



Durant Industrial Authority

Monthly Meeting Agenda

August 14, 2017 - 3:00 PM

Conference Room

215 North 4th Avenue – Durant, OK 74701



Presiding: Chairman Greg Massey

Minutes: Laura Voorhies

Durant Industrial Authority Board Members:

Chairman Greg Massey	Billy Blackburn	Pres. Sean Burrage	Oden Grube	Tammy Gwin
Kyle McLemore	Darrell Mendez	Janet Reed	Martin Tucker	

- I. Call to Order Chairman Massey
- II. Opening Invocation..... Janet Reed
- III. Roll Call..... Laura Voorhies
- IV. Consideration and Action - July 10, 2017 Minutes of the Regular Called Meeting..... Chairman Massey
- V. Review Durant Industrial Authority Financial Report – Month Ending June 2017 Tommy Kramer
- VI. Consideration and Action - Durant Industrial Authority Claims – Month Ending July 2017
..... Tommy Kramer
- VII. Consideration and Action – Code of Ethics and Conduct for Elected and Appointed Officials Tim Rundel
- VIII. Update of Commercial Metals Company/Oklahoma Department of Transportation/City of Durant Phase III
Construction of Old East Main Street..... Tim Rundel
- IX. Review of New Companies Job Creation for the Fiscal Year 2017-2018..... Tommy Kramer
- X. Durant Industrial Authority New Business..... Chairman Massey
- XI. Adjournment Chairman Massey

Posted on Durant City Hall Bulletin Board & Durant Area Chamber of Commerce
3:00 pm by August 10, 2017

PLEASE BRING YOUR PACKETS TO THE MEETING

The Durant Industrial Authority encourages participation from all its citizens. If participation at any public meeting is not possible due to a disability, notification to the City Clerk at least 48 hours prior to the scheduled meeting is encouraged to make the necessary accommodations. The Durant Industrial Authority may waive the 48-hour rule, if signing is not the necessary accommodation.



Durant Industrial Authority

MINUTES OF THE DURANT INDUSTRIAL AUTHORITY MEETING
July 10, 2017 at 3:00 p.m.



I. Call to Order.....Chairman Massey
Chairman Massey called the meeting to order at 3:00 p.m., declared a quorum present, and opened the meeting.

II. Opening Invocation..... Sean Burrage

III. Roll Call Laura Voorhies
The following Durant Industrial Authority members were present: Billy Blackburn, President Sean Burrage, Oden Grube, Tammye Gwin, Chairman Greg Massey, Kyle McLemore, Janet Reed and Martin Tucker

The following Durant Industrial Authority member not present: Darrell Mendez

The following Support Staff members were present: Tommy Kramer & Laura Voorhie

The following guests were present at this month’s meeting: An-Chen Lai-City Treasurer, Tim Rundel-City Manager and Dan Pennington-Durant Daily Democrat

IV. Consideration and Action of the June 12, 2017 Minutes for the Regular Called Meeting Chairman Massey

A motion was made to approve by Sean Burrage and Kyle McLemore seconds the motion. The motion carried by:

Aye: Billy Blackburn, Oden Grube, Chairman Greg Massey, Kyle McLemore, Janet Reed and Martin Tucker
Nay: None
Non-Voting Members: Tammye Gwin and President Sean Burrage

V. Consideration and Action of the June 26, 2017 Minutes for the Special Called Meeting Chairman Massey

A motion was made to approve by Sean Burrage and Kyle McLemore seconds the motion. The motion carried by:

Aye: Billy Blackburn, Oden Grube, Chairman Greg Massey, Kyle McLemore Janet Reed and Martin Tucker
Nay: None
Non-Voting Members: Tammye Gwin and President Sean Burrage

VI. Review the Durant Industrial Authority Financial report for month ending May 2017 Tommy Kramer

Tommy Kramer reviewed the Financial Reports for the Durant Industrial Authority:

A. The Durant Industrial Authority-Fund 020 Cash, Current Receivables & Liability Summary was:
Cash Accounts \$1,156,627.90 + Current Receivables \$875,594.59 = Total: \$2,032,222.49
Current Liabilities \$15,251.83 + Long Term Debt \$1,181,220.27 = Total: \$1,196,472.10

B. The Durant Industrial Authority-Fund 020 Income and Expense Statement showed:
Total Revenues \$27,178.06 - Expenses & Fund Reserve \$37,440.53 = Net Change in Fund Balance: (\$10,262.47)

C. The Economic Development-Fund 110 Balance Sheet showed:
 Total Assets: \$3,003,870.95 and Total Liabilities \$0.00
 Total Liabilities & Fund Balance \$3,003,870.95

D. The Economic Development-Fund 110 Income & Expense Statement revealed:
 Total Revenue \$129,164.81 and Total Expenses \$0.00
 Net Change in Fund Balance: \$129,164.81

E. The ED Fund 110 Cash Flow Statement was reviewed by Durant Industrial Board members and the report showed a total cash on hand of \$64,898.39.

