginning					14,195,154	80,828
Net position - ending					$ 14,781,990	$ 116,351

See Accompanying Notes to Financial Statements

PIONEER LIBRARY SYSTEM
Balance Sheet
Governmental Funds
June 30, 2013

ASSETS	General Fund	Gifts and Grants Fund	Total Governmental Funds
Cash	$ 4,892,669	$ 106,248	$ 4,998,917
Investments	-	301,897	301,897
Receivable from General Fund	-	69,434	69,434
Ad Valorem Tax Receivable	127,080	-	127,080
Accrued Interest Receivable	898	-	898
Grants Receivable	-	15,277	15,277
Note Receivable	-	97,210	97,210
Foundation Receivable	-	2,686	2,686
Deposit	9,200	-	9,200
Other Receivable	-	-	-
Prepaid Expenses	372,885	-	372,885
Total Assets	$ 5,402,732	$ 592,752	$ 5,995,484
LIABILITIES AND FUND BALANCES			
Liabilities			
Accounts Payable	$ 234,395	$ 795	$ 235,190
Accrued Salaries and Employee Benefits	54,271	-	54,271
Compensated Absences Payable	329,105	-	329,105
Payable to Special Revenue	69,434	-	69,434
Deferred Revenue	29,518	-	29,518
Total Liabilities	$ 716,723	$ 795	$ 717,518
Fund Balances			
Assigned	$ 918,996	$ 568,544	$ 1,487,540
Committed	1,945,464	23,413	1,968,877
Unassigned	1,821,549	-	1,821,549
Fund Balances, End of Year	$ 4,686,009	$ 591,957	$ 5,277,966
Total Liabilities and Fund Balances	$ 5,402,732	$ 592,752	

Amounts reported for governmental activities in the statement of net assets are different because:
Capital assets used in governmental activities are not financial resources and therefore are not reported as assets in governmental funds. The cost of the assets is $20,335,765 and the accumulated depreciation is $10,831,741. 9,504,024

Total Net Assets - Governmental Activities $ 14,781,990

See Accompanying Notes to Financial Statements

PIONEER LIBRARY SYSTEM
Statement of Revenues, Expenditures, and Changes in Fund Balances -
Governmental Funds
For the Year Ended June 30, 2013

	General Fund	Gifts and Grants Fund	Total Governmental Funds
Revenues:			
Property Taxes	$ 13,883,622	$ -	$ 13,883,622
Collections on Book Fines and Copy Services	341,010	-	341,010
Gifts and Grants	-	201,104	201,104
State Revenue	155,128	-	155,128
Other Contracts	27,397	-	27,397
Interest	13,176	38,453	51,629
Total Revenues	$ 14,420,333	$ 239,557	$ 14,659,890
Expenditures			
Personal Services	$ 9,122,652	$ -	$ 9,122,652
Materials	1,994,866	197,111	2,191,977
General and Administrative	1,100,869	-	1,100,869
Technology and Automation	1,073,100	-	1,073,100
System Services	2,050,135	-	2,050,135
Total Expenditures	$ 15,341,622	$ 197,111	$ 15,538,733
Net Change in Fund Balance	$ (921,289)	$ 42,446	$ (878,843)
Beginning Fund Balance	5,607,298	267,489	5,874,787
Restatement	-	282,022	282,022
Beginning Fund Balances, as restated	$ 5,607,298	$ 549,511	$ 6,156,809
Ending Fund Balances	$ 4,686,009	$ 591,957	$ 5,277,966
Total net changes in fund balances - governmental funds			$ (878,843)
The change in nets assets reported in the statement of activities is different because:			
Capital outlays to purchase or build capital assets are reported in governmental funds as expenditures. However, for governmental activities those costs are shown in the statement allocated over their estimated useful lives as annual depreciation expenses in the statement of activities. This is the amount by which capital outlays exceeds depreciation during the period.	Depreciation Expense	$ (2,096,740)	
	Capital Outlay	3,570,931	1,474,191
Disposals of capital assets are not considered to be expenditures in the governmental funds. They are however, recorded as a loss in the statement of activities.			(8,512)
Change in net assets of governmental activities			$ 586,836

See Accompanying Notes to Financial Statements

PIONEER LIBRARY SYSTEM
Statement of Fiduciary Net Assets
Fiduciary Fund

	Pension Fund
ASSETS	
Current Assets	
Cash	$ 87,383
Receivables	1,944
Investments	3,250,024
Total Assets	$ 3,339,351
NET ASSETS	
Net Assets	
Held in Trust for Pension	
Benefits and Other Purposes	$ 3,339,351

See Accompanying Notes to Financial Statements

PIONEER LIBRARY SYSTEM
Statement of Changes in Fiduciary Net Assets
Fiduciary Fund
For the Year Ended June 30, 2013

	Pension Fund
Additions	
Contributions	
Employer	$ 208,000
Interest and Dividend Income	83,457
Net Increase in the Fair Value of Investments	31,009
Realized Gain	201,396
Total Additions	$ 523,862
Deductions	
Benefits Paid	$ 230,822
Trustee and Management Fees	16,746
Total Deductions	$ 247,568
Net Increase	$ 276,294
Net Assets, Beginning of Year	3,063,057
Net Assets, End of Year	$ 3,339,351

See Accompanying Notes to Financial Statements

Note 1 – Summary of Significant Accounting Policies

The Reporting Entity – Pioneer Library System (The Library) is a corporate body for public purposes created under Title 65 of the Oklahoma Statutes and accordingly is a separate entity for operating and financial reporting purposes.

The Library is governed by trustees composed of 16 voting members. The Library operations are conducted by a librarian appointed by the trustees. Trustees include voting members who are appointees of the various cities in which the Library has locations.

The Library's financial statements are prepared in accordance with generally accepted accounting principles in the United States of America (U.S. GAAP). The Library's reporting entity applies all relevant Governmental Accounting Standards Board (GASB) pronouncements and applicable Financial Accounting Standards Board (FASB) pronouncements and Accounting Principles Board (APB) opinions issued on or before November 30, 1989, unless they conflict with GASB pronouncements. The Library's reporting entity does not apply FASB pronouncements or APB opinions issued after November 30, 1989.

Financial Statement Presentation –

In evaluating how to define the Library, for financial reporting purposes, management has considered all potential component units. The decision to include a potential component unit in the reporting entity was made by applying the criteria established by the Governmental Accounting Standards Board (GASB). The basic - but not the only - criterion for including a potential component unit within the reporting entity is the governing body's ability to exercise oversight responsibility. The most significant manifestation of this ability is financial interdependency. Other manifestations of the ability to exercise responsibility include, but are not limited to, the selection of governing authority, the designation of management, the ability to significantly influence operations, and accountability for fiscal matters. A second criterion used in evaluating potential component units is the scope of public service. Application of this criterion involves considering whether the activity benefits the Library and/or its citizens, or whether the activity is conducted within the geographic boundaries of the Library and is generally available to its patrons. A third criterion used to evaluate potential component units for inclusion or exclusion from the reporting entity is the existence of special financing relationships, regardless of whether the Library is able to exercise oversight responsibilities. Based upon the application of these criteria, the Pioneer Library System Foundation meets the criteria which require a component unit to be presented discretely and including in the Library System's reporting entity.

Complete financial statements for the Foundation are available from the Foundation administrative office.

Basic Financial Statements – Government-Wide Statements

The Library's basic financial statements include both government-wide (reporting the Library as a whole) and fund financial statements (reporting the Library's major funds). Both the government-wide and fund financial statements categorize primary activities as either governmental or business type. The Library

Note 1 – Summary of Significant Accounting Policies (continued)

does not have any activities classified as business-type activities. Internal service fund activity is eliminated to avoid "doubling up" revenues and expenses. Fiduciary funds are excluded.

In the government-wide Statement of Net Assets, the Library's governmental activities are reported using the accrual basis of accounting. The Library's net assets are reported in three parts – invested in capital assets, net of related debt; restricted net assets; and unrestricted net assets. Revenues are recognized when earned and expenses are recognized when incurred.

The government-wide Statement of Activities reports both the gross and net cost of each of the Library's programs and functions. The functions are also supported by general government revenues. The Statement of Activities reduces gross expenses (including depreciation) by related program revenues, operating and capital grants. Program revenues must be directly associated with the function. Operating grants include operating-specific and discretionary (either operating or capital) grants while the capital grants column reflects capital-specific grants.

The pension trust fund recognizes employer and participant contributions in the period in which contributions are due and the Library has made a formal commitment to provide the contributions. Retirement benefits and refunds are recognized when due and payable in accordance with the terms of the Plan. See Note 10.

The net costs are normally covered by general revenue (property taxes, State aid, other taxes etc.).

The government-wide focus is more on the sustainability of the Library as an entity and the change in the Library's net assets resulting from the current year's activities.

Basic Financial Statements – Fund Financial Statements

Fund financial statements report detailed information about the Library. The focus of governmental fund financial statements is on major funds rather than reporting funds by type. Nonmajor funds are aggregated and presented in a single column.

All governmental funds are accounted for using the current financial resources measurement focus and the modified accrual basis of accounting. Under this basis revenues are recorded when susceptible to accrual; i.e. both measurable and available. "Available" means collectible within the current period or within 60 days after year end. Expenditures are generally recognized under the modified accrual basis of accounting when the related liability is incurred. The exception to this general rule is that principal and interest on general obligation long-term debt, if any, is recognized when due.

The Library reports the following major governmental funds:

General Fund is the primary operating fund of the Library. It is used to account for all financial resources except those required to be accounted for in another fund.

Gifts and Grants Fund is used to account for all gifts and grants made to the Library, which are to be used for specific purposes.

Note 1 – Summary of Significant Accounting Policies (continued)

The Library reports the following fiduciary funds:

Pension Trust Funds – The Pension Trust Funds are used to account for the receipt, investment and distribution of retirement contributions to the Pioneer Library System Pension Plan and Trust (the Plan). See also Note 10.

Fund Balance

Fund Balance – In the government-wide financial statements, equity is classified as net assets and displayed in three components:

1. Invested in capital assets – Consists of capital assets, net of accumulated depreciation.

2. Restricted net assets – Consists of net assets with constraints placed on the use either by external groups, such as grantors or laws and regulations of other governments, or law through constitutional provisions or enabling legislation.

3. Unrestricted net assets – All other assets that do not meet the definition of "restricted" or "invested in capital assets, net of related debt."

When both restricted and unrestricted net assets are available for use, generally it is the Library's policy to use restricted resources first.

Governmental fund equity is classified as fund balance. Fund balance is further classified as follows:

a) Non-spendable – Includes fund balance amounts that cannot be spent either because it is not in spendable form or because of legal or contractual requirements.

b) Restricted – Includes fund balance amounts that are constrained for specific purposes which are externally imposed by contributors, grantors, or amounts constrained due to constitutional provisions or enabling legislation.

c) Committed – Includes fund balance amounts that are constrained for specific purposes that are internally imposed by the Library through formal action of the highest level of decision making authority. The Board of Directors is the highest level of decision making authority that can commit fund balance. Once committed, the limitation imposed remains in place until a similar action is taken to remove or revise the limitation.

d) Assigned – Includes fund balance amounts that are constrained by the Library's intent to be used for specific purposes, but are neither restricted nor committed. Intent can be stipulated by the Board of Directors. With the exception of the General Fund, this is the residual fund balance of the classification for all governmental funds with positive balances.

e) Unassigned – Includes the residual balance of the General Fund that has not been assigned to other funds and that has not be restricted, committed, or assigned to specific purposes with the General Fund.

Note 1 – Summary of Significant Accounting Policies (continued)

Basis of Accounting - Basis of accounting refers to when revenues and expenditures are recognized in the accounts and reported in the financial statements. It relates to the timing of the measurements made regardless of the measurement focus applied.

Capital Assets: Capital assets purchased or acquired with an original cost of $1,000 or more are reported at historical cost or estimated historical cost. Additions, improvements and other capital outlays that significantly extend the useful life of an asset are capitalized. Other costs incurred for repairs and maintenance are expensed as incurred. Depreciation on all assets is provided on the straight-line basis over the following estimated useful lives:

Furniture and Fixtures	7 years
Computer Equipment	4 years
Vehicles	5 years
Books and Materials	5 years

Compensated Absences - The Library accrues accumulated unpaid annual leave when earned by the employee. Generally, annual leave must be taken during the calendar year earned. Eligible employees who end their employment with the Library are reimbursed for each day of accumulated annual leave.

Budgets and Budgetary Accounting - The Library is required by state law to prepare an annual budget. The various County Excise Boards formally approve an annual budget for the general fund.

Budgets generally assume the expenditure of all available resources. Therefore, when the legal budget is prepared, it is assumed these funds will not have a carryover balance to a subsequent year. Program revenue received but not spent is restricted and deferred to the subsequent fiscal year. Amounts reported as program revenue includes (1) charges to customers, (2) operating grants and contributions, and (3) capital grants and contributions.

Cash and Cash Equivalents - The Library considers all cash on hand, demand deposits, money market checking and certificates of deposit with an initial maturity of three months or less, held at an individual bank which are subject to early withdrawal penalties no matter what the maturity period, to be cash. All short-term cash surpluses are maintained in a cash pool, the earnings from which are allocated to each fund based on month-end deposit balances.

Receivables – All taxes receivable are expected to be collected in one year.

Property Tax Revenues - Property taxes attach an enforceable lien on property as of January 1. Taxes are levied annually on November 1 and are due one-half by December 31 and one-half by March 31. The County Assessor's office bills and collects property taxes and remits to the Library its portion. Property taxes not paid prior to April and considered delinquent. Such delinquent tax payments have not historically been material. Delinquent tax payments are received throughout the year and are recognized as revenue in the year received, except for those received within 60 days of year end, which are recognized as revenues as of June 30, 2013 in both government-wide and fund financial statements.

State Revenues - The Library receives revenue from the state to administer certain categorical library programs. The board of trustees has designated these funds to be used in technology.

Note 1 – Summary of Significant Accounting Policies (continued)

Interfund Balances - During the course of normal operations, the Library has transactions between funds including expenditures and transfers of resources to provide services, purchase assets and service debt. Transactions that are normal and recurring between funds are recorded as operating transfers.

Contributed Facilities and Services - The Library operates several branches located in government-owned buildings and receives certain services without charge. The estimated fair rental value of the premises and service is not reported in the accompanying statement of revenues, expenditures, and changes in fund balance.

Grants - The Library records income from grants in the period received or to the extent of expenses paid prior to reimbursement by a grant.

Income Taxes - The Library was established under the provisions of the Oklahoma Constitution and as such is exempt from income taxes under the Internal Revenue Code as a unit of government. The Library is exempt from income taxes under Section 501(c)(3) of the Internal Revenue Code. The Library has also been classified as an entity that is not a private foundation within the meaning of Section 509(a) and qualifies for deductible contributions. No provision for federal or state income taxes has been recorded. There was no interest or penalties to the Internal Revenue Service included in these financial statements. Tax years before 2009 are no longer subject to examination by the Internal Revenue Service and the State of Oklahoma.

Prepaid Expenses - The Library records prepaid insurance, subscriptions and maintenance agreements for that portion of payments which have not been used at year-end for government-wide financial statement purposes. Prepaid expense is included in other current assets in the statement of net assets.

Restricted Resources - The Library records gifts and grants as restricted when the donor specifies a restriction on the timing or use of the gift or grant. Expenses are allocated first to the restricted resource.

If additional expense is incurred, the expense is allocated to unrestricted funds when the restriction has been depleted.

Use of Estimates - The preparation of financial statements requires management to make estimates and assumptions that affect the reported amount of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates.

Note 2 – Cash and Investments

The Library's investment policies are governed by state statute. Permissible investments include direct obligations of the United States Government and Agencies; certificates of deposit of savings and loan associations and bank and trust companies; and savings accounts or savings certificates of savings and loan associations and trust companies. A certificate of deposit in the amount of $9,200 is pledged on a letter of credit for a security deposit.

Custodial Credit Risk - Deposits – Custodial credit risk is the risk that in the event of a bank failure, the Library's deposits may not be returned to it. At June 30, 2013, none of the Library's bank balance of $6,040,047 was exposed to custodial credit risk because it was all insured and collateralized. The balance is collateralized with securities held by First Fidelity Bank in the Library's name. The market value of these securities as of June 30, 2013 was $8,891,463.

