

A G E N D A

OKLAHOMA WATER RESOURCES BOARD

March 15, 2016

9:30 a.m.

3800 N. Classen Boulevard, Oklahoma City, OK 73118

A copy of this notice of meeting and agenda has been posted in a prominent location at the offices of the Oklahoma Water Resources Board, 3800 North Classen Blvd., Oklahoma City, Oklahoma, on March 11, 2016, at 3:00 p.m. A copy of this agenda is available on the OWRB website at www.owrb.ok.gov.

- 01000 1. CALL TO ORDER** **Chairman Linda Lambert**
- A. Roll Call
 - B. Discussion, Amendments, and Vote to Approve Official Minutes of the February 16, 2016, Regular Meeting.
 - C. Executive Director's Report. **Mr. J.D. Strong**
 - D. Monthly Budget Report **Ms. Amanda Storck**
- 02000 2. FINANCIAL ASSISTANCE DIVISION** **Mr. Joe Freeman**
- A. Consideration of and Possible Action on a Proposed Order Approving Increase in Obligation of Drinking Water Funds for Rural Water, Sewer and Solid Waste Management District No.1, Logan County. Recommended for Approval.
 - B. Consideration of and Possible Action on a Proposed Order Approving Drinking Water Funding Application for Oklahoma City Water Utilities Trust, Oklahoma County. Recommended for Approval.
 - C. Resolution Authorizing the Issuance of Oklahoma Water Resources Board Revolving Fund Revenue Bonds – Drinking Water Program (Master Trust), in the Aggregate Principal Amount not to Exceed \$90,000,000; Approving and Authorizing Execution of a Bond Indenture Providing for the Issuance of the Bonds; Providing for the Sale and Delivery of the Bonds and Authorizing a Certificate of Determination; Waiving Competitive Bidding on the Bonds and Authorizing the Sale Thereof by Negotiation Pursuant to the Terms of a Contract of Purchase Pertaining Thereto; Approving a Preliminary Official Statement with Respect to the Bonds; Authorizing Execution of Such Other and Further Instruments, Certificates and Documents as may be Required for the Issuance of the Bonds; Directing Payment of Costs of Issuance and Containing other Provisions Relating to the Issuance of the Bonds. Recommended for Approval.

- D. Resolution Authorizing the Issuance of Oklahoma Water Resources Board Revolving Fund Revenue Refunding Bonds – Drinking Water Program (Master Trust), in the Aggregate Principal Amount not to Exceed \$85,000,000; Approving and Authorizing Execution of a Bond Indenture Providing for the Issuance of the Bonds; Providing for the Sale and Delivery of the Bonds and Authorizing a Certificate of Determination; Waiving Competitive Bidding on the Bonds and Authorizing the Sale Thereof by Negotiation Pursuant to the Terms of a Contract of Purchase Pertaining Thereto; Approving a Preliminary Official Statement with Respect to the Bonds; Authorizing Execution of Such Other and Further Instruments, Certificates and Documents as may be Required for the Issuance of the Bonds; Directing Payment of Costs of Issuance and Containing other Provisions Relating to the Issuance of the Bonds. Recommended for Approval.

03000 3. SUMMARY DISPOSITION AGENDA ITEMS Chairman Lambert

All of the items listed below under this Summary Disposition Agenda are recommended for approval.

Any item listed under this Summary Disposition Agenda may, at the request of any member of the Board, the Board's staff, or any other person attending this meeting, be transferred to the Special Consideration Agenda. Under the Special Consideration Agenda, separate discussion and vote or other action may be taken on any items already listed under that agenda or items transferred to that agenda from this Summary Disposition Agenda.

- A. Requests to Transfer Items from Summary Disposition Agenda to the Special Consideration Agenda, and Action on Whether to Transfer Such Items.
- B. Discussion, Questions, and Responses Pertaining to Any Items Remaining on Summary Disposition Agenda and Possible Action on Items Listed Below.
- C. Consideration of and Possible Action on Financial Assistance Division Items:
 - 1. Rural Economic Action Plan (REAP) Grant Applications:

<u>Item No.</u>	<u>Application No.</u>	<u>Entity Name</u>	<u>County</u>	<u>Recommended</u>
NODA				
a.	FAP-14-0006-R	Kaw City Municipal Authority	Kay	Change of Scope

- D. Consideration of and Possible Action on Contracts and Agreements:
 - 1. Intergovernmental Agreement with Department of Environmental Quality to continue the maintenance and operation of monitoring equipment that provides water quality data in support of technical studies of the ongoing fish kills in the Salt Fork of the Arkansas River.
 - 2. Amendment Agreement with Meshek & Associates, PLC to provide professional engineering services in connection with Cooperating Technical Partnership Program Assistance for the creation and maintenance of Flood Hazard Data.