VII. Consider Approval of Durant Industrial Authority Claims Month Ending June 2017..... Tommy Kramer

Tommy Kramer reviewed the claims for the Durant Industrial Authority:

◇ Durant Area Chamber – Copies and Office Rent	1,385.00
◇ AT&T – Office Phone	12.13
◇ AT&T – Cell Phone.....	136.92
◇ Crawford & Associates (Auditing).....	170.00
◇ Governor’s Economic Development Training.....	85.00
◇ JP Morgan – Office Supplies.....	156.77
◇ JP Morgan – Memberships	100.00
◇ JP Morgan – Vehicle Maintenance.....	43.49
◇ JP Morgan – Training & Travel.....	37.62
◇ Fuelman of Southern OK.....	132.56
◇ Pat Phelps-Consulting with City of Durant	122.50
◇ Lucinda French – Office Cleaning (two months).....	60.00
◇ Durant Kiwanis Club-Membership.....	120.00
◇ Oklahoma Department of Commerce – CDBG Loan Payments.....	7,020.66
◇ Cheryl Jackson – Cardinal Glass Land Principal/Interest	2,407.61
◇ John Jackson – Cardinal Glass Land Principal/Interest.....	2,407.60

Tommy Kramer advised that the two Pat Phelps invoices were not sent to the Durant Industrial Authority for review and approval prior to the City paying the invoices.

Tim Rundel stated he would ensure that the invoices would come to the Durant Industrial Authority prior to paying in the future.

A motion was made to approve by Martin Tucker. Billy Blackburn seconds the motion. The motion carried by:

Aye: Billy Blackburn, Oden Grube, Chairman Greg Massey, Kyle McLemore, Janet Reed and Martin Tucker
 Nay: None
 Non-Voting Members: Tammye Gwin and President Sean Burrage

VIII. Update of the SteeFab, Inc. Real Estate Purchase Tommy Kramer

Tommy Kramer advised that the purchase of the Durant Industrial Authority 50 acre industrial property to SteelFab, Inc. at a price of \$250,000, closed on July 3, 2017. SteelFab paid for all title work, closing costs, fees and for development of a new abstract.

IX. Update of the Commercial Metals Company Tax Increment Financing..... Tommy Kramer

Tommy Kramer advised the closing of the Tax Increment Financing funding was closed on July 3, 2017, the \$3.1M Durant Industrial Authority Loan fund was transferred and the bonds were received today and given to Tim Rundel. Tommy Kramer further stated that this was a fantastic local partnership and TEAM DURANT at its best with five local Durant banks coming together for the bonds funding to Commercial Metal Company.

X. Update of Commercial Metals Company/Oklahoma Department of Transportation/City of Durant Phase III Construction of Old East Main Street..... Tim Rundel-City Manager

Tim Rundel stated he spoke with David Burrage and Anthony Echelle to set a meeting and Tommy Kramer has been speaking with Secretary Mike Patterson as well in this regard. The city engineer will also be a part of the meeting.

Tommy Kramer stated they are trying to set a meeting in July, but a date has not yet been set.

Greg Massey stated, the City needed to be prepared for the meeting with everything we want to complete the roadwork on Old East Main Street. The Governor is the one that helped us with funding this project and we need to have the road complete correctly. By the Oklahoma Department of Transportation building the road, it will make a bigger and better street project for the City of Durant.

XI. Update of the Application for Economic Development Administration Grant to Upgrade the City Wastewater Treatment Plant..... Tommy Kramer

Tommy Kramer stated he spoke with the Economic Development Administration in Austin and Oklahoma City to help the City of Durant obtain a Federal Economic Development Administration grant. The application was received and given to Tim Rundel. At this point, Mr. Rundel will need to decide if he will use SODA or the City grant writer before we can move forward with the application. Wall Engineering will provide the engineering and Tammye Gwin will provide us with volumes for wastewater at the new Choctaw complexes. Obtaining a grant is competitive and we will need to submit the application no later than September 1, 2017.

Tammye Gwin stated the Choctaw Nation would provide a letter of support for the grant from Chief Gary Batton.

XII. Durant Industrial Authority New BusinessChairman Massey

Tammye Gwin advised that she and Tommy Kramer attended the Governor’s Economic Development Marketing Team training and they recognized three cities for their outstanding work: Tulsa, Broken Arrow and Durant. They also recognized Tommy Kramer for his part in the work on the Commercial Metals Company \$300,000,000 investment for Oklahoma. It was humbling being among all the large metro areas and to have rural Durant recognized as a true leader in Oklahoma job growth and business investment.

Tommy Kramer advised that the Okmulgee Area Economic Development team would be coming to Durant for a city tour and to discuss our economic development procedures and job creation on July 11, 2017.

Tammye Gwin advised that the Choctaw Nation is hosting a Small Business Academy and there have been over 100 businesses in attendance.

Chairman Massey stated that it is time again for the annual review of the DIA Executive Director. Darrell Mendez will chair the review board and Janet Reed and Sean Burrage will join.

Janet Reed state there will be a special Chamber meeting tonight at 5:00 pm at the Donald W. Reynolds library.

XIII. Adjournment..... Chairman Massey

A motion was made to approve by Sean Burrage. Kyle McLemore seconds the motion. The motion carried by:

Aye: Billy Blackburn, Oden Grube, Chairman Greg Massey, Kyle McLemore Janet Reed and Martin Tucker