Beneficial interest in assets held by others – In previous years the Library transferred funds to the Communities Foundation of Oklahoma (CFO) and the Norman Communities Foundation (managed by the Communities Foundation of Oklahoma) for investment. The recorded portion of these funds consists of transfers to CFO from the Library and the earnings thereon.

Grant awards shall be available for distribution on a yearly basis, subject to final approval by the Board of Directors of CFO, and based on a specified percentage of the fair market value of assets on a rolling average of the previous eight quarters. The Community Foundation maintains variance power over these assets. Variance power assures donors that if the charitable purpose of their contribution becomes impractical or impossible, the distributions will be directed to similar purposes in the community. The Library's board may, by an affirmative vote of two third of the board, for an unusual circumstance, recommend and request distribution of all or part of the assets held by CFO. However, the CFO has the ultimate authority over and control of all property held by CFO. Distributions in the amount of $13,950 for the year ended June 31, 2013, was received by the Library from these combined funds.

The Community Foundation maintains legal ownership of the funds. However, accounting principles generally accepted in the United States of America require the Organization to reflect its beneficial interest in these assets in its financial statements. At June 30, 2013, assets transferred to the Community Foundation by the Organization had a fair value of $301,897 based on the approximate present value of future cash flows from CFO.

Direct donations to the Community Foundation from individuals are restricted for endowment purposes and are not recorded as assets of the Library. Only the earnings on these funds can be distributed to the Library. Distributions in the amount of $873 for the year ended June 31, 2013, were received by the Library. The fair value of the funds originally donated by third parties at June 30, 2013 was $18,819. The Organization has no remainder interest in the corpus of these funds.

Investment Interest Rate Risk - The investments of the Pension Plan (see also Note 10) are invested in various mutual funds with the Bank of Oklahoma, and may be used only for the payment of benefits to the members of the Plan. The composition of the pension trust fund at fair value is shown in the following table.

	Market Value	Credit Exposure as a Percentage of Total Investments
Pension Fund		
Pooled Equity Funds	$ 1,758,820	54.10%
Pooled Fixed Income Funds	1,292,067	39.80%
Alternative Investments	199,137	6.10%
Total Pension Fund Investments	$ 3,250,024	100.00%

The following investments represent 5% or more of the net assets of the Plan at June 30, 2013:

	2013
DFA US Large Cap Value I	$304,143
Fidelity Contrafund	189,230
T Rowe Price Growth Stock I	184,267
Vanguard Institutional Index I	264,712
PIMCO Total Return Institutional	410,694
Templeton Global Bond Advantage	261,389
Vanguard Short-term Bond Index Signal	205,268

Pension Fund Policy

The Pioneer Library System Pension Plan and Trust provides for investment managers who have full discretion of assets allocated to them subject to the overall investment guidelines set out in the policy. Manager performance is reviewed by a consultant who provides reports to the retirement plans investment and administrative committee and to the board. Any changes in the investment management firm must be reported as they occur. Overall investment guidelines provide for diversification and allow investment in domestic and international common stocks, fixed income securities, cash equivalents, index funds, collective trust funds and mutual funds. The Plan addresses custodial credit risk with a policy providing for the engagement of a custodian who accepts possession of securities for safekeeping; collects and disburses income; collects principal of sold, matured, or called items; and provides periodic accounting to the board. The pension trust fund holds $3,250,024 in investments. This amount is held by the investment counterparty, not in the name of the pension fund or the Library.

Pension Trust investing is restricted by Oklahoma Statutes to the Prudent Investor Rule.

Note 3 – Note Receivable

The Library received a note receivable included in the settlement of an estate during the year ended June 30, 2005. The original note is $100,000 at zero interest, and is due in 2014. The note has been discounted to $97,210 to report it at its fair market value at June 30, 2013.

Note 4 – Collections

The Library has not capitalized existing inexhaustible collections, including research books, because the values are not readily determinable.

Note 5 – Short-Term Borrowing

On an annual basis, the Library utilizes short-term unsecured promissory notes in anticipation of the collection of ad valorem taxes. In accordance with Title 65 Section 4-105 of the Oklahoma Statutes, the term of the loan may not exceed one year. As of June 30, 2013, no balance was owed. No interest expense was paid or incurred during the year ended June 30, 2013.

Note 6 – Compensated Absences

The compensated absences balance and activity for the year were as follows:

	Beginning Balance	Additions	Reductions	Ending Balance	Amounts Due Within One Year
Compensated Absences	$ 303,641	442,830	417,366	$329,105	$ 329,105

The general fund will be used to settle the compensated absences liability.

Note 7 – Commitments

Lease Commitments – The Library leases a building for the service center, a building for the development office, telephone equipment, a postage machine and copiers for its branch facilities and for administration under operating leases. The copier leases expired in March 2013. The other leases are renewed on an annual basis. Lease expense under these leases for 2013 was $158,576.

Encumbrances – As discussed in Note 1 above, budgetary information, and budgetary basis of accounting, encumbrance accounting is utilized to the extent necessary to assure effective budgetary control and accountability and to facilitate effective cash planning and control. At June 30, 2013 the amount of encumbrances expected to be honored upon performance by the vendor in the next year were:

General Fund	$ 1,945,464
Gifts and Grants Fund	23,413
Total	$ 1,968,877

Other Commitments – In the year ended June 30, 2005, the Library received a distribution from an estate that was to be used for the Noble Public Library. Construction commenced on an addition to the Noble library building in 2006. During 2007 construction was completed. Costs incurred during the year ended June 30, 2007 were approximately $639,000, for a total of $1,096,000. These costs have been expensed since the building will be owned by the City of Noble. As of June 30, 2013, the City of Noble has not signed the Inter-local agreement taking ownership of the building.

Note 8 – Capital Assets

Capital assets of the Library at June 30, 2013 are as follows:

	Beginning Balances	Increases	Decreases	Ending Balances
Non-depreciable Capital Assets:				
Construction in process	$ 1,683,714	$ 1,860,232	$ -	$ 3,543,946
Depreciable Capital Assets:				
Library Books	12,592,049	1,500,902	923,798	13,169,153
Building	-	-	-	-
Furniture and Fixtures	1,036,105	9,108	1,770	1,043,443
Computer Equipment	2,390,153	200,689	175,045	2,415,797
Vehicles	163,426	-	-	163,426
Total Capital Assets	17,865,447	3,570,931	1,100,613	20,335,765
Less Accumulated Depreciation for:				
Library Books	7,300,727	1,955,416	923,798	8,332,345
Furniture and Fixtures	691,410	89,095	1,769	778,736
Computer Equipment	1,746,257	29,359	166,534	1,609,082
Vehicles	88,708	22,870	-	111,578
Total Accumulated Depreciation	9,827,102	2,096,740	1,092,101	10,831,741
Total Depreciable Capital Assets, Net	$ 8,038,345	$ 1,474,191	$ 8,512	$ 9,504,024

Note 9 – Fund Balance

Effective July 1, 2012, the Library implemented GASB Statement No. 54, "Fund Balance Reporting and Governmental Fund Type Definitions." The following table shows the fund balance classifications as shown on the governmental funds balance sheet in accordance with GASB No. 54 as of June 30, 2013:

Fund Balance	General Fund	Gifts and Grants Fund	Total Governmental Funds
Assigned:			
Cleveland County Libraries	$ 695,000	$ -	$ 695,000
McClain County Libraries	173,996	-	173,996
Pottawatomie County Libraries	50,000	-	50,000
Special Revenue Funds	-	568,544	568,544
Committed:			
Reserved for Encumbrances	1,945,464	23,413	1,968,877
Unassigned:	1,821,549	-	1,821,549
Total Fund Balance	$ 4,686,009	$ 591,957	$ 5,277,966

Note 10 – Defined Benefit Retirement Plan

Plan Description - The Pioneer Library System Pension Plan and Trust (The Plan) is a single-employer public employees retirement system (PERS) plan that covers all full-time employees of the Library. This plan was frozen as of December 31, 2008. Retirement benefits are based on length of service and salary. Normal retirement for the new plan is 65 years of age. Death and deferred vested benefits are also available under the plan. All benefits vest after 10 years of credited service. Pioneer employees who retire after age sixty-five with more than four years of credited service are entitled to an annual retirement benefit, payable monthly, in an amount equal to one percent of their averages salary based on their highest five consecutive years within 10 years of retirement. If an employee has less than 10 years of vesting service, the amount of the benefit is reduced by $1/10^{th}$ for each vesting year of service fewer than ten. Actuarial valuations are performed annually on January 1.

Funding Policy - Employees of the library are not required to contribute to the plan. The library is required to make annual contributions based on an actuarially computed percentage of covered wages in amounts sufficient to cover normal cost of benefits and amortize the prior service liabilities. The Pioneer Library System Board of Trustees has the authority to establish and or amend the funding policy of the plan. Contributions for the year ending June 30, 2013 to the defined benefit plan were $208,000.

Net Pension Obligation and Annual Pension Cost – The required contribution was determined as part of the January 1, 2013 actuarial valuation using the aggregate salary method, which does not identify and separately amortize unfunded actuarial liabilities. The amortization method used was the level percent of compensation method. The most recent actuarial valuation was for the calendar year 2013 and the period is closed. The actuarial assumptions included

(a) 5.5% investment rate of return,
(b) projected salary increases of 5% and
(c) post-retirement increases of 4.5%.

Note 11 – Retirement Plan

The annual net pension obligation and annual pension cost for the current year were as follows:

Net Pension Obligation, Beginning of Year	$ 1,509,029
Earning from Investments	83,457
Unrealized Appreciation	201,396
Contribution	208,000
Distributions	(230,822)
Fees and Commissions	(16,746)
Change in Valuation	(227,872)
Net Pension Obligation, End of Year	$ 1,526,442

Present Value of Future Benefits	$ 4,865,793
Valuation of Assets	3,339,351
Net Pension Obligation	$ 1,526,442

Components of Annual Pension Cost:	
Normal Cost	$ 167,750
Interest at 5.5%	9,226
Annual Contribution Necessary to Avoid a Funding Deficiency	$ 176,976

Three year trend information is as follows:

Three-Year Trend Information

Fiscal Year Ending	Annual Pension Cost (APC)	Percentage of APC Contributed	Net Pension Obligation	Actual Contrib
6/30/2011	$ 150,252	103.7%	$1,221,993	$155,750
6/30/2012	$ 197,670	81.7%	$1,509,029	$161,500
6/30/2013	$ 176,976	117.5%	$1,526,442	$208,000

Note 11 – Retirement Plan (continued)

Multi-year trend information for the plan is as follows:

Schedule of Funding Progress for Pioneer Library System Pension Plan and Trust

Actuarial Valuation Date	Actuarial Value of Assets (a)	Actuarial Acccrued Liability (AAL) Entry Age (b)	Unfunded AAL (UAAL) (b-a)	Funded Ratio (a/b)	Covered Payroll (c)	UAAL as a Percentage of Coveered Payroll [(b-a)/c]
6/30/2011	$3,066,463	$4,348,456	$1,281,993	70.5%	$ -	N/A
6/30/2012	$3,063,057	$4,572,086	$1,509,029	67.0%	$ -	N/A
6/30/2013	$3,339,351	$4,865,793	$1,526,442	68.6%	$ -	N/A

The Plan's annual financial report is available from the Business Office of the Pioneer Library System, 225 North Webster, Norman, Oklahoma 73069.

Note 12 – Defined Contribution Retirement Plan

Plan Description - On January 1, 2009 the library implemented this plan. Normal retirement age for this plan is 65 years of age. Death and deferred vested benefits are also available under this plan. All benefits vest after 5 years of credited service. Employees who retire after age sixty-five will receive their vested benefits in one of the following manners out of the amount accumulated in their accounts: (i) by lump sum payments, or (ii) in equal monthly, quarterly, semi-annual or annual installment payments; provided an installment election must be for a period less than their life expectancy or the life expectancy of their beneficiaries.

Funding Policy - Employees of the library are not required to contribute to the plan. The library makes an annual contribution based on a percentage of an employee's salary. The Pioneer Library System Board of Trustees has the authority to establish and or amend the funding policy of the plan. Benefits paid for 2013 to the plan were $367,821.

Note 13 – Risk Management

The Library is exposed to various risks of loss related to torts; theft of, damage to and destruction of assets; errors and omissions and natural disasters for which the Library carries commercial insurance. There have been no significant reductions in coverage from the prior year and settlements have not exceeded coverage in the past three years.

Note 14 – Prior Period Adjustment

In previous years the Library has transferred funds to the Communities Foundation of Oklahoma (CFO) and the Norman Communities Foundation transferring variance power to the Communities foundations. These investment funds were removed from the Library's net assets as of June 30, 2010. At that time interpretations of professional standards indicated that if variance power is transferred, the funds are not assets of the Library. However, it has been determined that the funds transferred by the Organization to the Community Foundation are subject to FASB ASC 958-605, Transfers of Assets to a Not-for–Profit Organization or Charitable Trust that Raises or Holds Contributions for Others. Accordingly the Organization has restated its net assets as of the beginning of the year in order to comply with professional standards. The effect of this correction was to decrease the net assets at the beginning of the fiscal year as follows:

	Invested in Capital Assets	Unrestricted	Restricted	Total
June 30, 2012 Net assets, prior to correction	$8,038,345	$5,607,298	$ 267,489	$13,913,132
Correction to net asset classification	-	-	282,022	282,022
Net assets at the beginning of the year as corrected	$8,038,345	$5,607,298	$ 549,511	$14,195,154
Beneficial interest in assets held by others at the beginning of the year as corrected				$ 282,022

PIONEER LIBRARY SYSTEM
Budgetary Comparison Schedule – General Fund (Unaudited)
For the Year Ended June 30, 2013

	Budgeted Amounts Original	Budgeted Amounts Final	Actual Amounts GAAP Basis	Budget to GAAP Differences Over(Under)	Actual Amounts Budgetary Basis	Variance with Final Budget Positive (Negative)
Resources (inflows)						
Property Taxes	$ 13,217,349	$ 13,555,668	$ 13,883,622	$ (125,668)	$ 14,009,290	$ 453,622
State Revenue	149,662	149,662	155,128	-	155,128	5,466
Interest	-	-	13,176	(793)	13,969	13,969
Other	399,616	382,297	368,407	(146)	368,553	(13,744)
Release of Fund Balance	-	141,532	-	-	141,532	-
Use of Designated Fund Balance	1,856,638	3,669,032	-	-	664,638	(3,004,394)
Amounts Available for Appropriation	15,623,265	17,898,191	14,420,333	(126,607)	15,353,110	(2,545,081)
Charges to Appropriations (outflows)						
Personnel Services	9,290,135	9,403,689	9,122,652	(30,407)	9,092,245	311,444
Personnel Services SOKC	-	-	-	-	-	-
Materials	2,180,000	1,980,843	1,985,102	(21,214)	1,963,888	16,955
Materials-West Side Norman	-	175,000	9,764	(9,621)	143	174,857
General and Administrative	938,575	1,187,512	1,100,869	(203,654)	897,215	290,297
Technology	825,000	879,495	760,128	39,807	799,935	79,560
Technology-West Side Norman		241,500	150,547	-	150,547	90,953
Virtual Library	200,000	190,000	162,425	(67,529)	94,896	95,104
Construction Project		3,185,282	1,812,784	-	1,812,784	1,372,498
System Services	2,189,555	454,870	237,351	104,106	341,457	113,413
Total Charges to Appropriations	15,623,265	17,698,191	15,341,622	(188,512)	15,153,110	2,545,081
Change in Net Assets	-	200,000	(921,289)	61,905	200,000	-
Beginning Fund Balance	5,133,260	1,637,366	5,607,298	3,969,932	1,637,366	-
Ending Fund Balance	$ 5,133,260	$ 1,837,366	$ 4,686,009	$ 4,031,837	$ 1,837,366	$ -

Budget to Actual Reconcilation:

Revenues on a budgetary basis are based on cash received rather than the modified accrual basis used for financial reporting	$ (126,607)
Encumbrances for supplies and equipment ordered but not received are reported in the year the order is placed for budgetary purposes but in the year the supplies are received for financial reporting	188,512
The amount reported as "fund balance" on the budgetary basis of accounting derives from the basis of accounting used in preparing the District's budget. This amount differs from the fund balance reported in the statement of revenues, expenditures and changes in fund balances because of the cumulative effect of transactions such as those described above.	3,969,932
	$ 4,031,837

PIONEER LIBRARY SYSTEM
Budgetary Comparison Schedule – General Fund (Unaudited)
For the Year Ended June 30, 2013

Notes to required Supplementary Information

Note Budgeting and Budgetary Control

Oklahoma Statue requires the Library to prepare an annual budget. The various excise County Excise Boards formally approve the annual budget for the general fund. The Library adopts its budget at the fund level.