- N. Consideration of and Possible Action on Permit applications for Proposed Development on State Owned or Operated Property within Floodplain Areas:
1. Oklahoma Department of Transportation, Logan County, #FP-15-37
 2. Oklahoma Department of Transportation, Greer County, #FP-15-38
 3. Oklahoma Department of Transportation, Logan County, #FP-15-39
 4. Oklahoma Department of Transportation, Osage County, #FP-15-40
 5. Oklahoma Department of Transportation, Washita County, #FP-15-41
- O. Consideration of and Possible Action on Applications for Accreditation of Floodplain Administrators:
1. Ronald H. Kroop, City of Duncan, FPA-665
 2. Steven M. Pope, City of Durant, FPA-667
 3. Thomas W. Gibson, City of Nichols Hills, FPA-668
 4. Luke J. Tallant, City of Watonga, FPA-669

04000 4. QUESTIONS AND DISCUSSION ABOUT AGENCY MATTERS AND OTHER ITEMS OF INTEREST **Chairman Lambert**

- A. No items.

05000 5. SPECIAL CONSIDERATION **Chairman Lambert**

- A. Consideration of and Possible Action on Proposed Findings of Fact, Conclusions of Law and Board Order on Application for Regular Permit to Use Stream Water No. 2014-065 filed October 15, 2014, Donald J. and Betty J. Tetik Revocable Trust, Noble County:
1. Summary – **Ms. Julie Cunningham**
 2. Discussion and presentation by parties
 3. Possible Executive Session

As authorized by the Oklahoma Open Meeting Act in Section 307(B)(8) of Title 25 of the Oklahoma Statutes, an executive session may be held for the purpose of “[e]ngaging in deliberations or rendering a final or intermediate decision in an individual proceeding pursuant to Article II of the Administrative Procedures Act”.

 - (a) Vote on whether to hold Executive Session. Before it can be held, the Executive Session must be authorized by a majority vote of a quorum of members present and such vote must be recorded.
 - (b) Designation of person to keep written minutes of Executive Session, if authorized.
 - (c) Executive Session, if authorized.
 4. Return to open meeting and possible vote or action on any matter discussed in the Executive Session, if authorized.
 5. Vote on whether to approve the Proposed Order as presented or as may be amended, or vote on any other action or decision relating to the Proposed Order.
- B. Consideration of and Possible Action on Proposed Order for Informal Disposition on Application for Regular Permit to Use Groundwater No. 2012-596 filed April 24, 2012, Shawnee Lodge No. 657 B.P.O. of Elks of USA, a Corporation, Pottawatomie County:
1. Summary – **Ms. Julie Cunningham**
 2. Discussion and presentation by parties

3. Possible Executive Session

As authorized by the Oklahoma Open Meeting Act in Section 307(B)(8) of Title 25 of the Oklahoma Statutes, an executive session may be held for the purpose of “[e]ngaging in deliberations or rendering a final or intermediate decision in an individual proceeding pursuant to Article II of the Administrative Procedures Act”.

 - (a) Vote on whether to hold Executive Session. Before it can be held, the Executive Session must be authorized by a majority vote of a quorum of members present and such vote must be recorded.
 - (b) Designation of person to keep written minutes of Executive Session, if authorized.
 - (c) Executive Session, if authorized.
4. Return to open meeting and possible vote or action on any matter discussed in the Executive Session, if authorized.
5. Vote on whether to approve the Proposed Order as presented or as may be amended, or vote on any other action or decision relating to the Proposed Order.

C. Consideration of and Possible Action on Items Transferred from Summary Disposition Agenda, if any.

6. PROPOSED EXECUTIVE SESSION

Chairman Lambert

As authorized by the Oklahoma Open Meeting Act in Section 307(B)(4) of Title 25 of the Oklahoma Statutes, an executive session may be held for the purpose of confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation or proceeding in the public interest.

Pursuant to this provision, the Board proposes to hold an executive session for the purpose of discussing Chickasaw Nation and Choctaw Nation v. Fallin, et al., and Oklahoma Water Resources Board v. United States on behalf of the Choctaw Nation et al.

Statement by legal counsel advising on whether disclosure of the discussion of the litigation will seriously impair the ability of the Board and State to conduct the present and proposed litigation in the public interest.

- A. Vote on whether to hold Executive Session upon determination that disclosure of the discussion of the litigation will seriously impair the ability of the Board and State to conduct the present and proposed litigation in the public interest. Before it can be held, the Executive Session must be authorized by a majority vote of a quorum of members present and such vote must be recorded.
- B. Designation of person to keep written minutes of Executive Session, if authorized.
- C. Executive Session, if authorized.

Return to open meeting and possible vote or action on any matter discussed in the Executive Session.

7. NEW BUSINESS

Chairman Lambert

Under the Open Meeting Act, this agenda item is authorized only for matters not known about or which could not have been reasonably foreseen prior to the time of posting the agenda or any revised agenda.

8. ADJOURNMENT

Chairman Lambert

The next regular meeting of the Oklahoma Water Resources Board will be held at 9:30 a.m., April 19, 2016, at the OWRB Offices located at 3800 N. Classen Boulevard, Oklahoma City, Oklahoma.

3/11/2016