Nay: None

Non-Voting Members: Tammye Gwin and President Sean Burrage

ECONOMIC DEVELOPMENT FUND 110
BALANCE SHEET (unaudited)
as of 6/30/2017

ASSETS	Amount	% of Total Assets
Claim on Pooled Cash	2,976,472.45	95.13%
Sales Tax Receivable (.25%)	109,891.27	3.51%
Accounts Receivable	42,428.96	1.36%
Total Current Assets	3,128,792.68	100.00%
Capital Assets	-	-
Construction in progress	-	-
Gross Fixed Assets	-	-
Less Accumulated Depreciation	-	-
Net Fixed Assets	-	-
Due from other Governments	-	-
Total Other Assets	-	-
TOTAL ASSETS	3,128,792.68	100.00%
LIABILITIES	Amount	% of Total Assets
Accounts payable-pending	-	-
Other Current Liabilities	-	-
Total Current Liabilities	-	-
Capital lease obligations	-	-
Notes payable	-	-
Total Long Term Debt	-	-
Total Liabilities	-	-
Fund Balance	2,821,473.25	90.18%
Invested in Capital Assets	-	-
Surplus (Deficit)	307,319.43	9.82%
Total Fund Balance	3,128,792.68	100.00%
		0.00%
TOTAL LIABILITIES & FUND BALANCE	3,128,792.68	100.00%

Sales Tax Receivable is the audited 6/30/16 balance - sales tax was received in July 16 & Aug 16

ECONOMIC DEVELOPMENT FUND 110
INCOME & EXPENSE STATEMENT
 100% of Fiscal Year

REVENUE:	CURRENT MONTH		Fiscal Year To Date	
	June 2017 Amount	% of Total Revenue	YTD Amount	% of Total Revenue
			2016-2017 Budget	% of Budget
ACCOUNT GROUPS				
Beginning Balance		0.00%	2,709,916	0.00%
Interest Earnings	1,874.60	2.34%	9,914.39	0.87%
Miscellaneous Revenue		0.00%	2,400	413.10%
1/4% Sales Tax Revenue	74,618.84	93.33%	875,000	0.00%
Loan Repymnt Interest Earned	310.53	0.39%	11,553.24	1.01%
E.D. Loan Repayment (Texoma MFG)	-1,181.60	-1.48%	162,398.64	14.26%
E.D. Loan Repayment (Eagle Suspensions)		0.00%	166,668	97.44%
E.D. Loan Repayment (Pharmcare)	4,333.33	5.42%	52,000	0.00%
TRANSFER IN		0.00%		0.00%
TOTAL REVENUE	79,955.70	100.00%	1,138,790.57	100.00%
			3,817,537	29.83%

EXPENSES:	CURRENT MONTH		Fiscal Year To Date	
	June 2017 Amount	% of Total Revenue	YTD Amount	% of Total Revenue
			2016-2017 Budget	% of Budget
ACCOUNT GROUPS				
Customerlinx E.D. Loan	-	0.00%	-	0.00%
Eagle Suspensions E.D. Loan	-	0.00%	-	0.00%
American Heritage-Trfr to CDBG	-	0.00%	-	0.00%
Earth Biofuels-Trsf to CDBG	-	0.00%	-	0.00%
Eagle Suspensions-Trfr to CDBG	-	0.00%	-	0.00%
Icon Mfg Project - Trfr to CDBG	-	0.00%	-	0.00%
E.F. Davis Project - Trfr to CDBG	-	0.00%	-	0.00%
Sanimax Project - Trfr to CDBG	-	0.00%	-	0.00%
FY 15 BRUCEPACMEAT FRGVBL		0.00%	700,000	100.00%
FY HITCHCOOK DIS CNTR EX		0.00%		0.00%
COMMERCIAL METALS COMPANY		0.00%	(8,340.00)	-0.73%
Reserve - CustomerLinx Rebate		0.00%		0.00%
Fund Reserves		0.00%		0.00%
Debt Service		0.00%	2,874,383	0.00%
TRSF TO CI-EDA GRANT MATCH		0.00%		0.00%
Trsf to CI for CDBG WALDRON DRIVE		0.00%		0.00%
Trsf to CI for CRAWFORD ST RECONSTR.		0.00%		0.00%
Trsf to CI for CDBG COUNTRY CLUB RD		0.00%	184,777.18	16.23%
TOTAL EXPENSES	-	0.00%	876,437.18	-0.73%
			3,817,537	22.96%

NET CHANGE IN FUND BALANCE	79,955.70	100.00%	262,353.39	23.04%
			-	0.00%

DURANT INDUSTRIAL AUTHORITY- FUND 020
Cash, Current Receivables & Liability Summary
as of June 2017

Assets

Cash Accounts	Original Loan Amount	Payment Amount	Pay-off Date	Current Balance	Totals	Additional Information
Claim on Pooled Cash				\$ 133,334.42		
DIADIF CD - LMB#4140804933				\$ 216,764.75		
CFG Land CD - LMB#4140805195				\$ 146,248.45		
DIA CD(CFG & EDI Reserve) - LMB#4140805203				\$ 635,249.30		
Total Cash accounts				\$ 1,131,596.92		
Receivables						
Note Receivable - Cardinal FG CDBG	\$ 400,000.00	\$ 1,666.67	11/15/24	\$ 150,692.42		current
Notes Receivable - Earth Biofuels CDBG	* \$ 315,000.00	\$ 1,312.50	12/01/26	\$ -		See note
Notes Receivable - Eagle Suspensions #2	\$ 399,956.00	\$ 1,666.48	08/01/27	\$ 204,977.84		current
Notes Receivable Fund 110 - Texoma MFG	\$ 1,000,000.00	\$ 13,889.00	09/01/18	\$ 212,596.36		current
Notes Receivable Fund 110 - PharmCare	\$ 520,000.00	\$ 4,333.33	01/01/23	\$ 286,000.18		current
Total Current Receivables				\$ 854,266.80		
Total Cash & Receivables				\$ 1,985,863.72		