Budgetary Basis of Accounting

Under the budgetary basis of accounting revenues are recognized when they are received rather than earned. Purchases of materials, outside services and capital outlay are recognized as expenditures when the commitment to purchase is made (encumbered).

Gray, Blodgett & Company, PLLC
CERTIFIED PUBLIC ACCOUNTANTS
BUSINESS ADVISORS

629 24TH AVE S.W.
NORMAN, OKLAHOMA 73069
(405) 360-5533 FAX (405) 364-3771
1-800-360-5535

RODNEY GRAY, CPA, CVA
JANICE L. GRAY, CPA, CVA
TED BLODGETT, CPA, CVA
C. JANESE SHEPARD, CPA
ROSS H. ROYE, CPA

ANN M. ALBERTSON, CPA
WILLIAM R. SOUTH, CPA

INDEPENDENT AUDITORS' REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS*

September 24, 2013

To the Board of Directors of
Pioneer Library System
Norman, Oklahoma

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, the aggregate discretely presented component unit, each major fund and the fiduciary fund type of Pioneer Library System (Library), as of and for the year ended June 30, 2013, and the related notes to the financial statements, which collectively comprise the Library's basic financial statements, and have issued our report thereon dated September 24, 2013.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the Library's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Library's internal control. Accordingly, we do not express an opinion on the effectiveness of the Library's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or, significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Library's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

GRAY, BLODGETT & COMPANY, PLLC

Gray, Blodgett & Company, PLLC

Regular Board of Commissioners **2. d.**

Meeting Date: 11/04/2013

OMRF Refund DC S Bumgarner

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 Sherry Bumgarner

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Regular Board of Commissioners **2. e.**

Meeting Date: 11/04/2013

City Manager Contract

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Approve contract with City Manager Brian McDougal

Attachments

Agreement Oct 13 - Oct 14

EMPLOYMENT AGREEMENT
CITY OF SHAWNEE/CITY MANAGER

THIS AGREEMENT is entered into by and between the City of Shawnee, Oklahoma, a municipal corporation, the Shawnee Municipal Authority and the Shawnee Airport Authority, hereinafter collectively referred to as "City" as party of the first part, and Brian E. McDougal, hereinafter call "Manager," as party of the second part, all of whom agree as follows:

WITNESSETH:

WHEREAS, it is the desire of the City to provide incentives for the Manager to remain employed by the City, and

WHEREAS, it is the desire of the City to make possible full work productivity by assuring the Manager's morale and peace of mind with respect to future security, and

WHEREAS, it is the desire of the City to specifically address all aspects of the Manager's employment with the City and for both parties to have a full understanding of each party's expectations, and

WHEREAS, the Manager desires employment with the City.

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

SECTION 1. TERM

A. City desires to employ Manager and Manager accepts employment to render service and duties as the City Manager of the City of Shawnee, as Manager of the Shawnee Municipal Authority and as Manager of the Shawnee Airport Authority. Manager also agrees to oversee the policies and operations of the Shawnee Civic and Cultural Development Authority.

B. This Agreement shall be for an initial term of one (1) year commencing on October 14, 2013 and continuing until midnight on October 14, 2014. Thereafter this agreement will automatically renew each year on October 14 unless modified in writing, and signed by both parties. If at any time the majority of the Commission votes to terminate this agreement, the severance provisions in Section 2 will apply. The Commission will review the Manager's performance annually beginning ninety days prior to October 14.

C. Nothing in this Agreement shall prevent, limit or interfere with the right of the City to terminate the services of the Manager without formal notice, subject only to the provisions set forth in Sections 2A/B of this Agreement.

D. Nothing in this Agreement shall prevent, limit or interfere with the right of the Manager to resign at any time, subject only to the provisions set forth in Section 2B of this Agreement.

SECTION 2. TERMINATION AND SEVERANCE PROVISIONS

A. In the event the City develops concerns during either the initial term of the agreement or any successive term of this Agreement, which could lead to the termination of the Manager, the City will schedule a meeting with the Manager to discuss these concerns and the Manager will be given ninety (90) days to successfully address these concerns before the City may exercise its rights to terminate the Manager's employment with the City. After the expiration of ninety days the City shall schedule a meeting to review the progress made by the Manager towards resolving the concerns of the Commission. If the manager has failed to resolve the concerns of the Commission to the Commission's satisfaction, the City may terminate the Manager and pay to him the following severance amount:

1) Seven (7) months base salary plus medical coverage costs if the termination occurs after August 1, 2011 or later.

2) One (1) month for every year thereafter, with a maximum of twelve (12) months.

Such cash payments shall be made monthly for each month due and owing to the Manager. Provided, however, in the event the Manager is terminated because of a felony conviction the City shall have no obligation to pay any severance amounts.

B. In the event the Manager desires to terminate employment he shall give written notice to the City Commission at least (30) days prior to separation. The City shall have no obligation to pay the severance compensation set forth in Section 2A if the Manager initiates the separation.

SECTION 3. SALARY AND FRINGE BENEFITS

A. The City shall pay Manager an annual base salary of $108,150.00 for the term of this Agreement, plus any across-the-board raises extended to all other employee. This salary is payable in installments at the same time other City employees are paid.

B. The Commission, Manager, and Staff shall convene in retreat format to determine a list of projects within ninety (90) days to determine measurable goals and milestones for the Manager and City staff to accomplish.

C. The City shall contribute to the Oklahoma Municipal Retirement Fund (OMRF) on behalf on the Manager, solely for his benefit, a percentage of his salary equal to that of other department heads, in addition to the salary provided for in Sections 3A. The retirement for the Manager vests immediately upon his commencing employment with the City.

D. City agrees to pay the Manager the sum of Six Hundred Fifty Dollars ($650.00) per month as a vehicle allowance. This allowance is all inclusive of expenses involving the Manager's vehicle, including insurance. The monthly allowance shall be increased periodically, by a cost of living adjustment as provide for by the Oklahoma Department of Labor. The Manager shall be responsible for paying for liability, property damage, and comprehensive insurance coverage upon said vehicle and shall further be responsible for all expenses attendant to the purchase, operation, maintenance, repair, and regular replacement of said vehicle. City agrees to pay all applicable FICA cost for both City and Manager under this paragraph. The City shall reimburse the Manager at the IRS standard mileage rate for any business use of the vehicle beyond the greater Shawnee area. For purposes of this section, the greater Shawnee area is defined as any location within a twenty (20) mile radius of City Hall.

E. The City shall provide medical and life insurance to the Manager. All insurance coverage shall be equal to the same insurance coverage as extended to other regular employees.

F. The City shall provide the Manager with 11 paid holiday each year. In the event that the City Commission adds or reduces the number of paid holidays for all employees the Manager shall have his paid holidays adjusted accordingly.

G. The City shall provide the Manager with fifteen (15) days of annual leave per year. The City acknowledges that the Manager's duties may hinder the full use of the annual leave, but during the period of employment through June 30, 2009 there will be no accrual of annual leave. Each successive fiscal year after June 30, 2009, the Manager may accrue unused annual leave at the same rate as other city employees. Upon execution of this Agreement, the City will pay the Manager for all hours in excess of 240 that have been accrued to date.

H. The City shall provide the Manager with sick leave as provided for all regular City employees.

I. Once the Manager begins accrual of annual leave, the City shall compensate the Manager his accrued annual leave earned during the term of this contract at the time of termination, or resignation. This compensation shall be computed at the Manager's current salary rate at the time of termination/resignation.

J. The City shall provide the Manager an operational budget for memberships to ICMA, CMAO and other employment-related agencies, as necessary. Additionally, the City shall provide an operational budget for the Manager, reimbursing travel for legal city/job-related expenses and training for the Manager to continue his expertise in his capacity as well as dues and subscriptions.

K. The City recognizes the desirability of representation in and before local civic and other organizations, and the Manager is authorized to become a member of such civic clubs or organizations as he shall deem desirable, for which the City shall pay all expenses. The Manager shall report to the City on each membership that he has taken out at the City's expense.

L. In the event that the Manager is named in his individual capacity in any proceeding in any state or federal court or administrative agency, of actions done or omitted in good faith and within the course and scope of his employment, the City agrees to provide a defense to the Manager. In addition, the City agrees to indemnify the Manager to the extent permitted under applicable law, including the Governmental Tort Claims Act, from a judgment entered against him in his individual capacity on the determination that the acts or omissions which form the basis of the judgment were done or omitted by the Manager in good faith and within the course and scope of his employment. Manager agrees that he will promptly notify the City of any suit or proceeding and will follow the provisions set forth in *11* O.S. *§23-101 et seq.*, as amended from time to time.

SECTION 4. EMPLOYMENT REQUIREMENTS

A. The Manager shall accomplish those duties as specified in the Shawnee City Charter and any other duties prescribed by a majority vote of the City Commission.

B. The Manager shall be cognizant of the importance of public relations and community visibility and strive to accomplish presence in these areas.

C. The Manager shall designate an acting Chief Executive Officer whenever he is out of the City. The Manager shall file in writing with the City Clerk an order of "In charge" designation in the case of the Manager's absence.

D. The Manager shall not be in the employ of anyone except the City during the term of this Agreement. However, this does not preclude the Manager from serving on federal or state boards or the OML or CMAO or OMRF or OMAG boards, or civic boards and offices. Furthermore, this does not prohibit the Manager from participating in private corporations or partnerships, provided he is an investor and not an employee and these corporations or partnerships are not in conflict with the City.

SECTION 5. GENERAL PROVISIONS

A. The text herein shall constitute the entire Agreement between the parties. This Agreement may be amended in writing, by mutual agreement of the parties.

B. This Agreement shall be binding upon and inure to the benefit of the heirs at law, devisees and legatees of the Manager.

C. This Agreement shall be effective upon ratification by the City Commission.

D. The Commission may evaluate the Manager during the term of this Agreement at whatever time they deem appropriate.

E. If any provision or portion thereof as contained in this Agreement shall be deemed unconstitutional or in violation of any law, then only that provision or portion thereof shall be severed here from and shall have no force or effect whatsoever.

F. This Agreement is to be interpreted by the Laws of the State of Oklahoma. Both parties hereto agree that Pottawatomie County, Oklahoma will be the venue for any legal action pertaining to this contract.

IN WITNESS HEREOF, the City Commission of the City of Shawnee has caused this Agreement to be signed and executed on its behalf by its Mayor and the undersigned employee as City Manager.

_____

BRIAN E. MCDOUGAL,
CITY MANAGER
SHAWNEE MUNICIPALITY AUTHORITY MANAGER
SHAWNEE AIRPORT MANAGER

CITY OF SHAWNEE, OKLAHOMA

BY: _____
WES MAYNORD, MAYOR

ATTESTED:

_____
PHYLLIS LOFTIS, CITY CLERK

APPROVED AS TO LEGALITY AND FORM:

_____
MARY ANN KARNS, CITY ATTORNEY

Regular Board of Commissioners **2. f.**

Meeting Date: 11/04/2013

Fire Dept Gear

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Approve request to purchase Bunker Gear for the Fire Department

---

Attachments

Purchase of Gear

CITY OF SHAWNEE
FIRE DEPARTMENT

16 W Ninth
Shawnee, Oklahoma 74802
405-878-1556 • Fax 405-878-1631

ADMINISTRATION

David Short, Fire Chief
405-878-1556

Dru Tischer, Deputy Chief
405-878-1538

Date: October 29, 2013

To: Mayor and City Commissioners

From: David Short, Fire Chief

RE: Replacement bunker gear

Nature of Request: This request is for 39 sets of Globe G-Xtreme Turn out gear to serve as a replacement for current gear that is advancing is it's predicted life usage. The current gear will serve as back-up gear in the event on repair or cleaning for the new gear. NFPA requires annual inspection of all turn-out gear for damage and repair. Cleaning of this gear is recommended at least a year to remove dangerous toxins. We are leasing gear while having gear inspected in Dallas once a year and is very costly and a lesser quality of gear. We are planning to use our current gear, rather than leasing, during the time gear is being serviced. This will afford a savings to our department.

Staff Analysis, Considerations: Turn Out gear has a ten year usage life for the purpose of providing protection of firefighters due to material degradation. This is the maximum year life of Turn Out gear on the market.
We have compared pricing and product with other companies on the market. Globe manufacturing offers the best quality and price for this product and is the gear we are currently using. Good Turn out gear is vital as it is last line of defense for firefighters.

Recommendation: After researching this product, we recommend buying 39 sets of Globe G-Xtreme Turn Out gear using the Pott County Fire Equipment Price Bid Tabulation program providing us with the best pricing available. Each set will be $2,067.51.

Budget Consideration: We have budgeted money for the last two budget years to prepare for this item. Total expenditure is $80,623.89 and is out of our Capital account #301-5-0720-5450, project #407, line item #0720-54.

Regular Board of Commissioners **2. g.**

Meeting Date: 11/04/2013

Mayor Appointments

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Mayor's Committee/Board Appointments:

Shawnee Library Board

Name	Replaces- Termed Out	Term Expires
Cherity Pennington	Allison Brown	6-30-2016
Dephanie Lilite	Starla Howard	6-30-2016

Regular Board of Commissioners **2. h.**

Meeting Date: 11/04/2013

Traffic Commission Recommendations

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Traffic Commission Recommendations

A. Consideration of request by Staff to reduce the speed limit in residential areas from 30 mph to 25 mph

STAFF RECOMMENDATION: Staff recommends approval of request
BOARD RECOMMENDATION: Board recommends denial of request

B. Consideration of request by Julia Storie, to have no parking along Chicago from Union west to mid-block on both sides of the street from 2:00 pm to 3:30 pm Monday thru Friday

STAFF RECOMMENDATION: Board recommends approval of request
BOARD RECOMMENDATION: Board recommends approval of request

Attachments

Recommendations

Meeting Packet from 10-22-13

Unapproved DRAFT Minutes from 10-22-13 meeting

STAFF RECOMMENDATIONS
TRAFFIC COMMISSION
October 22, 2013 MEETING

A. Consideration of request by Staff to reduce the speed limit in residential areas from 30 mph to 25 mph

STAFF RECOMMENDATION: Staff recommends approval of request
BOARD RECOMMENDATION: Board recommends denial of request

B. Consideration of request by Julia Storie, to have no parking along Chicago from Union west to mid-block on both sides of the street from 2:00 pm to 3:30 pm Monday thru Friday

STAFF RECOMMENDATION: Staff recommends approval of request
BOARD RECOMMENDATION: Board recommends approval of request

City of Shawnee

Traffic Commission

MAYOR
Wes Mainord

BOARD OF COMMISSIONERS

Ronald Taffe
Theresa Cody
Ron Duffell
Larry Smith

Deena Harris
Wayne Ardrey
Rebecca Dolin

Please advise me of your attendance plans regarding this meeting at 405-878-1760 or email at Danielle.turner@shawneeok.org.

NOTICE OF MEETING

Traffic Commission

TYPE OF MEETING

Regular Meeting	(X)	Rescheduled Regular Meeting	( )
Special Meeting	( )	Continued or Emergency Meeting	( )
Reconvened Meeting	( )		

DATE	TIME	PLACE OF MEETING
October 22, 2013	6:00 PM	COMMISSION CHAMBERS City Hall, Shawnee, OK

Name: Dani Turner

Title: Secretary

Address: P.O. Box 1848
Shawnee, OK 74802-1848

Phone: (405) 878-1537

Filed in the office of the municipal clerk at 10:46a (am)/pm on 10-11, 2013.