LIABILITIES

Current Liabilities	Original Loan Amount	Payment Amount	Pay-off Date	Current Balance	Totals	Additional Information
Accounts Payable Pending				\$ 14,362.86		
Total Current Liabilities				\$ 14,362.86		
Long Term Debt						
Notes payable - ODOC CDBG CMP	\$ 300,000.00	\$ 1,250.00	06/30/20	\$ 82,500.00		
Capital Lease Obligation - Cardinal Glass (Jackson)	\$ 700,000.00	\$ 4,815.21	02/20/23	\$ 280,773.86		
Notes payable - ODOC CDBG Big Lots	\$ 500,000.00	\$ 2,083.34	10/31/23	\$ 160,415.58		
Notes payable - ODOC CDBG Cardinal Glass (rail spur)	\$ 400,000.00	\$ 1,666.67	10/30/24	\$ 148,332.83		
Notes payable - CDBG Eagle Suspensions	\$ 399,956.00	\$ 1,666.48	07/15/27	\$ 203,311.36		
Notes payable - CDBG Earth Biofuels	\$ 400,000.00	\$ 354.17	09/01/26	\$ 290,707.91		
Total Long Term Debt				\$ 1,166,041.54		
Total Current & Long-Term Liabilities				\$ 1,180,404.40		

* Earth Biofuels payment received in May was returned in August, (10/2009 stop pay back to city)
Owe from 10/09 to current-\$122062.50+ financing charge 6/2016 Record on Balance Sheet as Allow Dbt Act.

Oklahoma Department of Commerce on 11/01/2012 agree to reduce payment from \$1,666.67 to \$354.17 till 11/30/2016
Texoma MFG Loan Repayment start from 10/01/12, 1st payment create at 9/2012-9/2018 and start paying interest 10/2016
PharmCare Loan Repayment start from 1/01/2013, 1st & 2nd payment at 1/2013-12/2022

DIA Balance Sheet Record Capital Assets \$1,708,466.97 and Accumulated Depreciatin \$29,821.01, which include one vehicle(\$34,630.68 & Accum. Depreciate \$34,630.00)
and 7 Land (\$1,673,866.23) owned by DIA as June 30,2014

AL 8/09/17

DURANT INDUSTRIAL AUTHORITY - FUND 020
INCOME & EXPENSE STATEMENT
100% of Fiscal Year
June 30, 2017

REVENUES:	Current Month		Fiscal Year To Date			
	June-17	% of	YTD	% of	2016-2017	
		Total Revenue		Total Revenue	Budget	% of Budget
ACCOUNT GROUPS	June-17	Total Revenue	Amount	Total Revenue	Budget	Budget
Beginning Balance					1,302,297	0.00%
CFG Land Investment Interest		0.00%	640.50	0.17%	370	173.11%
TIF Incremental Tax Revenue (OTC/County)		0.00%		0.00%	-	0.00%
CDBG Loan Pymt Reimb - CG	3,332.74	11.72%	18,636.08	4.93%	20,000	93.18%
CDBG Loan Pymt Reimb - EB		0.00%	-	0.00%	-	0.00%
CDBG Loan Pymt Reimb - ES	1,666.48	5.86%	19,997.76	5.29%	20,000	99.99%
Strategic Workforce Plan Grant		0.00%		0.00%	-	0.00%
Transfer from General Fund BL Tax Rebate		0.00%		0.00%	-	0.00%
Transfer from Durant City Utilities Authority	22,859.20	80.38%	286,684.00	75.86%	286,684	100.00%
Industrial Building Lease Revenue		0.00%		0.00%	7,500	0.00%
DIA Property Lease Revenue		0.00%	12,198.00	3.23%	32,895	37.08%
E.D. Promotion - Private Donations		0.00%	25,000.00	6.62%	25,000	0.00%
Interest	580.03	2.04%	4,772.14	1.26%	2,575	185.33%
Misc. Revenue		0.00%	10,000.00	2.65%	10,000	0.00%
TOTAL REVENUES	28,438.45	100.00%	377,928.48	100.00%	1,707,321	22.14%