Signed: Lisa Lasyone

Phyllis Loftis, City Clerk

FOR CITY CLERK'S OFFICE ONLY

Date Notice released to news media: 10-11-2013

Person filing notice: Danielle Turner

Notice verified by: Lisa Lasyone

Traffic Board Commissioners:
Chairman – Ronald Taffe
Ron Duffell
Theresa Cody
Larry Smith

City of Shawnee
Traffic Commission

Traffic Board Commissioners:
Deena Harris, Vice Chairman
Wayne Ardrey
Rebecca Dolin

AGENDA

October 22, 2013 AT 6:00 P.M.
Commission Chambers, City Hall

I. Call to Order

II. Roll Call

III. Approval of September 24, 2013 Minutes

IV. Consideration of Requests Received

A. Consideration of request by Staff to reduce the speed limit in residential areas from 30 mph to 25 mph

B. Consideration of request by Julia Storie, to have no parking along Chicago from Union west to mid-block on both sides of the street from 2:00 pm to 3:30 pm Monday thru Friday

V. Administrative Reports

VI. Citizen Participation

VII. Board Members Comments

VIII. Adjournment

Respectfully submitted,

Dani Turner
Secretary

STAFF RECOMMENDATIONS
TRAFFIC COMMISSION
October 22, 2013 MEETING

A. Consideration of request by Staff to reduce the speed limit in residential areas from 30 mph to 25 mph

STAFF RECOMMENDATION: Staff recommends approval of request

B. Consideration of request by Julia Storie, to have no parking along Chicago from Union west to mid-block on both sides of the street from 2:00 pm to 3:30 pm Monday thru Friday

STAFF RECOMMENDATION: Staff will make recommendation at time of meeting. Awaiting additional information

MINUTES
TRAFFIC COMMISSION
September 24, 2013 MEETING
COMMISSION CHAMBERS ROOM AT CITY HALL

I. CALL TO ORDER

II. ROLL CALL

MEMBERS PRESENT

Ronald Taffe, Teresa Cody, Rebecca Dolin, Wayne Ardrey, Ron Duffell, Larry Smith

MEMBERS ABSENT

Deena Harris

EX-OFFICIO MEMBERS

Michael Ludi, Asst. City Engineer
Keith Mangus, Traffic Control Supervisor
Dani Turner, Secretary

CITIZENS PRESENT

Della Hutton
Penny Peisley
Cindy Howard

III. APPROVAL OF FEBRUARY 26, 2013 MINUTES

Motion was made by **Smith**, seconded by **Dolin** to approve the February 26, 2013 minutes. **Motion carried.**

Aye: Taffe, Cody, Dolin, Ardrey, Duffell, Smith
Nay: none

IV. APPROVAL OF 2014 CALANDER OF MEETINGS

Motion was made by **Cody**, seconded by **Ardrey** to approve the 2014 Calander of Meetings`. **Motion carried.**

Aye: Taffe, Cody, Dolin, Ardrey, Duffell, Smith
Nay: none

V. CONSIDERATION OF REQUESTS

A. Consideration of request by Della Hutton, President of Westside Neighborhood Watch, to post a speed limit sign on Poplar Street between Kickapoo and Pottenger Streets.

Discussion:
Michael Ludi explains our standard policy is to deny the speed limit sign request in a neighborhood zone which we consider this part of. He clarified for commissioners that there are no speed limit signs now that it is the regular 30 mph residential zone.

Della Hutton spoke for the Westside Neighborhood Watch. She stated this neighborhood is not just any neighborhood but a very special one because it is between the High School parking lot and anywhere the students have got to be. She stated these students are always late to and from classes. She stated this street has a lot of traffic at one time and it is very fast. She would like to have a 15 mph suggested speed limit sign. It did not specifically say that on the request but that is what they would like. She is hoping a 15 mph sign might cause students to choose an alternate route. Taffe asked if the desire is to keep them off of Poplar? Ms. Hutton stated it would be if they can't drive slowly. Ludi suggested we vote specifically on the item that was put on the Agenda which is to add speed limit signs not to change the speed limit as that would take a larger process then just a vote.

Motion was made by **Taffe**, seconded by **Dolin** to Deny the motion. **Motion carried.**

Aye: Taffe, Cody, Dolin, Ardrey, Duffell, Smith
Nay: none

B. Consideration of request by Della Hutton, President of Westside Neighborhood Watch, to place additional street lights mid-block on : 500 block West Wallace, 600 block West Ford, 600 block West Wallace, 700 block West Dewey, 900 block Overland Court, 1000 block Overland Court, 1100 block West Dewey, and the 1100 block of West Wood

Discussion:
Michael Ludi reported the City does not typically put street lights mid block. It is our standard procedure to deny any such requests. With this request, there being so many lights requested, Ludi spoke with OG&E to receive a quote on the placement of the lights. This quote adds one light per block and is contingent on if OG&E can get easements, and the cost of tree trimming or removal of trees. The cost estimate is $31,742.00. General policy is to ask the resident to pay for the light to be installed. If a resident requests from OG&E a security light to be installed on their property there is no initial cost of the placement of the light only the monthly fee of about $12 to$15 a month paid by the resident.

Cindy Howard is security patrol for Westside Neighborhood Watch. She stated the neighborhood has a lot of drug activity and a lot of residents do not leave their porch lights on. The large trees in the area cause even the moon not to be able to light the streets. She doesn't believe some of the residents would like the mid block lights simply because it would allow others to see the criminal activity being done at night. She states "Lighting is a must to keep the neighborhood safe."

Della Hutton states the trees do block a lot of the light and this is why mid block lights are needed. This neighborhood has a lot of people who will not put up their own security lights. It is hard to turn in information to the police on the drug activity when we can not see to tell them what is going on.

Motion was made by **Dolin**, seconded by **Duffell** to deny the motion. **Motion carried.**

Aye: Taffe, Cody, Dolin, Ardrey, Duffell
Nay: Smith

C. Consideration of request by Della Hutton, President of Westside Neighborhood Watch, to place additional lighting with-in Jefferson Circle Park located at the northeast corner of Chapman and Dill and with-in Strickland Park located at the corner of Chapman and Kirk.

Discussion:
Michael Ludi reports there are two (2) lights at the parks that are regular street lights but do not illuminate the park. The recommendation is to approve the addition of two (2) extra lights in these two parks. There will be no charge for the installation of lights by OG&E only monthly fees. In Strickland Park we would recommend putting the lights more North and west since it is a ball field so we would not obstruct the fields and in Jefferson Park we would recommend to center the two lights since there is play equipment centralized. The recommendation would also be to place brighter than normal lights for this area. The standard lights that are put on the street are 9500 lumens these lights would be 14000 lumen. These lights are about $5 more per month but would add to the security of the park. The two lights that are already in the park would remain. These two lights are not to replace but in addition to the others.

Della Hutton would like to thank everyone for their time.

Motion was made by **Smith**, seconded by **Ardrey** to approve the motion.
Motion carried.

Aye: Taffe, Cody, Dolin, Ardrey, Duffell, Smith
Nay: none

VI. NEW BUSINESS

none

VII. ADMINISTRATIVE REPORTS

*Kickapoo Street is a little behind on the project the new expected completion date is now August 2014
* Federal Bridge rehab should be complete mid October 2013

VIII. CITIZEN PARTICIPATION

None

IX. BOARD MEMBERS COMMENTS

None

There being no further business to come before the Traffic Commission, a motion was made by **Cody**, seconded by **Smith** recommending the meeting be adjourned. **Motion carried.**

Aye: Taffe, Cody, Dolin, Ardrey, Duffell, Smith
Nay: none

Respectfully submitted,

_____
Dani Turner, Secretary

_____
Ronald Taffe, Chairman

RECEIVED
OCT - 7 2013
CITY OF SHAWNEE
ENGINEERING

10-7-13

I reside at ~~11~~ 11E Chicago Street.
Our house is a BIG ½ acre corner lot at (Chicago & Union STreet.) Front of our house faces NORTH which is Chicago. Across the way is (WILL ROGERS School) We've had an ongoing problem with TRAFFIC & disRespectful parents, mainly in the afternoon when they're picking up children. This starts around (2:50 pm to 3:15 pm) They drive on the grass & park. They Block traffic (driveways) & Block the entry of my house. Park, wherever they feel if they can get away with it. Leave their vehicles unattended & RUNNING. Block the STOP SIGN at the corner of our property. When it RAINS it gets WORSE, they RUT Out our yard. This has been ongoing, & let it go Get upset & give up, go Back into the house, & think how disrespectful. Well this time I'm not giving up - For the Reason is (my husband is very sick, he has a FAILING Liver & waiting for a Liver Transplant. My main concern is what if he needed paramedics at that crucial time they wouldn't Be able to get down our STREET (Chicago) or even get to our FRONT entry - Because its Blocked By School Traffic. Parents & pick-ups KNOW / & are told By (WILL ROGERS) where to drop-off & pick-up & line up on Union STreet - its Not to Be IN front of my house - Why? I guess its LAZINESS / CONVENIENCE / But its very disrespectful

to us property owners & Neighbors who have to maintain our yards. The four corners of Union + Chicago are kept up By us four elderly Neighbors. Across the Street from my house is Mr Simmons, 85 yr old man, he works hard to keep his yard up. He gets fed up + angry. He put up Big (White Buckets) along his property line it worked for a while. There's a concern that occurred on Tues Oct 1st, the police were called to the corner of Chicago. A (Neighbor) was standing + waiting on our corner, and a Lady had called her Names + said she wasn't going to move her car Neighbor was waiting for her daughter + watching that her kid would get to the corner, she has autism. In the meantime I drove up trying to get thru my Street + couldn't it was Blocked I drive a Big 13 passenger company Van. I usually come home around 2:50pm, sometimes can't even get into my driveway on Union — Because other traffic is coming down Union in the Wrong Lane - while the other Lane is Blocked with waiting parents trying to pick-up.

ON Wed Oct 2nd →

I was verbally called names to my face - this guy got out of his (Big white Suv) + acted like he was going to swing at my face. I asked him what are you gonna do hit me? A (63 yr old woman — he backed off + put his suv in Reverse down Chicago, Never saw him again. I guess

he was irate because of traffic & couldnt get there. Also on Thursday - I was out front of my house & getting my mail & noticed a silver, Chrysler, dark tinted windows engines running / music blasting / parked very close to our bushes, NO one in the car. A few minutes Later here comes a (young mom, she stared meldown) I asked her politely plz dont park on the grass. She yelled at her son get in the car, She came around the backend of her car - I can park here if I want (you can go to ____) She got back into her car, she parked very close to the stop sign, tore out Laid rubber halfway down Union St. I said (Really Thats setting A Good example for parents, or could of hit a kid

Also the new (NO LEFT TURN SIGN) on union in front n side of (Will Rogers - they were holding up traffic Friday 2:55 pm. I noticed a Big Black 4 wheel drive, dark tinted windows just sitting there & made cars go around - thats a collision waiting to happen. Also, I drive a Bic 13 passenger Co. Van When I pick up children from Will Rogers we are instructed to park in the (1st Nat. Bank parking lot) I'm not allowed to park in front of my house & Block traffic, NOR do I or my husband park on our grass in front of chicago - because we know how hard it is to maintain our yard.

So, please I'm asking someone please do Something - I talked to MR. Brian McDougal on 10-2 & MR. Michael Lui on 10-2 I was in Both of their offices on these dates and I was asked to write a letter, I'm now asking Because of a major chronic medical situation which is LIFE & DEATH I always come home Everyday to check on my husband - but if I can't get into my front entry / & or driveway Being Blocked this is unCalled for & Something Should Be Resolved. I was told maybe police patrol, even if its for 20 minutes when it gets crazy & Busy, WE Need Police patrol)

(1) →

(2) Build an actual Parking Lot For School

(3) Get Traffic (Back-up off Union St.) Both LANES ARE Effected coming & Going

(4.) REROUTE & LINE TRAFFIC to McARTHUR STREET

(5) Add (PARKING LOT WHERE PLAYGROUND IS)

10 yrs or more → My mother-in-law said her & Husband planted all the Bushes on Chicago (St.) Back then people would drive across the corner into their yard out on Union Street. Also she said at one time City was going to Build a sidewalk / and curve.

MINUTES
TRAFFIC COMMISSION
October 22, 2013 MEETING
COMMISSION CHAMBERS ROOM AT CITY HALL

I. CALL TO ORDER

II. ROLL CALL

MEMBERS PRESENT

Ronald Taffe, Teresa Cody, Rebecca Dolin, Wayne Ardrey, Ron Duffell, Larry Smith

MEMBERS ABSENT

Deena Harris

EX-OFFICIO MEMBERS

Michael Ludi, Asst. City Engineer
Keith Mangus, Traffic Control Supervisor
Dani Turner, Secretary

CITIZ[illegible]RESEN[illegible]

Julia H[illegible]Storie

DRAFT

III. APPR[illegible]VAL O[illegible] SE[illegible]TEMBE[illegible]24[illegible]2013 M[illegible]U[illegible]ES

Motion was made by **Ardrey**, seconded by **Dolin** to approve the September 24, 2013 minutes. **Motion carried.**

Aye: Taffe, Cody, Dolin, Ardrey, Duffell, Smith
Nay: none

IV. CONSIDERATION OF REQUESTS

A. Consideration of request by Staff to reduce the speed limit in residential areas from 30 mph to 25 mph

Discussion:
Michael Ludi gave staff recommendation to change the current 30 mph speed limit in residential areas to 25 mph in residential areas. This is the typical speed limit in most cities on residential streets. Ardrey asked if this was for safety reasons. Ludi reported there are few studies out there on the reduction of speed. The ones he had found showed about a 6% reduction in accidents per each mph lowered. Ludi reports it is standard 25 mph in most Cities. Shawnee's 30 mph seems a little fast on most residential streets. The 5 mph difference in speed could prove significant if a child were to run out in the street. Cody asked about signs around town. How many would need to be replaced. Ludi explains we do not post signs in residential areas as standard practice. If the area was a school zone, like at Pleasant Grove School, we would lower the school zone to 20 mph with the speed limit being 25 mph all the time. The streets that are posted like Broadway that are 30 mph would stay 30 mph. Ardrey asked how residents would know of the change if it is not posted. Ludi explains we would notify the newspapers, place it on Chanel 30, the City website also facebook and twitter of the changes to make residents aware. Duffell asked if a notice could be sent out with the utility bills. Ludi explains he could not authorize that because of the cost of doing it.

DRAFT

M ion was ad by **A rey**, c co ed by **Smith** to Ap rove the motion.
M ion fail

Aye: Ardrey, Duffell, Smith
Nay: Taffe, Cody, Dolin

B. Consideration of request by Julia Storie, to have no parking along Chicago from Union west to mid-block on both sides of the street from 2:00 pm to 3:30 pm Monday thru Friday.

Discussion:
Michael Ludi reported a traffic count was conducted mid-block on Chicago Street on Wednesday, Thursday and Friday of last week. With school being out on Thursday for fall break this would give an accurate count for when school is in session and when out. Results were: Tuesday- thirty-three (33) cars, Wednesday- forty (40), Thursday sixteen (16) during the hour and a half time requested. The count shows traffic doubles in the area on school days. Ludi also watched the traffic on a day school was in during this time period. Ludi reported not seeing anyone parked on the lawn on that day and it seemed the increase in traffic was due to vehicles avoiding the lines on Union. Ludi spoke with the resident, Mr. Simmons, on the opposite corner of Chicago from the resident requesting the no parking. The resident agrees there is a problem with the parking and would like to see a no parking in this area as well. His main complaint was cars rutting up his

yard when pulling into the grass to park. He is in bad health and is unable to come and speak at the meeting this evening. Ludi reported the No Parking would only affect the two houses. Ludi recommends the East half of Chicago be posted No Parking on Chicago both sides of the street from 2:00 pm to 3:30 pm Monday thru Friday. Ardrey asked if the traffic would just move down a street and cause the same issue in another area. Ludi reported he did not believe this would be an issue. The next block over would most likely be too far for those who are parking to want to walk. He also reported the next street was a curbed street which would keep the cars off the grass and from rutting out the yards. The street closest is also a cul-de-sac which would also keep cars from blocking traffic on side streets. Ludi has spoken to the school about the issue, he has been told the parents are not supposed to park and come get the kids they are to wait in line. The school has sent out procedure several times with the students. There has also been a no left turn sign into the school placed to help with the traffic problem. The traffic does not always obey the sign. The sign, when enforced, allows Police to write a ticket. Julia Storie was present to speak. Ms. Storie lives on the corner of Union and Chicago. She reported there are no curbs on this block. While school is in session cars park in the grass in front of her house rutting the yard and blocking the entrance to her residence. She stated her husband is ill. He has liver failure and is on the transplant list. Her concerns are that if she needs emergency medical assistance during the time of day school is out (2:00 to 3:30) an ambulance would not be able to get to her husband. She also reports it is hard to maintain the lawn with all the ruts left from parked cars. She has spoke with police and the school and can not seem to get much done about the problem. Ms. Storie has made contact with drivers requesting them not to park on her yard only to be verbally assaulted. Ms. Storie spoke of various occasions when she has had confrontations with drivers. She stated this is not a new problem but an ongoing problem and needs help to get it fixed. She asks the Commission to place the no parking along Chicago from Union west to mid-block on both sides of the street from 2:00 pm to 3:30 pm Monday thru Friday.

DRAFT

Motion was made by **Ardrey**, seconded by **Dolin** to approve the motion. **Motion carried.**

Aye: Taffe, Cody, Dolin, Ardrey, Duffell, Smith
Nay: none

V. NEW BUSINESS

none

VI. ADMINISTRATIVE REPORTS

none

VII. CITIZEN PARTICIPATION

none

VIII. BOARD MEMBERS COMMENTS

Larry Smith reported he would like to have the gutters on Harrison either painted with bright colors or repaired. He stated these grates are a hazard for bicycle riders. He would also like to have the City look at having a mesh wire placed from the concrete barriers to the roof of the underpass on MacArthur. He stated drivers throw items out of their cars onto the sidewalk or even at walkers/joggers/cyclists on the sidewalk. He feels for safety measures this is necessary. Smith would like Slover Bridge which is now closed be open to Hikers and cyclists. He stated this stretch of road that has little traffic due to the bridge being closed for vehicles would be perfect for cyclists. Ludi stated Slover Bridge was currently being looked at for this. Smith would also like where Union Street dead ends at Interstate Parkway the City to look at putting a Pedestrian/Bicycling bridge across I-40 to the Mall. He states there are a lot of residents who only get paid minimum wage that walk or ride bicycle to work at the mall and a pedestrian/ bicyclist bridge would allow them to get to work in a safer way. These are items he would like to have the City look at and possibly take action on.

There being no further business to come before the Traffic Commission, a motion was made by **Smith**, seconded by **Dolin** recommending the meeting be adjourned. **Motion carried.**

DRAFT

Aye:
Nay:

Respectfully submitted,

_____
Dani Turner, Secretary

_____
Ronald Taffe, Chairman

Regular Board of Commissioners **5.**

Meeting Date: 11/04/2013

Mayor's Proclamations

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Mayor’s Proclamation’s:

“America Recycles Day”
November 15, 2013

“Winter Weather Preparedness Day”
November 13, 2013

Attachments

American Recycles Day

Winter Weather Preparedness Day

City of Shawnee

Proclamation

"America Recycles Day"

Whereas, the City of Shawnee recognizes the importance of protecting and preserving our natural resources and adopting conscientious habits that will improve our daily lives and bring about a cleaner, safer, and more sustainable environment; and

Whereas, although there has been a significant increase in the amount of recycling in The City of Shawnee to date, we must also continue to focus on other initiatives such as waste reduction, composting, the reuse of products and materials, and purchasing recycled products; and

Whereas, by encouraging businesses, state agencies, nonprofit organizations, schools and individuals to celebrate America Recycles Day 2013, we can further promote recycling as an environmentally efficient and economically smart habit; and

Whereas, state and community leaders can help encourage recycling by informing citizens about local recycling options, they can also help foster greater awareness of the need to expand collections programs by promoting the benefits of recycling investments for businesses; and

Whereas, it is important that all Shawnee, OK citizens become involved in recycling activities and learn more about the many recycled and recyclable products available to them as consumers; it is also fitting for Shawnee, OK to celebrate America Recycles Day 2013 and take action by educating citizens about the recycling options available in our community;

Now, Therefore, I, Wes Mainord, Mayor of the City of Shawnee, Oklahoma, by the authority vested in me, do hereby proclaim November 15, 2013, as

"America Recycles Day"

Dated this 4th day of November, 2013
In the City of Shawnee, Oklahoma

THE CITY OF SHAWNEE SEAL OKLAHOMA

_____
Wes Mainord, Mayor

ATTEST:

_____
Phyllis Loftis, CMC, City Clerk

America Recycles Day
NOVEMBER 15

A nationwide initiative of
KEEP AMERICA BEAUTIFUL

City of Shawnee

Proclamation

"WINTER WEATHER PREPAREDNESS DAY"

Whereas, the climate of Oklahoma is conducive to the development of Winter Weather Precipitation; and

Whereas, the citizens of Shawnee are adversely affected by such weather conditions; and

Whereas, it is recognized that where appropriate actions are taken in response to such conditions, fewer people are injured or killed; and

Whereas, it is vital that we further an awareness of the dangers of such weather conditions and the protective measures citizens can take in the event of such conditions; and

Whereas, Shawnee Emergency Management, the American Red Cross, the Pottawatomie County Local Emergency Planning Committee, and State and Federal agencies desire to continue working with the citizens of Oklahoma and the news media to disseminate information on Winter Weather preparedness to the people of the State.

Now Therefore, I, Wes Mainord, Mayor of the City of Shawnee, Oklahoma, do hereby proclaim Wednesday, November 13, 2013 as

"WINTER WEATHER PREPAREDNESS DAY"

In the City of Shawnee, Oklahoma
Dated this 4th day of November, 2013

THE CITY OF SHAWNEE SEAL OKLAHOMA

_____
Wes Mainord, Mayor

ATTEST:

_____
Phyllis Loftis, CMC, City Clerk

Regular Board of Commissioners **6.**

Meeting Date: 11/04/2013

Taxicab Ordinance

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Public hearing and consideration of an ordinance modifying rules applicable to vehicles for hire/taxicabs contained within Chapter 8, Article X of the Shawnee Municipal Code.

Attachments

Memo Taxicab Ordinance Changes

ORDINANCE Taxicab

City of Shawnee

16 W. 9th Street
Shawnee, OK 74801
(405) 878-1665 Fax (405) 878-1587
www.ShawneeOK.org

MEMORANDUM

AGENDA: November 4, 2013

TO: Mayor and City Commission

FROM: Justin Erickson, Planning Director

RE: **Vehicles For Hire (Taxicab) Ordinance Revision**

Nature of the Request

Staff proposes that the City Commission adopt a revised vehicle for hire (taxicab) ordinance (see attached). The current ordinance has not been substantially updated since at least 1986. Changes are necessary to protect public health, safety and welfare. The need for a revised ordinance was discussed with the City Commission in February of 2013.

At present, the City has two licensed vehicle for hire companies: Executive Cab and Castle Cab. Executive Cab was purchased by the current operators and licensed by the City in 2000. Castle Cab was approved to operate by the City Commission in February 2013. On June 20, 2013, Staff mailed a draft version of the revised ordinance to licensed operators soliciting feedback. Staff personally spoke with and met with representatives of both companies. To date, no written comments have been received outlining requested changes.

Analysis/Considerations

The proposed ordinance is substantially similar to the existing ordinance. There are general requirements and licensing standards set forth. Both the taxicab business and each individual driver are required to be licensed. The most substantive changes are as follows:

1. Taximeter required. The City currently operates on a zone rate structure that was last updated in 2000 (see attached Resolution #6058). The proposed ordinance requires meters and allows individual companies to set their rates annually concurrent with their license renewal. This is consistent with the code language of most large jurisdictions in Oklahoma. Table 1 represents a sampling of taxi rates in the Oklahoma City metropolitan area. It is Staff's opinion that the current zone system is confusing to interpret and monitor. One benefit to a zone system is that it is easier to quote a customer an exact fare. However, with a meter system a fare rate per mile can easily be quoted too.

2. Clear process for revocation. The proposed ordinance sets forth a very clear set of standards for issuance of licenses and conversely it includes a detailed process for the revoking of said licenses if companies or individuals violate the law.
3. Insurance requirement. The current ordinance includes insurance requirements that are outdated and inconsistent with State law. The proposed ordinance is consistent with State law.

Table 1: Sample taxi rates by jurisdiction

TAXI RATES			
OKLAHOMA CITY	START THE RIDE	PER MILE	WAITING TIME (per hour)
Thunder Cab	$3.00	$2.25 ($1/extra passenger)	
Yellow Cab	$2.75	$2.00	$15.00
Castle Cab	$3.00	$2.25	$18.00
AMC Taxi	$3.00	$2.00	
Independent Cab Company	$3.00	$2.25	
NORMAN			
A1 Taxi Service	$3.00	$2.25	
Yellow Cab	$3.75	$2.75	
EDMOND			
Edmond Taxi	$3.00	$2.00	
MIDWEST CITY			
Convenient Transport Service	$5.00	$1.50	

Staff Recommendation

Staff recommends that the City Commission pass the proposed Ordinance, revising Chapter 8, Article X – Vehicles For Hire.

Attachments
1. Ordinance revising regulations pertinent to vehicle for hire operations
2. Resolution #6058 (2000)

RESOLUTION NO. 6058

A RESOLUTION APPROVING AN INCREASE IN BASIC TAXICAB RATES WITHIN THE CITY OF SHAWNEE, OKLAHOMA; AND PROVIDING THAT ALL OTHER RATES AND MANNER OF COMPUTING FARES PRESENTLY IN EFFECT SHALL REMAIN UNCHANGED.

WHEREAS, it appears that operating costs for taxicabs within the City of Shawnee have increased to the point that an increase in rates is necessary; and

WHEREAS, it is necessary and in the best interest of the City of Shawnee and the inhabitants thereof for taxicab companies to operate with rates which will insure adequate taxicab transportation facilities for the public use; and

WHEREAS, a rate schedule proposed by taxicab companies in Shawnee appears to be reasonable and necessary.

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

That the basic taxi fare presently in effect shall be increased by 20 %.

BE IT FURTHER RESOLVED that all other rates and the manner in which fares are calculated shall remain the same as those approved by the City Commission on August 16, 1993.

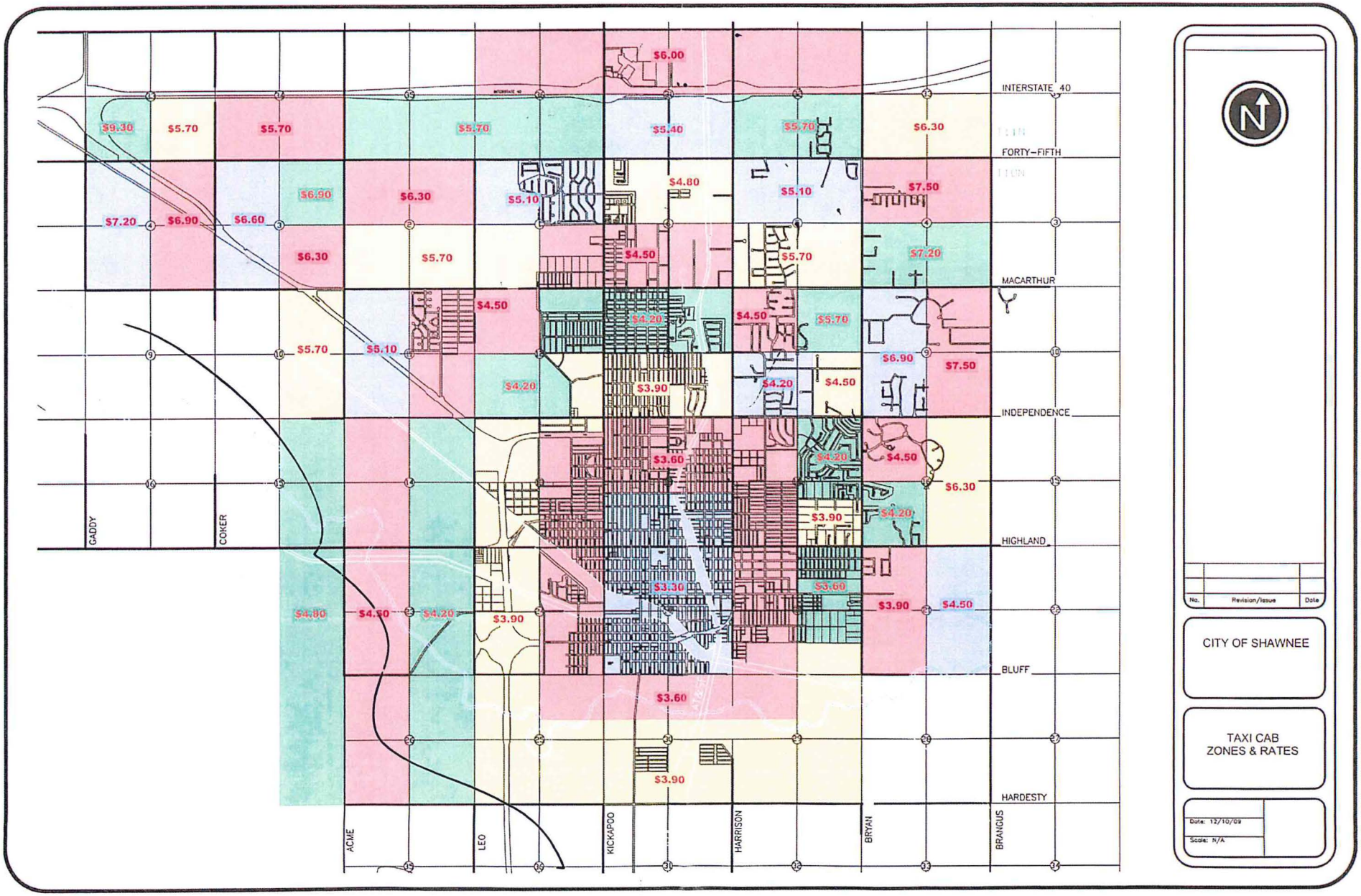
PASSED AND APPROVED this 3rd day of January, 2000.

Chris Harden, Mayor

(SEAL)

ATTEST:

Diana Hallock, CMC, City Clerk


$6.00
$9.30
$5.70
$5.70
$5.70
$5.40
$5.70
$6.30
INTERSTATE 40
FORTY–FIFTH
$4.80
$5.10
$7.50
$7.20
$6.90
$6.60
$6.90
$6.30
$5.10
$6.30
$5.70
$4.50
$5.70
$7.20
MACARTHUR
$4.50
$4.20
$4.50
$5.70
$5.70
$5.10
$6.90
$7.50
$4.20
$3.90
$4.20
$4.50
INDEPENDENCE
$3.60
$4.20
$4.50
$6.30
$3.90
$4.20
GADDY
COKER
HIGHLAND
$3.30
$3.60
$4.80
$4.50
$4.20
$3.90
$3.90
$4.50
BLUFF
$3.60
$3.90
HARDESTY
ACME
LEO
KICKAPOO
HARRISON
BRYAN
BRANGUS
N
No.
Revision/Issue
Date
CITY OF SHAWNEE
TAXI CAB
ZONES & RATES
Date: 12/10/09
Scale: N/A

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SHAWNEE REVISING CHAPTER 8, ARTICLE X – VEHICLES FOR HIRE, REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, public health, safety, and welfare necessitate revised rules regulating vehicles for hire.

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

SECTION 1: AMENDATORY. Section 8-461 is amended to read:

Purpose and scope.
It is the intent of this article to regulate the operation of motor vehicles for hire that originate trips within the corporate limits of the City, excepting any trips, the regulation of which are preempted by state and/or federal law. A trip "originates" within the corporate limits of the City if any of its passengers are picked up within the corporate limits of the City of Shawnee for transportation for hire. Said regulation is done pursuant to the authority granted by 11 O.S. § 22-118 and any duly enacted legislation amendatory, complementary or supplementary thereto, including the City's police powers for the protection of the public's health, safety and/or welfare.

SECTION 2: AMENDATORY. Section 8-462 is amended to read:

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:

(a) *Autobus* means a self-propelled motor vehicle not operated on fixed tracks, with a manufacturer's rated seating capacity of seven or more passengers, operating over a fixed route, between fixed termini and/or on trips pursuant to a published bus schedule; which transports passengers in exchange for compensation; and said vehicles are regulated by the Oklahoma Corporation Commission.

(b) *Carriage* means any animal-drawn carriage, pedicab, bicycle carriage, and any other form of animal-drawn and/or human powered vehicle used to transport persons for any compensation, including tips only. Neither motor-assisted nor electric-assisted carriages shall be used to transport persons for hire on City streets.

(c) *Certificate of public convenience and necessity/business license* means the authority granted by the City to operate a vehicle for hire on the streets of the City.

(d) *Cruising* means the driving of a vehicle for hire on the streets, alleys or public places of the City, in search of or soliciting prospective passengers for hire.

(e) *Driver* means every person who drives or operates a vehicle for hire.

(f) *Licensee* means every person who is licensed under this chapter to operate a vehicle for hire company which originates trips within the City of Shawnee.