EXPENSES & FUND RESERVES:	Current Month		Fiscal Year To Date			
	June-17	% of	YTD	% of	2016-2017	
		Total Revenue		Total Revenue	Budget	% of Budget
ACCOUNT GROUPS	June-17	Total Revenue	Amount	Total Revenue	Budget	Budget
Economic Development:						
Personal Services	26,368.27	92.72%	231,276.60	61.20%	239,765	96.46%
Professional Services	170.00	0.60%	12,484.04	3.30%	13,485	92.58%
Contractual Services (rent, phone, freight, etc)	1,461.55	5.14%	25,807.60	6.83%	36,200	71.29%
Materials & Supplies	772.82	2.72%	8,720.57	2.31%	11,360	76.77%
Misc. Expenditures		0.00%		0.00%	-	0.00%
Training & Travel	122.62	0.43%	3,603.26	0.95%	6,000	60.05%
I. T. Service Fees	791.67	2.78%	9,500.04	2.51%	9,500	100.00%
Trfrs to Insurance Fund	3,356.84	11.80%	40,282.00	10.66%	40,282	100.00%
Total Economic Development Expenses	33,043.77	116.19%	331,674.11	87.76%	356,592	93.01%
Industrial Projects:						
Contractual Expenditures (E.D. Incentives)		0.00%	-	0.00%	17,918	0.00%
Water Treatment Plant Imp	-	0.00%	-	0.00%	-	0.00%
Eagle Suspension - Trsf To CDBG	-	0.00%	-	0.00%	-	0.00%
CMP CDBG \$300K Loan Pmt.	1,250.00	4.40%	15,000.00	3.97%	15,000	100.00%
Big Lots CDBG \$500K Loan Pmt.	2,083.34	7.33%	25,000.08	6.62%	25,000	100.00%
CFG CDBG \$400K Loan Pmt.	1,666.67	5.86%	20,000.04	5.29%	20,000	100.00%
EB - CDBG \$400K Loan pymt	354.17	1.25%	4,250.04	1.12%	4,250	100.00%
ES - CDBG Loan pymt	1,666.48	5.86%	19,997.76	5.29%	20,000	99.99%
Big Lots Land Acquisition	-	0.00%		0.00%	-	0.00%
Big Lots Sales & Use Tax Rebate	-	0.00%		0.00%	-	0.00%
CG Land Acquisition Costs	4,815.21	16.93%	57,782.52	15.29%	57,783	100.00%
CFG Land Future Reserve		0.00%		0.00%	778,075	0.00%
TIF (CFG) Bond Payment	-	0.00%		0.00%	-	0.00%
TIF (CFG) Trustee Fees	-	0.00%		0.00%	-	0.00%
E.D. Promotion		0.00%	27,971.96	7.40%	34,125	81.97%
Office Equip. & Furnishing		0.00%		0.00%	3,000	0.00%
CMC TIF PROJECT EXPENSES						
CMC TIF ADMINISTRATIVE COST	35.00	0.12%	35,035.00	9.27%	35,000	100.10%
Capital Expenditures:						
Industrial Park Improvement		0.00%	-	0.00%	100,200	0.00%
Total Industrial Projects Expenses	11,870.87	41.74%	205,037.40	54.25%	1,110,351	18.47%
TOTAL EXPENSES	44,914.64	157.94%	536,711.51	142.01%	1,466,943	36.59%
Reimburs. C.I. for Enterprise Bldg	-	0.00%	-	0.00%	-	0.00%
CFG Special Reserve	-	0.00%	-	0.00%	-	0.00%
D.I.F. Reserve		0.00%	25,000.00	6.62%	240,378	0.00%
TOTAL EXPENSES & RESERVE ACTIVITY	44,914.64	157.94%	561,711.51	148.63%	1,707,321	32.90%
NET CHANGE IN FUND BALANCE	(16,476.19)	-57.94%	(183,783.03)	-48.63%	-	-10.76%

***THERE ARE 3 PAYROLL PAY PERIODS FOR THE MONTH OF JUNE, 2017

AL 8/09/17

PACKET: 08678 AP CLAIMS 08/09/17

VENDOR SET: 01

FUND : 020 DURANT INDUSTRIAL AUTH.

DEPARTMENT: 017 ECON. DEV. ADMINISTRATION

BANK: 601

BUDGET TO USE: CB-CURRENT BUDGET

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-000346	DURANT AREA CHAMBER OF					
		I-JULY 2017 COPIER	020-017-537.50-50	PHOTOCOPIES MONTHLY COPIER RENT	168054	160.00
		I-JULY 2017 RENT	020-017-537.30-15	OFFICE SPACE DIA MONTHLY OFFICE RENT	168054	1,225.00
01-000540	AT&T					
		I-07/2017-7608 1	020-017-537.30-31	PHONE & TELECOM ECONOMIC DEVELOPMENT	168011	12.19
01-000575	CONWAY DATA					
		I-01017450	020-017-537.30-38	PUBLICATIONS DIA ADVERTISING	168041	980.00
01-000944	CRAWFORD & ASSOCIATES P					
		I-10782	020-017-537.20-21	AUDIT FEES (P AUDIT PREPARATION	168043	57.72
01-003100	FUELMAN OF SOUTHERN OKL					
		I-07/2017-BG159577	020-017-537.50-52	FUEL FUEL-ECONOMIC DEVELOPMENT	000000	78.72
01-004143	TOUCHTONE COMMUNICATION					
		I-07/2017-809247222	020-017-537.30-31	PHONE & TELECOM LONG DISTANCE CHGS ECON DEV	168173	0.00
01-005807	LOUCINDA FRENCH					
		I-JULY 2017	020-017-537.50-62	JANITORIAL SE BLANKET PO FOR CLEANING	168074	30.00
DEPARTMENT 017 ECON. DEV. ADMINISTRATION						TOTAL: 2,543.63

PACKET: 08678 AP CLAIMS 08/09/17

VENDOR SET: 01

FUND : 020 DURANT INDUSTRIAL AUTH.

DEPARTMENT: 067 INDUSTRIAL PROJECTS

BUDGET TO USE: CB-CURRENT BUDGET

BANK: 601

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-001602	OKLAHOMA DEPARTMENT OF					
		I-07/2017-10712	020-067-596.66-12	BL - CDBG LOA LOAN 10712 PMT 162 OF 240	168128	2,083.34
		I-07/2017-11124ED87	020-067-596.66-13	CG - CDBG LOA 11124 ED 87 PMT 152 OF 240	168129	1,666.67
		I-07/2017-12491ES	020-067-596.66-17	ES - CDBG LOA CDBG #12491 - EAGLE SUSPENSION	168130	1,666.48
		I-07/2017-9131CDBG	020-067-596.66-11	CMP - CDBG LO 9131CDBG-EDIF99-	168131	1,250.00
		I-07/2017-CDBG#1210	020-067-596.66-15	EB - CDBG LOA EARTH BIOFUELS CDBG	168132	354.17
01-003190	P.L. PAT PHELPS					
		I-1682A	020-067-596.71-01	CMC TIF ADMIN CMC CLOSING	168144	105.00
01-005259	CHERYL JACKSON					
		I-07/2017-INTEREST	020-067-596.68-01	CG LAND ACQUI INTEREST CARDINAL GLASS LAND	168034	635.35
		I-07/2017-LAND PRIN	020-067-596.68-01	CG LAND ACQUI CARDINAL GLASS LAND PRINCIPAL	168034	1,772.26
01-005270	JOHN JACKSON					
		I-07/2017-INTEREST	020-067-596.68-01	CG LAND ACQUI INTEREST CARDINAL GLASS LAND	168102	635.35
		I-07/2017-LAND PRIN	020-067-596.68-01	CG LAND ACQUI CARDINAL LAND PURCHASE	168102	1,772.25
				DEPARTMENT 067 INDUSTRIAL PROJECTS	TOTAL:	11,940.87

			FUND 020 DURANT INDUSTRIAL AUTH.	TOTAL:		14,484.50

T H O M A S N . M A R C U M
A T T O R N E Y A T L A W

M E M O R A N D U M

TO: Mayor and City Council

FROM: Thomas Marcum

DATE: August 3, 2017

RE: Consideration of Code of Ethics and Conduct

The proposed Code of Ethics and Conduct reflect the requirements of state statutes, Durant ordinances, and current practices of this Council. The proposal would also apply to those appointed by the council to the various boards and commissions.

The document generally sets forth guidelines by which its adherents communicate with the public, administration, staff, appointees, and each other. The proposal is comprised of language utilized by other cities as well as portions developed specifically for Durant.

City of Durant

Code of Ethics and Conduct For Elected and Appointed Officials

Policy Purpose

The Durant City Council adopts this Code of Ethics and Conduct to assure that all elected and appointed officials, while exercising their office, conduct themselves in a manner that will instill public confidence and trust in the fair operation and integrity of Durant's City government.

A. **ETHICS**

The citizens and businesses of Durant are entitled to have fair, ethical and accountable local government. To this end, the public should have full confidence that their elected and appointed officials:

- Comply with both the letter and spirit of the laws and policies affecting the operations of government;
- Are independent, impartial and fair in their judgment and actions;
- Use their public office for the public good, not for personal gain; and
- Conduct public deliberations and processes openly, unless required by law to be confidential, in an atmosphere of respect and civility.

Therefore, members of the City Council, City Treasurer, and City Clerk and of all Boards, Committees and Commissions shall conduct themselves in accordance with the following ethical standards:

1. **Act in the Public Interest.** Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of Durant and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before them.
2. **Comply with both the spirit and the letter of the Law and City Policy.** Members shall comply with the laws of the nation, the State of Oklahoma and the City of Durant in the performance of their public duties.
3. **Conduct of Members.** The professional and personal conduct of members while exercising their office must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, Boards, Committees and Commissions, the staff or public.

4. **Respect for Process.** Members shall perform their duties in accordance with the processes and rules of order established by the City Council.
5. **Conduct at Public Meetings.** Members shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand.
6. **Decisions Based on Merit.** Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations. When making adjudicative decisions (those decisions where the member is called upon to determine and apply facts peculiar to an individual case), members shall maintain an open mind until the conclusion of the hearing on the matter and shall base their decisions on the facts presented at the hearing and the law.
7. **Communication.** For adjudicative matters pending before the body, members shall refrain from receiving information outside of an open public meeting or the agenda materials, except on advice of the City Attorney. Members shall publicly disclose substantive information that is relevant to a matter under consideration by the body which they may have received from sources outside of the public decision-making process.
8. **Conflict of Interest.** In order to assure their independence and impartiality on behalf of the common good and compliance with conflict of interest laws, members shall use their best efforts to refrain from creating an appearance of impropriety in their actions and decisions. Members shall not use their official positions to influence government decisions in which they have (a) a material financial interest, (b) an organizational responsibility or personal relationship which may give the appearance of a conflict of interest, or (c) a strong personal bias.

A member who has a potential conflict of interest regarding a particular decision shall disclose the matter to the City Attorney and reasonably cooperate with the City Attorney to analyze the potential conflict. If advised by the City Attorney to seek advice from the Oklahoma Ethics Commission or other appropriate state agency, a member shall not participate in a decision unless and until he or she has requested and received advice allowing the member to participate. A member shall diligently pursue obtaining such advice. The member shall provide the Mayor and the City Attorney a copy of any written request or advice, and conform his or her participation to the advice given. In providing assistance to members, the City Attorney represents the City and not individual members.

In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts; and if they have a conflict of interest regarding a particular decision, shall not, once the conflict is ascertained, participate in the decision and shall not discuss or comment on the matter in any way to any person including other members unless otherwise permitted by law.

9. **Gifts and Favors.** Members shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office that is not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.