(g) *Motor vehicle for hire* means an automobile, bus, truck, van, limousine or any other form of motor vehicle which is used to transport persons for any amount of compensation, including tips only, in exchange for said transportation. This definition shall not include school buses used for transporting children to and from school; vehicles used for ridesharing/carpooling when the seating capacity of the motor vehicle used does not exceed 15; funeral home limousines used exclusively for customers of the funeral home; autobuses; or courtesy vehicles which are provided by hotels or other businesses/companies free of charge to the individual customers of the hotel/business and which are not open to use by the general public.

(h) *Owner* means every person, firm, partnership, association or corporation having proprietary use, ownership or control of any vehicles for hire or fleets of vehicles for hire.

(i) *Person* includes both singular and plural, and shall mean any individual, firm, partnership, corporation, or association for business purposes.

(j) *Street* means any street, road, alley, avenue, boulevard, public way, lane or highway within the corporate limits of the City.

(k) *Taxicab* or *taxi* or *cab* means a motor vehicle for hire designed to carry ten persons or less, operated upon any street or on call or demand, accepting or soliciting passengers indiscriminately for transportation for hire between such points along streets or highways as may be directed by the passenger or passengers so being transported, and equipped with a taximeter, for compensation fixed by a taximeter.

(l) *Taximeter* means a mechanical and/or electronic device attached to a taxicab, which mechanically calculates the authorized charge on the basis of distance traveled, waiting time, or a combination of both. Charges shall be indicated upon such mechanical device in dollars and cents.

(m) *Vehicle for Hire Inspector* means the City of Shawnee Community Development Director or their designee charged with the responsibility of insuring compliance with all the provisions of this chapter.

SECTION 3: AMENDATORY. Section 8-463 is amended to read:

Compliance with this chapter and state/federal law.
No person shall drive or operate a motor vehicle for hire, solicit passengers for transportation in such vehicle, collect fares from prospective passengers for transportation in such a vehicle, or hold himself out to the public as ready and willing to furnish transportation in such a vehicle without having first complied with all applicable provisions of the Oklahoma State law and these municipal ordinances and any applicable federal laws and regulations.

SECTION 4: AMENDATORY. Section 8-464 is amended to read:

Certificate/business license required.
It shall be unlawful for any person, company, firm, partnership, owner, association or corporation to engage in the business of operating any motor vehicle for hire which picks up any passengers within the City limits, without having first obtained from the City Commission a certificate of public convenience and necessity/business license. In addition, individual drivers are required to be licensed pursuant to Section 8-510.

SECTION 5: AMENDATORY. Section 8-465 is amended to read:

Penalty for violation of article.
Every person, including an owner; licensee; employee of a licensee; independent contractor of an owner or licensee; agent of an owner or licensee; and/or driver of a motor vehicle for hire who violates any of the provisions of this article, or who neglects or fails to comply with the same, shall be deemed guilty of a Class "B" offense, and except in cases where another penalty has been fixed and prescribed shall, upon conviction, be punished by a fine not exceeding $500.00. Each day's violation of this article shall constitute a separate and distinct offense.

SECTION 6: AMENDATORY. Section 8-466 is amended to read:

Responsibility for vehicles under certificate/business license.
(a) Ownership of all vehicles licensed under this article shall be at the option of the licensee, and vehicles may be owned by the licensee, leased by the licensee and/or independently owned by a person other than the licensee. However, the licensee shall be responsible for all vehicles operating under the authority of its certificate/business license. Any violation of any provisions of Oklahoma State law or this article by any driver, who is an employee, independent contractor and/or agent of the licensee, may be deemed a violation by the certificate/business license holder, if other requirements of this article are met, as specifically set forth herein.

(b) No licensee shall allow any person to drive a motor vehicle for hire under the authority of licensee's license if said person has failed a drug or alcohol test administered to said person pursuant to the licensee's drug and alcohol testing policies.

(c) No licensee shall knowingly permit any person to drive a motor vehicle for hire if the licensee or any of licensee's managers, owners, officers, agents or employees is aware that the driver is under the influence of alcohol or any drug that could impair that person's ability to drive a motor vehicle for hire.

SECTION 7: AMENDATORY. Section 8-467 is amended to read:

Seating capacity not to be exceeded.
No driver shall permit more persons to be carried in a motor vehicle for hire than the rated seating capacity of such vehicle.

SECTION 8: AMENDATORY. Section 8-468 is amended to read:

Advertising on vehicles for hire.
No licensee, vehicle owner or driver or any other person shall permit any banner or other advertising matter to be affixed to or painted onto a motor vehicle for hire, except advertising matter which may be desired for advertising his system of motor vehicles for hire, and except as otherwise provided herein.

SECTION 9: AMENDATORY. Section 8-469 is amended to read:

Unlawful refusals for service.

(a) No person working pursuant to the authority of a licensee shall refuse a passenger or shall refuse to dispatch a motor vehicle for hire to provide service to a passenger, based on race, color, religion, ancestry, sex, national origin, age, or disability of said passenger.

(b) Persons working pursuant to the authority of a licensee shall provide service to passengers using wheelchairs who are requesting service, if said person would provide services to others under the same circumstances. Drivers are required to transport passengers using wheelchairs and to stow wheelchairs in the trunk or back of the vehicle. Drivers are required to assist passengers who use wheelchairs in entering and exiting the vehicle when necessary but are not required to carry or lift such passengers. Drivers are required to assist with simple assembly or disassembly of wheelchairs where necessary to load or unload the chair into and out of the vehicle. Drivers are not required to assemble or disassemble wheelchairs where such assembly or disassembly would require the use of tools. No extra fees or surcharges shall be accessed to any passenger for offering the services enumerated herein to a disabled person.

(c) Persons with disabilities may be accompanied by service animals when using motor vehicle for hire services. No extra fees or surcharges shall be accessed to any passenger accompanied by a service animal.

SECTION 10: AMENDATORY. Section 8-470 is amended to read:

Smoking prohibited.
Smoking within motor vehicles for hire shall be prohibited while passengers are present.

SECTION 11: AMENDATORY. Section 8-471 is amended to read:

Taximeter required.
It shall be unlawful for anyone to operate any taxicab in the City unless and until such vehicle is equipped with a taximeter, and each such taximeter shall be maintained in good, serviceable condition so that it shall correctly indicate the correct charge for the distance traveled and waiting time. The taximeter shall be inspected by the Vehicle for Hire Inspector at the annual inspection. The Chief of Police of their designee is hereby authorized at their discretion, or upon complaint of any person, to investigate or cause any taximeter to be investigated, and upon discovery of any inaccuracy in such taximeter, to suspend the driver's permit for operation of the taxicab and/or suspend the vehicle decal, until the Vehicle for Hire Inspector determines such taximeter shall have been correctly adjusted. It shall be unlawful for any licensee, owner, independent contractor, driver or operator of a taxicab in the City to charge any sum in excess of the amount shown on the dial of the taximeter for conveyance in the taxicab, exclusive of sales tax. Every taximeter shall be equipped so as to register the cost of transportation of passengers in the City, and the taximeter shall be so placed in the taxicab that the reading dial showing the amount to be charged may be readily seen by the passengers in the taxicab.

SECTION 12: AMENDATORY. Section 8-472 is amended to read:

Posting of rates, filing with City, receipts on request.
The following rate requirements shall be followed:

(a) Rates and charges shall be posted in each motor vehicle for hire in a place visible to passengers.

(b) It shall be unlawful for the owner or driver of any vehicle for hire in the City to fix, charge or collect for service a rate more than that specified in the rate schedule then in effect and on file with the City and posted within the vehicle. The holder of the business license/certificate shall file a notice of rate adjustments with the City concurrent with obtainment of their annual license, setting forth the proposed rates or charges then in effect, the proposed rates or charges and the dates upon which said proposed rates or charges are to become effective. The Vehicle for Hire Inspector has the discretion to take any rate increase to the City Commission for approval.

(c) If requested, every driver shall give a receipt upon payment of the correct fare or charge.

SECTION 13: AMENDATORY. Section 8-473 is amended to read:

Vehicle identification.
In addition to the other requirements of this Chapter, a taxicab shall also bear the following identification: its City-issued identification number on at least three sides of the vehicle and the licensee's telephone number(s) upon the outside panel of the vehicle. All lettering shall be at least two and one-quarter inches in height.

SECTION 14: AMENDATORY. Section 8-501 is amended to read:

Required.

No person shall operate any taxicab or other vehicle for hire, for the transportation of passengers of commodities for hire, in the City until such person and firm has procured the necessary licenses from the City. Vehicle for hire companies are licensed separately from individual drivers as set forth in this Chapter.

SECTION 15: AMENDATORY. Section 8-502 is amended to read:

Application for certificate/business license.
Applicants for a certificate/business license shall file with the City a verified application setting forth the following:

(a) Name, business address, business name, and any established place(s) of business of the applicant; including address and location of dispatcher (if applicable);

(b) Names of all owners; officers, and managers of the applicant;

(c) Number of motor vehicles for hire for which a certificate of public convenience and necessity/business license is desired and manufacturer's rated seating capacity of each vehicle;

(d) Description of the proposed color scheme, insignia or any other distinguishing characteristics of the motor vehicle for hire;

(e) Schedule showing the passenger fares to be charged; and the meter rate (for taxis) per mile or fraction thereof;

(f) Description of type and extent of service to be rendered (e.g., airport shuttle, medical service van, taxicab, limousine, party bus, etc.);

(g) With said application, applicant shall attach a copy of applicant's drug and alcohol testing policies.

SECTION 16: AMENDATORY. Section 8-503 is amended to read:

Criteria for granting a certificate of convenience and necessity/business license.
In determining whether the applicant has met the requirements of this article, the Commission shall investigate and consider the following:

(a) Ability of the applicant to comply with the requirements of this article;

(b) Whether the fares and/or rates to be charged are reasonable and nondiscriminatory;

(c) Whether applicant has available for operation adequate vehicles and equipment;

(d) Whether the demands of pubic convenience and necessity require additional taxicab service within the City;

(e) Whether applicant has a unique color scheme and/or trademark and/or name different from any other motor vehicle for hire licensee so that a reasonable person would not confuse the different licensees;

(f) Other relevant facts as the City Commission and police department may determine advisable or necessary; and

(g) Whether applicant has attached a drug and alcohol testing policy that meets the requirements of this Chapter.

SECTION 17: AMENDATORY. Section 8-504 is amended to read:

Public hearing required.
No more than 45 days after the filing of the fully completed application for the certificate of public necessity and convenience/business license, the City Commission shall hold a public hearing thereon for the purpose of determining whether the applicant has met the requirements this article.

SECTION 18: AMENDATORY. Section 8-505 is amended to read:

Issuance of certificate of convenience and necessity/business license.

(a) If the City Commission shall find that an applicant has met the requirements of this article for a certificate of public convenience and necessity/business license, a certificate/license to that effect shall be issued to the applicant by the City, setting forth the number of vehicles for hire allowed under the certificate/business license. Before the City shall issue any certificate/license, the applicant shall pay a fee of $250.00, unless otherwise modified by the General Schedule of Fees, for the initial certificate/license. The annual renewal fee shall be $50.00.

(b) Each vehicle to be operated under the authority of the licensee shall be inspected by the City before it can be used as a vehicle for hire. The vehicle title; tag; insurance verification; and Oklahoma Corporation Commission decal or USDOT/UCR number where applicable, shall be provided to the Vehicle for Hire Inspector at the time of inspection.

(c) Licenses issued by the City expire every December 31 and must be renewed. All renewals not affecting the number of licensed vehicles may be handled administratively. Any renewals requesting an increase in the number of vehicles for hire shall require approval of the City Commission.

(d) Every driver operating under the business license shall be licensed in accordance with Section 8-510 and separate fees paid in accordance with Section 8-511.

(e) Upon application for renewal of the vehicle decals, the licensee shall submit the following information in writing to the Vehicle for Hire Inspector, along with a copy of the vehicle title; tag; insurance verification; and Oklahoma Corporation Commission decal or USDOT/UCR number where applicable, for each vehicle to be used in such business:

(1) the licensee's name, the business owner's name (or names of officers if company is a corporation); and

(2) the company address, and for taxis only, the location of dispatcher(s).

SECTION 19: AMENDATORY. Section 8-506 is amended to read:

Transfer of certificate/business license prohibited.

No certificate of public convenience/business license may be sold, assigned, mortgaged, or otherwise transferred by the person or company to whom issued except upon approval of the City Commission.

SECTION 20: AMENDATORY. Section 8-507 is amended to read:

Revocation or suspension of certificate/business license.

The City Commission may at any time, pursuant to the revocation or suspension proceedings as hereinafter described, revoke or suspend the certificate of convenience and necessity/business license granted under this article, if it makes any of the following determinations of violations by (1) any owners, operators, managers, partners, officers or employees of the licensee or (2) an independent contractor or agent operating under the authority of licensee if the licensee has knowledge of, reasonably should have had knowledge of or supported the violations committed by the independent contractor or agent:

(a) If vehicles operated under the authority/endorsement of the licensee are not operated in accordance with the provisions of this article;

(b) If vehicles are operated within the corporate limits of the City at a rate or fare greater than that specified in the rate schedule then in effect and on file with the Vehicle for Hire Inspector;

(c) If a motor vehicle for hire is operated but is not insured as required by this article;

(d) If the certificate/business license was procured by fraudulent conduct or false statement of a material fact, or a fact concerning the applicant was not disclosed at the time of application and such fact would have constituted just cause for refusal to issue the certificate/license;

(e) If those persons, owners, operators, managers, partners, officers, employees, independent contractors, and/or agents operating motor vehicles for hire pursuant to the licensee's authority have violated any provisions of the article, or have committed any other acts, the violation of which reflects unfavorably on the fitness of the licensee to offer public services;

(f) If those persons, owners, operators, managers, partners, officers, employees, independent contractors or agents operating vehicles for hire pursuant to licensee's authority have failed to maintain adequate and properly operating equipment as required by this article.

(g) In order to initiate revocation or suspension proceedings, the City shall provide written notice to said licensee that a public hearing will be held thereon by the City Commission. Such notice shall be given at least 10 days prior to the date of such hearing and shall specify the grounds upon which revocation or suspension proceedings will be conducted. At such public hearing the City Commission shall consider all relevant testimony before making its determinations thereon.

(h) The City is authorized to maintain a complaint log and such records may be used in support of the revocation or suspension of any certificate of convenience and associated business license and/or driver’s license.

SECTION 21: AMENDATORY. Section 8-508 is added to read:

Insurance requirements.

(a) The City shall not issue any license to any person, firm or corporation authorizing such person, firm or corporation to operate said taxicab within the municipality unless such person, firm or corporation first files with the Vehicle for Hire Inspector proof of financial responsibility.

(b) Every person, firm or corporation engaging or intending to engage in the business of transporting passengers outside the City shall be subject to the jurisdiction of the Corporation Commission in accordance with § 230.24 of Title 47 of the Oklahoma statutes and the rules of the Corporation Commission.

(c) As used in this section, "proof of financial responsibility" shall mean a certificate of any insurance carrier or risk retention group, as defined in § 6453 of Title 36 of the Oklahoma Statutes, authorized to do business in the state certifying that there is in effect a policy of liability insurance insuring the owner and operator of the taxicab business, his agents and employees while in the performance of their duties against loss

from any liability imposed by law for damages including damages for care and loss of services because of bodily injury to or death of any person and injury to or destruction of property caused by accident and arising out of the ownership, use or operation of such taxicab or taxicabs, subject to minimum limits, exclusive of interest and cost, with respect to each such motor vehicle as follows, unless otherwise increased by State Law:

(1) $25,000.00 because of bodily injury to or death of one person in any one accident and, subject to said limit for one person;

(2) $50,000.00 because of bodily injury to or death of two or more persons in any one accident; and

(3) $25,000.00 because of injury to or destruction of property of others in any one accident.

SECTION 22: AMENDATORY. Section 8-509 is added to read:

Record-keeping requirements of certificate/license holders.

Each licensee shall maintain all records of motor vehicle for hire service orders for the previous 90-day period. These records will be produced upon request to the Vehicle for Hire Inspector.

(a) All vehicles to be licensed shall be in good operating condition and meet all safety standards required by State and Federal law.

(b) All motor vehicles for hire shall:

(1) Have a current license tag issued by the State of Oklahoma;

(2) Comply with all safety standards now or hereafter required by the State of Oklahoma and the City and any applicable federal regulations, and be maintained in a safe operating condition with adequate lights;

(3) Be equipped with doors opening directly into the seats to be occupied by the passengers, which doors shall be in addition to those provided for the use of the driver. No motor vehicle having less than three doors in good working order shall be used as a vehicle for hire in the City;

(4) Have a knob or handle on the inside of each door opening out of the compartment in which the passengers are carried, by which said door or doors may easily be opened from the inside;

(5) Contain adequate space for baggage that is separate from the seats of the passengers;

(6) Be operated by a driver duly licensed as herein provided; and

(7) Be covered by adequate insurance as provided for herein.

(c) The Chief of Police or their designee may remove any vehicle from service that does not meet the operating requirements set forth herein or that does not obtain the required inspections.

SECTION 23: AMENDATORY. Section 8-510 is added to read:

Driver permit required.

(a) No person shall operate a motor vehicle for hire without having obtained a license to do so from the City. Applications shall contain the following information:

(1) Name (including all aliases or previously used names) and date of birth of the applicant.

(2) Whether or not the applicant has been convicted of a felony which reasonably and directly indicates a risk to the public such as:

(i) any offense involving violence;

(ii) any sex offense;

(iii) any drug or alcohol-related offense; and the date of such conviction.

(3) Whether or not, within the five years prior to the application, the applicant has been convicted of a misdemeanor which reasonably and directly indicates a risk to the public such as:

(i) any offense involving violence;

(ii) any sex offense;

(iii) any drug or alcohol-related offense; and date of such conviction.

(4) The number, class and expiration date of State of Oklahoma driver's license. Upon submission of a completed application to the Police Department, the applicant is required to provide a copy of his/her current three-year driving record, issued by either the Oklahoma Department of Public Safety, an Oklahoma tag agency or an accredited background company. The applicant must provide a current record every year upon renewal of the driver's permit. The driving record is considered current if it is dated no more than 30 days prior to the date on which the applicant submits a completed application to the Vehicle for Hire Inspector.

(5) Whether a driver's license issued to the applicant by any state has ever been revoked or suspended, and the reason for such revocation or suspension, and date of such.

(6) The applicant is required to provide a copy of his or her current criminal record unless otherwise obtainable by the City, from the Oklahoma State Bureau of Investigation or an accredited background agency, upon submission of his or her application to the Police Department. The applicant must provide a current record every year upon renewal of the driver's permit. The criminal record is considered current if it is dated no more than 30 days prior to the date on which the applicant submits a completed application to the Vehicle for Hire Inspector.

(b) No driver's permit shall in any manner be assignable or transferable, and each such permit issued shall terminate on December 31 of each year. Upon renewal of a driver's permit, the applicant must complete a new application and is required to meet the same standards set forth in this article for the initial permit.

(c) The driver's permit shall be on a form prescribed by the City. The driver's permit shall also contain the driver's name, license number and the expiration date of said license. The driver's permit shall be displayed in a place within the motor vehicle for hire that is visible to all patrons of that vehicle.

SECTION 24: AMENDATORY. Section 8-511 is added to read:

Driver's permit issuance; notice of termination of driver required.

(a) Upon approval of an application for a driver's permit and upon payment of a fee of $50.00 unless otherwise modified by the General Schedule of Fees, the Vehicle for Hire Inspector shall issue a driver's permit to the applicant. The fee for renewal shall be the same as the initial fee.

(b) Upon the termination of any driver, the licensee for whom the driver has been operating a vehicle, shall immediately give the Vehicle for Hire Inspector written notice of such termination, and the reasons therefore, unless the reasons are confidential pursuant to either state or federal law.

SECTION 25: AMENDATORY. Section 8-512 is added to read:

Grounds for denial of driver's license, reapplication process.

(a) Upon receipt of an application for a driver's permit the Vehicle for Hire Inspector and Chief of Police shall conduct an investigation of the applicant and, on the basis of such investigation, shall either approve or deny the application. No driver's permit shall be issued to any of the following persons:

(1) Any person under the age of 18 years.

(2) Any person convicted of any felony, violent or sexual offense.

(3) Any person convicted of hit-and-run driving.

(4) Any person convicted of reckless driving within five years prior to the application.

(5) Any person not possessing a valid State driver's license, unless specifically exempted herein.

(6) Any information which is omitted from the driver's application will be grounds for denial of a permit.

(7) Any person who cannot produce a certificate from a physician of the City stating that the applicant is capable of safely performing the essential functions of the job of driving a vehicle for hire.

(8) Any person lacking an endorsement letter from a licensee.

(b) Anyone who is denied a permit shall not reapply for such a permit until after a period of six months.

(c) The restrictions in this section shall apply both to persons possessing a driver's permit and to persons seeking renewal of such permit.

SECTION 26: AMENDATORY. Section 8-513 is added to read:

Revocation and suspension of driver's permit.

(a) A driver's permit may be revoked or suspended by the Chief of Police or Vehicle for Hire Inspector for any of, but not limited to, the following reasons:

(1) upon conviction of operating a vehicle for hire while under the influence of intoxicating liquor or while under the influence of any drug or substance which renders an individual incapable of safely operating the motor vehicle for hire.

(2) upon conviction of leaving the scene of an accident.

(3) upon conviction of hit and run or reckless driving, any offense involving violence, any sex offense, and/or any drug or alcohol-related offense.

(4) for permitting any other person to use his vehicle for hire driver's permit.

(5) upon conviction of a third moving traffic violation during any one permit year.

(6) misrepresentation of any material facts by a driver in his application for a taxi driver's permit.

(7) upon cancellation of insurance or revocation or suspension of State driver's license.

(8) for failure to travel the most convenient, direct route in the routing of passengers, unless so authorized by the passenger(s).

(9) refusal of service in violation of this Chapter.

(10) three or more infractions of any traffic law other than those designated as moving traffic violations during any one permit year.

(11) driving a motor vehicle for hire without the insurance coverage required pursuant to this Chapter and Oklahoma State statutes or applicable federal laws.

(b) Whenever the Vehicle for Hire Inspector intends to deny an application or revoke or suspend a permit for driving a vehicle for hire, he/she shall give the applicant or permit holder written notice of intent to

deny such application or to revoke or suspend such driver's permit. The notice shall set forth the grounds upon which such denial or revocation or suspension is contemplated.

(c) No person whose permit has been revoked shall be eligible to receive a new permit until the year from the date of the revocation. The Chief of Police or their designee may suspend a driver's permit for any period of time not to exceed 90 days.

(d) The Chief of Police may require that the permit holder obtain an updated medical evaluation and/or complete a driver's training program, prior to reapplying for a driver's permit.

SECTION 27: AMENDATORY. Sections 8-536 through 8-537 are hereby removed and reserved.

SECTION 28: REPEALER. That all ordinances and parts of ordinances in conflict herewith are hereby repealed, including Resolution #6058.

SECTION 29: EFFECTIVE DATE. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect on January 1, 2014.

PASSED AND APPROVED this _____ day of _____, 2013.

_____
WES MAINORD, MAYOR

ATTEST:

_____
PHYLLIS LOFTIS, CITY CLERK
(seal)

APPROVED AS TO FORM:

_____
MARY ANN KARNS, CITY ATTORNEY

Regular Board of Commissioners **7.**

Meeting Date: 11/04/2013

FACADE Treatments

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Discussion and presentation concerning the requirement or non-requirement of façade treatments in commercial zoning districts.

Attachments

Facade Treatment

City of Shawnee

16 W. 9th Street
Shawnee, OK 74801
(405) 878-1665 Fax (405) 878-1587
www.ShawneeOK.org

MEMORANDUM

AGENDA: November 4, 2013

TO: Mayor and City Commission

FROM: Justin Erickson, Planning Director

RE: **Requirements for Façade/Siding Treatments to Commercial Buildings**

Overview

The City of Shawnee does not currently have any design standards for commercial buildings. As a result, there is an inconsistency with which they are constructed, particularly as it relates to the façades of such buildings. Accordingly, a drive down Kickapoo or Harrison streets will reveal structures that have exterior walls consisting entirely of metal, metal and other materials (typically masonry), or all masonry.

At the request of the Mayor, Staff has examined this issue in detail and will prepare an ordinance consistent with the direction of the City Commission. The remainder of this memorandum discusses available options that may be utilized at the discretion of the Commission. Staff will make a formal presentation on November 4 and comments received will be incorporated into the ordinance presented on November 18.

Staff Analysis

On October 2, 2013, the Shawnee Planning Commission reviewed draft language as part of their broader examination of zoning requirements citywide. There was a general consensus from the members present that a minimum specification requiring façade treatment for all commercial buildings was needed. The Planning Commission expects to have the revised zoning code completed by mid-2014. In the interim, an ordinance specifying required façade/siding treatments could be adopted as a stop-gap measure.

Staff has reviewed common practice relative to such requirements and there are four approaches that municipalities typically take when regulating commercial building façades and exterior walls:

1. No requirement. This is not common for a jurisdiction the size of Shawnee.
2. A requirement that applies only to the front/primary (street-facing) façade or all façades that front upon a dedicated public street.

3. A blanket requirement (typically expressed as a percentage) that applies to all sides of the structure.
4. A separate standard that applies to downtown buildings, which may be in addition to other requirements.

A review of regulations in place by Oklahoma jurisdictions indicates that many cities do have requirements that limit the use of metal as a finished exterior surface to at least some degree. While some limit such standards to only the historic downtown area, others limit metal façades in all commercial districts. Similar standards may also apply to industrial, multifamily and other nonresidential uses. A summary of the sample jurisdictions is found in Table 1 below.

Table 1: Sample façade requirements

CITY	ORDINANCE	DETAILS
Norman	Yes	80% masonry on all sides (C-1, C-2, C-3). 60% masonry coverage in industrial zones.
Oklahoma City	Yes	Metal walls not allowed in C-2, C-3, or CDB.
Moore	Yes	75% masonry coverage in all commercial districts.
Broken Arrow	Yes	60% req. on exterior masonry: multi-family residential development standards. Industrial zones: metal may be used on in doors, windows, signs, canopies, and awnings.
Midwest City	Yes	80% masonry in commercial districts. 60% masonry in industrial districts.
Edmond	Yes	No metal buildings. They must be veneered. Exceptions: certain districts have a 50% front wall requirement. Others 50% specific brick requirement.
Enid	Yes	Only required in the CBD.
Bartlesville	Yes	Only required in the CBD. Only the front façade.
Owasso	Yes	20% in overlay district. Outside of overlay metal buildings are not allowed. "Metal may be used as accent material, and cumulatively may not exceed 20% of the area of any individual exterior wall."
Stillwater	Yes	Only required in the CBD. Only the front façade.

Staff Recommendation

Staff recommends the following approach to the regulation of exterior walls:

a. The strict limitation of metal façades in downtown Shawnee;
b. A requirement dictating substantial façade treatment along street-facing façades consistent with other Oklahoma municipalities;
c. Flexibility for sides of buildings that do not front upon a public street; and
d. No restrictions for buildings on industrially-zoned land.

Other Considerations:

1. Metal siding. There are cases where existing non-metal buildings are re-sided with metal siding. Should the ordinance address only new construction or also examine changes to façades on existing structures?
2. Churches. Churches are often constructed of metal and churches are permitted uses in most zoning districts. A requirement specific to commercial zoning districts, would not address the potential for a church to be constructed without a façade treatment within close proximity to residential properties.

Regular Board of Commissioners **8.**

Meeting Date: 11/04/2013

ACA Fees on Health Insurance

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Discussion, consideration and possible action on proposal that City rather than employees pay fee increase assessed by Blue Cross/Blue Shield for health insurance.

Attachments

Memo Heath Insurance Fees

Memo - Finance - cost of fees

Memo - Insuance Consultant

City of Shawnee
Human Resources Department

Tamera Johnson
Human Resources Director
16 West 9th Street
Shawnee, OK 74801
Office (405) 878-1626 *Fax (405) 878-1734
Email: TJohnson@Shawneeok.org

Date: October 30, 2013

To: Brian McDougal, City Manager

From: Tamera Johnson, HR Director

RE: **Affordable Care Act (ACA) Fees**

Tamera Johnson
HR Director

Terry Cook
Mgr. Safety and Risk Management

Jennifer Dawson
HR Assistant

Nature of the Request:

The Affordable Care Act (ACA) includes several new fees that will be charged to providers of health insurance in 2014. Our current health care provider, Blue Cross and Blue Shield, will administer reporting and payment of these fees, but will ultimately pass this expense onto their clients. Blue Cross issued notification to the City of Shawnee and other clients having a non-calendar year renewal that they would begin charging the ACA fees on the January 2014 invoice, which is estimated to be an additional 3.5%.

When the employees were given the rates for the 2013-2014 insurance plan year, Blue Cross did not inform us of these increases that would occur on January 1, 2014. It was the assumption of staff and the employees that the increases would occur on the plan renewal date.

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An outline of the ACA fees are below

- ***Patient Centered Outcome Research Institute Fee (PCORI):***
  - COST:
    - 2013: $1 per member (EE, SP, each Child) per year
    - 2014: $2 per member per year
    - Plan years ending on or after Oct. 1, 2014: PCORI fee amount will grow based on increases in the projected per capita amount of National Health Expenditures.
  - FEE TERM:
    - Begins for Plan Years beginning on or after Oct. 1, 2013
    - Ends for Plan Years beginning on or after Oct. 1, 2019
  - PURPOSE: Created by the Affordable Care Act/ Health Care Reform to help patients, clinicians, payers and the public make informed health decisions by advancing comparative effectiveness research. The institute's research is to be funded, in part , by fees paid by:
    - Health insurance issuers
    - Plan sponsors

- Blue Cross & Blue Shield will pay this fee for the City of Shawnee, however the fee will be charged back to the City as an ACA expense.

- ***Health Insurance Provider Fee:***
  - **COST:**
    - This is an excise tax imposed upon providers of health insurance. The cost is assessed to all premiums above $25m for each health insurer, which is estimated to be approximately 2.5% to 3% of premiums.
  - **FEE TERM:**
    - No sunset date is defined for the Health Insurance Provider Fee.
    - Excludes self-funded health plans.
- ***Reinsurance Fee :***
  - **COST:**
    - The reinsurance program's fees will be based on a national contribution rate, which Health & Human Services (HHS) will announce annually. For 2014, HHS has proposed a national contribution rate of $5.25 per member (EE, SP, each Child) per month ($63 per member per year).
    - This is the MOST significant fee charged by ACA to Health Plans.
  - **FEE TERM:**
    - The Reinsurance Fee will be charged for Plan years 2014-2016.
  - **PURPOSE:**
    - It is determined that the newly developed Insurance Exchange or Insurance Marketplace will not be able to sustain the level of risk that it assumes during the first three years of operation, therefore the ACA developed the Reinsurance Fee to help the Insurance Exchange system absorb the risk and this fund will basically prop-up the Exchange until it is self-sustainable.

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Staff Analysis, Considerations:

In consideration of the ACA fees, several options are available:

Option 1	The City could decide to absorb 100% of the 3.5% ACA fees for all employees into perpetuity.
Option 2	The City could build the 3.5% into each premium tier and redistribute this cost to the employees,
Option 3	The city pays the fee for 6 months through June 30, 2014, then the employee is responsible for the cost thereafter.

Recommendation:

It is the recommendation of Staff to implement Option 3--for the City to absorb 100% of the ACA fees for the current employees through June 30, 2014. Should the City Commission determine it wishes to pay the fees, we will need to bargain with the unions for the appropriate contract adjustments.

Budget Consideration:

The increase due to the ACA fees would be $6,197.62 for the Fire union employees, $6,105.53 for the Police union employees and $18,204.03 for the non-union employees. This is a total increase of $30, 507.18. I have attached an email from Cindy Sementelli where she details how these items can be paid.

HR
We are HeRe for YOU!

Mayor
WES MAINORD

The City of Shawnee
Office of the Finance Director

PO Box 1448
Shawnee Oklahoma 74802-1448
405-878-1610

Commissioners
PAM STEPHENS
FRANK SIMS
JAMES HARROD
LINDA AGEE
KEITH HALL
STEVE SMITH

October 29, 2013

To: Tammy Johnson

From: Cindy Sementelli

RE: Funding Source for Affordable Care Act (ACA) fees

After review the possible funding for the ACA fees that Blue Cross Blue Shield will be passing on to the employer as of January 1, 2014 my recommendation is to fund the follow way:

Fire: $6,197.62 would be funded out of the health insurance line. We had vacancies and we budget for family coverage and the majority chose single coverage

Police: $ 6,105.53 would be funded from the salaries due to vacancies

Non-Union: $18,204.03 would be funded at the department level from the savings from pension choice.