10. **Confidential Information.** Members must maintain the confidentiality of all written materials and verbal information provided to members which is confidential or privileged. Members shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.
11. **Use of Public Resources.** Members shall not use public resources which are not available to the public in general (e.g., City staff time, equipment, supplies or facilities) for private gain or for personal purposes not otherwise authorized by law.
12. **Representation of Private Interests.** In keeping with their role as stewards of the public interest, members of Council shall not appear on behalf of the private interests of third parties before the Council or any Board, Committee, Commission or proceeding of the City, nor shall members of Boards, Committees and Commissions appear before their own bodies or before the Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.
13. **Advocacy.** Members shall represent the official policies or positions of the City Council, Board, Committee or Commission to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the City of Durant, nor will they allow the inference that they do. Councilmembers and Board, Committee and Commission members have the right to endorse candidates for all Council seats or other elected offices. It is inappropriate to mention or display endorsements during Council meetings, or Board, Committee and Commission meetings, or other official City meetings.
14. **Policy Role of Members.** Members shall respect and adhere to the council-manager structure of Durant City government as outlined in the Durant City Code. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by City Manager, City staff, City Attorney, Boards, Committees and Commissions, and the public. Except as provided by the City Code, members shall not interfere with the administrative functions of the City or the professional duties of City staff; nor shall they impair the ability of staff to implement Council policy decisions.
15. **Independence of Boards, Committees and Commissions.** Because of the value of the independent advice of Boards, Committees and Commissions to the public decision-making process, members of Council shall refrain from using their position to unduly influence the deliberations or outcomes of Board, Committee and Commission proceedings.
16. **Positive Work Place Environment.** Members shall support the maintenance of a positive and constructive work place environment for City employees and for citizens and businesses dealing with the City. Members shall recognize their special role in dealings with City employees to in no way create the perception of direction to staff.

B. CONDUCT GUIDELINES

The Conduct Guidelines are designed to describe the manner in which elected and appointed officials should treat one another, City staff, constituents, and others they come into contact with while representing the City of Durant.

1. **Elected and Appointed Officials' Conduct with Each Other in Public Meetings**

Elected and appointed officials are individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even though individuals may not agree on every issue.

(a) *Honor the role of the chair in maintaining order*

It is the responsibility of the chair to keep the comments of members on track during public meetings. Members should honor efforts by the chair to focus discussion on current agenda items. If there is disagreement about the agenda or the chair's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.

(b) *Practice civility and decorum in discussions and debate*

Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of debate by a free democracy in action. Free debate does not require nor justify, however, public officials to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments.

(c) *Avoid personal comments that could offend other members*

If a member is personally offended by the remarks of another member, the offended member should make notes of the actual words used and call for a "point of personal privilege" that challenges the other member to justify or apologize for the language used. The chair will maintain control of this discussion.

(d) *Demonstrate effective problem-solving approaches*

Members have a public stage and have the responsibility to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

2. **Elected and Appointed Officials' Conduct with the Public in Public Meetings**

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

(a) *Be welcoming to speakers and treat them with care and gentleness.*

While questions of clarification may be asked, the official's primary role during public testimony is to listen.

(b) *Be fair and equitable in allocating public hearing time to individual speakers.*

The chair will determine and announce limits on speakers at the start of the public hearing process.

(c) *Practice active listening*

It is disconcerting to speakers to have members not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time or gazing around the room gives the appearance of disinterest. Members shall try to be conscious of facial

expressions, and avoid those that could be interpreted as "smirking," disbelief, anger or boredom.

(d) *Maintain an open mind*

Members of the public deserve an opportunity to influence the thinking of elected and appointed officials.

(e) *Ask for clarification, but avoid debate and argument with the public*

Only the chair – not individual members – can interrupt a speaker during a presentation.

However, a member can ask the chair for a point of order if the speaker is off the topic or exhibiting behavior or language the member finds disturbing.

3. **Elected and Appointed Officials' Conduct with City Staff**

Governance of a City relies on the cooperative efforts of elected officials, who set policy, appointed officials who advise the elected, and City staff who implement and administer the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

(a) *Treat all staff as professionals*

Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.

(b) *Do not disrupt City staff from their jobs*

Elected and appointed officials should not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met. Do not attend City staff meetings unless requested by staff – even if the elected or appointed official does not say anything, his or her presence implies support, shows partiality, may intimidate staff, and hampers staff's ability to do their job objectively.

(c) *Never publicly criticize an individual employee*

Elected and appointed officials should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the City Manager through private correspondence or conversation. Appointed officials should make their comments regarding staff to the City Manager or the Mayor.

(d) *Do not get involved in administrative functions*

Elected and appointed officials acting in their individual capacity must not attempt to influence City staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits.

(e) *Do not solicit political support from staff*

Elected and appointed officials should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

(f) *No Attorney-Client Relationship*

Members shall not seek to establish an attorney-client relationship with the City Attorney, including his or her staff and attorneys contracted to work on behalf of the City. The City Attorney represents the City and not individual members. Members who consult with the City Attorney cannot enjoy or establish an attorney-client relationship with the attorney.

4. **Council Conduct with Boards, Committees and Commissions**

The City has established several Boards, Committees and Commissions as a means of gathering more community input. Citizens who serve on Boards, Committees and Commissions become more involved in government and serve as advisors to the City Council. They are a valuable resource to the City's leadership and should be treated with appreciation and respect.

(a) *If attending a Board, Committee or Commission meeting, be careful to only express personal opinions*

Councilmembers may attend any Board, Committee or Commission meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation – especially if it is on behalf of an individual, business or developer – could be viewed as unfairly affecting the process. Any public comments by a Councilmember at a Board, Committee or Commission meeting should be clearly made as individual opinion and not a representation of the feelings of the entire City Council.