My recommendation would be that the City absorbs this fee until next budget year because we gave employees a specific rate for fiscal year 2013-2014 and this ACA was not factored into it since staff wasn't aware of upcoming fees.

INSURICA INSURANCE MANAGEMENT NETWORK ®

To: City of Shawnee – City Council

From: Dustin Brand, INSURICA

Date: October 30, 2013

Re: Affordable Care Act Fees

The Affordable Care Act (ACA) includes mandated fees and taxes that are imposed upon providers of health insurance in 2014. A description of the ACA Fees and Taxes are outlined below:

1. **Patient Centered Outcome Research Institute (PCORI) Fee:** This program was created by the ACA to help patients, clinicians, payers and the public make informed health decisions by advancing comparative effectiveness research.
    a. Actually began in 2013, but Blue Cross paid this nominal fee of $1 per member per year as a Plan expense. The fee will no longer be charged for plan years beginning on or after October 1, 2019.
    b. Beginning in 2014 the PCOR fee increases to $2 per employee per year and will then increase in future years based on increases in the projected per capital amount of National Health Expenditures.
2. **Health Insurance Provider Tax:**
    a. An excise tax imposed upon providers of health insurance. The cost assessed upon all premiums above $25 million for each health insurer, which is estimated to be 2.5% to 3%.
    b. This tax will be charged to carriers beginning in 2014, and has no known sunset.
3. **Transitional Reinsurance Fee:** The ACA developed this fee to help offset assumed negative risk insured within the new Insurance Exchange during the initial years of operation.
    a. Most substantial expense imposed on providers of health insurance by the ACA!
    b. The reinsurance fee is $65 per member per year, or $5.25 per member per month.
    c. The fee is first charged to plans in 2014 and is expected to end by 2016.

The ACA fees and taxes for 2014 are equal to 3.5% of the plan's premium, and will be charged to the Plan via a new line-item expense included on the January 2014 invoice. This new expense will be charged to the plan in addition to the Plan's current health plan premium cost, so the current rates will remain the same throughout the end of the benefit plan year ending June 30, 2014.

While most carriers took a liberal approach in accruing early for the ACA fees and taxes by imbedding a pro-rata charge to the 2013 rates, Blue Cross argues their legal interpretation prevented them from charging the expense factor prior to 2014. Ultimately Blue Cross' approach whether it be right or wrong has created disruption for their clients having non-calendar year anniversary dates, because it creates a mid-year increase for the clients.

Please let me know if there are additional questions or concerns that the Council might have regarding the new fees and taxes, as I would be more than happy to assist in answering those questions.

Sincerely,

Dustin Brand
Consultant

Regular Board of Commissioners **9.**

Meeting Date: 11/04/2013

OG&E Easement

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Consider and approve the granting of a utility easement to OG&E for replacement of electrical line(s) to feed the Dockery Park Softball Complex.

Attachments

OG&E Easement

AFTER RECORDING RETURN TO:
OGE ELECTRIC SERVICES
SHAWN DAVIS
RIGHT-OF-WAY AGENT
PO BOX 321 M/C 70
OKLAHOMA CITY OK 73101-0321

EASEMENT

Work Order #7928666

KNOW ALL MEN BY THESE PRESENTS: THAT the **City Of Shawnee.** Grantor, in consideration of Ten or more dollars in hand paid, the receipt of which is hereby acknowledged, and other good and valuable consideration, does hereby grant and warrant unto **OKLAHOMA GAS AND ELECTRIC COMPANY,** an Oklahoma corporation, Grantee, its successors and assigns, the right, privilege and authority to enter upon and install, erect, operate, maintain, and reconstruct underground and/or above ground a system of conduits, wires, cables, vaults, junction boxes, switches, fuses, transformers, service connection boxes and other fixtures for the transmission and distribution of electrical current and communication messages, including the right of ingress and egress to and from said system across adjoining lands of Grantor, upon and across the following real property and premises, situated in **Pottawatomie** County, State of Oklahoma, to wit:

EASEMENT

A ten feet wide (10') strip located in the Northwest Quarter of Section 25, Township 10 North, Range 3 East, of the Indian Meridian, Pottawatomie County, Oklahoma, the CENTERLINE being more particularly shown and described in Exhibit "A" attached hereto and hereby made a part of this easement.

Grantor further covenants and agrees that no building or other structure shall ever be erected nor shall any excavation or other removal of soil, so as to change the grade of terrain, be accomplished by Grantor, its heirs or assigns, within the above described easement area unless the written consent of the Grantee is first obtained. Grantor further acknowledges the requirements of 63 Oklahoma Statutes (1991) Section 142.1, et. seq. (One-call statute).

The rights and privileges above granted to continue so long as same are used or needed for the transmission and distribution of electric current or communication messages; but should the Grantee remove its property from the premises and abandon the right of way herein granted, then the rights granted in this easement shall terminate.

Signed and delivered this _____ day of _____, 2013.

_____

By: _____

Title: _____

ACKNOWLEDGMENT

STATE OF OKLAHOMA, COUNTY OF _____, SS;
Before me, a Notary Public, within and for said County and State, on this _____ day of _____, 2013, personally appeared _____ to me known to be the identical person who executed the within and foregoing instrument, and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes set forth.

Witness my hand and seal the day and year last above written.

My Commission Expires: _____

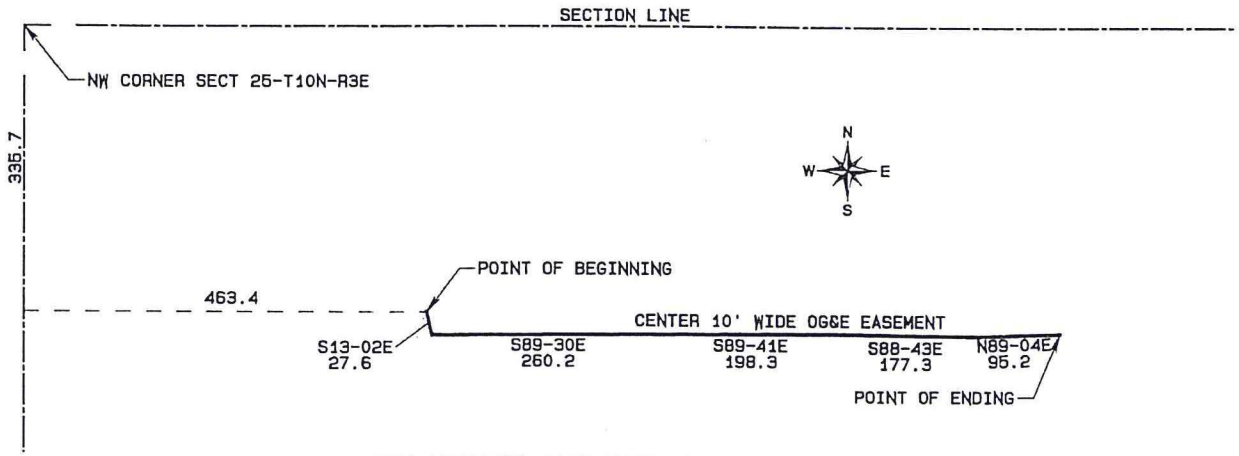
Commission # _____

_____
Notary Public

R/W File No25-10N-3E
Form 469 D (Rev 8/2001) EAST_UG_DOC SMD Atlas Sheet No.58-126C1

EXHIBIT "A"

EASEMENT SKETCH



SEE ATTACHED OG&E EASEMENT DESCRIPTION

REGISTERED PROFESSIONAL LAND SURVEYOR
DARREN WILLIAM MEEKS
L.S.1362
OKLAHOMA

10-25-13

OKLAHOMA GAS AND ELECTRIC COMPANY		
OG&E LAND MANAGEMENT P.O. BOX 321, M109 OKLAHOMA CITY, OK 73101-0321	OG&E EASEMENT SKETCH WO# 7928666 PART OF NW/4 SECT 25-T10N-R3E	REVISIONS:
DRAWN BY: DWM DATE:	FILE #: DATE:	SCALE: NTS
APPROVED BY: DWM DATE: 10-25-13	DRWG #: 7928666 DATE: 10-25-13	SHEET 1 OF 1

WO#7928666

A Ten feet (10') wide strip located in the Northwest Quarter of Section 25, Township 10 North, Range 3 East, of the Indian Meridian, Pottawatomie County, Oklahoma, the CENTERLINE being described as follows:

COMMENCING at the Northwest corner of said Northwest Quarter;

THENCE South along the West line of said Northwest Quarter a distance of 335.7 feet;

THENCE N90°00'E a distance of 463.4 feet to the POINT OF BEGINNING;

THENCE S13°02'E a distance of 27.6 feet;

THENCE S89°30'E a distance of 260.2 feet;

THENCE S89°41'E a distance of 198.3 feet;

THENCE S88°43'E a distance of 177.3 feet;

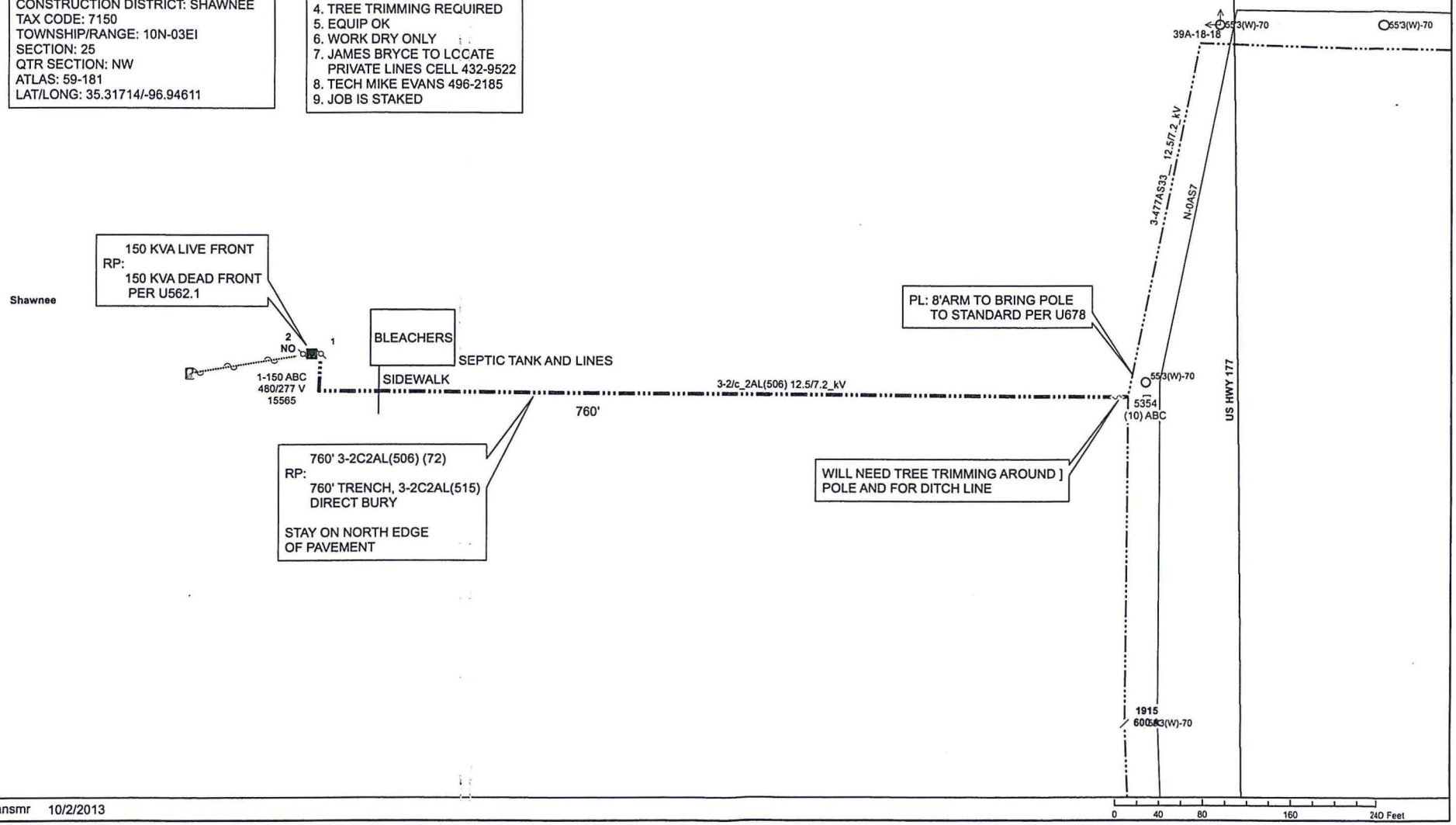
THENCE N89°04'E a distance of 95.2 feet to the POINT OF ENDING.

Prepared by Darren W. Meeks OK RPLS #1362, Oct 25th, 2013.

CIRCUIT ID: 743023
ADDRESS: S LEO AT FARRALL - Shawnee
SUBSTATION: INGLEWOOD
COUNTY: Pottawatomie
MUNICIPALITY: Shawnee
CONSTRUCTION DISTRICT: SHAWNEE
TAX CODE: 7150
TOWNSHIP/RANGE: 10N-03EI
SECTION: 25
QTR SECTION: NW
ATLAS: 59-181
LAT/LONG: 35.31714/-96.94611

NOTES:
1. DOCKERY PARK, SHAWNEE
2. LOCATES REQUIRED
3. EASEMENT TO BE VERIFIED OR OBTAINED
4. TREE TRIMMING REQUIRED
5. EQUIP OK
6. WORK DRY ONLY
7. JAMES BRYCE TO LOCATE PRIVATE LINES CELL 432-9522
8. TECH MIKE EVANS 496-2185
9. JOB IS STAKED

Job Identifier
7928666
Sheet 1 of 1



evansmr 10/2/2013

Regular Board of Commissioners **10.**

Meeting Date: 11/04/2013

OBU Bond Financing

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Consider resolution approving sale not to exceed $15,000,000.00 Oklahoma Baptist University Authority, Student Housing Revenue Note (Oklahoma Baptist University Project) in one or more Series and waiving competitive bidding.

Attachments

Resolution OBU Bond Finance

RESOLUTION NO. _____

APPROVAL OF THE SALE OF NOT TO EXCEED $15,000,000 OKLAHOMA BAPTIST UNIVERSITY AUTHORITY, STUDENT HOUSING REVENUE NOTE (OKLAHOMA BAPTIST UNIVERSITY PROJECT) IN ONE OR MORE SERIES AND WAIVING COMPETITIVE BIDDING.

WHEREAS, the Oklahoma Baptist University Authority at the request of Oklahoma Baptist University has approved the issuance by the Authority of approximately $13,500,000, but in no event to exceed $15,000,000, bonds, notes, or other forms of indebtedness (the "Note") for the purpose paying the costs of constructing additional student housing facilities (the "Project") in Shawnee, Oklahoma to support the educational purposes of the University or to reimburse the University for said costs, including amounts needed to fund a debt service reserve fund, if any, and to pay certain costs of issuance; and

WHEREAS, a public hearing was conducted in these chambers on this date by a duly authorized representative of the Authority after fourteen days' published noticed and the City is advised that no one appeared in opposition to the issuance of the Note or the financing of the Project.

NOW THEREFORE BE IT RESOLVED, that approval is hereby given this 4th day of November, 2013, by the duly elected City Commission of Shawnee, Oklahoma, for the sale by Oklahoma Baptist University Authority of not to exceed $15,000,000 Oklahoma Baptist University Authority, Student Housing Revenue Note(s) (Oklahoma Baptist University Project) Series 2013, said Note or Notes to be sold on a negotiated basis, at a purchase price and with an average interest rate per annum not to exceed statutory limits, competitive bidding on said Notes being hereby expressly waived, but provided, however, that this approval is expressly contingent upon the City of Shawnee, Oklahoma, being in no method or manner liable for any of the indebtedness incurred under said Note and that the same shall not constitute a general obligation of Shawnee, Oklahoma, and further contingent upon said Note being issued in accordance with all applicable Federal, State and local laws.

PASSED AND APPROVED THIS 4TH DAY OF NOVEMBER, 2013.

_____
Wes Mainord, Mayor

(SEAL)

ATTEST:

_____
Phyllis Loftis, CMC, City Clerk