(b) *Limit contact with Board, Committee and Commission members to questions of clarification*

It is inappropriate for a Councilmember to contact a Board, Committee or Commission member to lobby on behalf of an individual, business, or developer, and vice versa. It is

acceptable for Councilmembers to contact Board, Committee or Commission members in order to clarify a position taken by the Board, Committee or Commission.

(c) *Respect that Boards, Committees and Commissions serve the community, not individual Councilmembers*

Upon nomination by the Mayor, the City Council appoints individuals to serve on Boards, Committees and Commissions, and it is the responsibility of Boards, Committees and Commissions to follow policy established by the Council. But Board, Committee and Commission members do not report to individual Councilmembers, nor should Councilmembers feel they have the power or right to threaten Board, Committee and Commission members with removal if they disagree about an issue. Appointment and re-appointment to a Board, Committee or Commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A Board, Committee or Commission appointment should not be used as a political "reward."

(d) *Be respectful of diverse opinions*

A primary role of Boards, Committees and Commissions is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Councilmembers may have a closer working relationship with some individuals serving on Boards, Committees and Commissions, but must be fair and respectful of all citizens serving on Boards, Committees and Commissions.

- (e) *Keep political support away from public forums*
Board, Committee and Commission members may offer political support to a Councilmember, but not in a public forum while conducting official duties. Conversely, Councilmembers may support Board, Committee and Commission members who are running for office, but not in an official forum in their capacity as a Councilmember.

C. SANCTIONS

- (a) *Acknowledgement of Code of Ethics and Conduct*
Councilmembers who do not sign an acknowledgement that they have read and understand the Code of Ethics and Conduct shall be ineligible for intergovernmental assignments or Council subcommittees. Board, Committee and Commission members who do not sign an acknowledgement that they have read and understand the Code of Ethics and Conduct are not eligible to hold office.
- (b) *Ethics Training for Local Officials*
Councilmembers, City Treasurer, City Clerk, Board, Committee and Commission Members who are out of compliance with State or City mandated requirements for ethics training shall not represent the City on intergovernmental assignments or Council subcommittees, and may be subject to sanctions.
- (c) *Behavior and Conduct*
The Durant Code of Ethics and Conduct expresses standards of ethical conduct expected for members of the Durant City Council, Boards, Committees and Commissions. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government. The chairs of Boards, Committees and Commissions and the Mayor and Council have the additional responsibility to intervene when actions of members that appear to be in violation of the Code of Ethics and Conduct are brought to their attention.

Councilmembers:

Councilmembers who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Council, lose seniority or committee assignments (both within the City of Durant and with intergovernmental agencies) or other privileges afforded by the Council. Serious infractions of the Code of Ethics or Code of Conduct could lead to other sanctions as deemed appropriate by the Council.

Individual Councilmembers should point out to the offending Councilmember perceived infractions of the Code of Ethics and Conduct. If the offenses continue, then the matter should be referred to the Mayor in private. If the Mayor is the individual whose actions are being questioned, then the matter should be referred to the Vice Mayor. It is the responsibility of the Mayor (or Vice Mayor) to initiate action if a Councilmember's behavior may warrant sanction. If no action is taken by the Mayor (or Vice Mayor), then the alleged violation(s) can be brought up with the full Council.

Board, Committee and Commission Members:

Counseling, verbal reprimands and written warnings may be administered by the Mayor to Board, Committee and Commission members failing to comply with City policy. These lower levels of sanctions shall be kept private to the degree allowed by law. Copies of all written

reprimands administered by the Mayor shall be distributed in memo format to the chair of the respective Board, Committee or Commission, the City Clerk, the City Attorney, the City Manager, and the City Council.

The City Council may impose sanctions on Board, Committee and Commission members whose conduct does not comply with the City's policies, up to and including removal from office. Any form of discipline imposed by Council shall be determined by a majority vote of at least a quorum of the Council at a noticed public meeting and such action shall be preceded by a Report to Council with supporting documentation.

When deemed warranted, the Mayor or majority of Council may call for an investigation of Board, Committee or Commission member conduct. Also, should the City Manager or City Attorney believe an investigation is warranted, they shall confer with the Mayor or Council. The Mayor or Council shall ask the City Manager or the City Attorney to investigate the allegation and report the findings.

These sanctions are alternatives to any other remedy that might otherwise be available to remedy conduct that violates this code or state or federal law. In order to protect and preserve good government, any individual including the City Manager and the City Attorney after complying with Oklahoma Rules of Professional Conduct, who knows or reasonably believes a member acts or intends or refuses to act in a manner that is or may be a violation of law reasonably imputable to the organization, or in a manner which is likely to result in substantial injury to the organization, may report the violation to the appropriate governmental authorities.

D. IMPLEMENTATION

The Code of Ethics and Conduct is intended to be self-enforcing and is an expression of the standards of conduct for members expected by the City. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions.

For this reason, this document shall be included in the regular orientations for candidates for City Council, City Treasurer, City Clerk, applicants to Board, Committee and Commissions, and newly elected and appointed officials. Members entering office shall sign a statement (example below) acknowledging they have read and understand the Code of Ethics and Conduct. In addition, the Code of Ethics and Conduct shall be periodically reviewed by the City Council, Boards, Committees and Commissions, and updated it as necessary.

Example:

I affirm that I have read and understand the City of Durant Code of Ethics and Conduct for Elected and Appointed Officials.

Signature

Date

New Business Investments and Workforce Employment

Company	Investment	Current Jobs	New Jobs	Annual Payroll
1 Kiamichi Rail Road(Durant)	Office Leasing	0	6	\$60,000 - \$70,000
2 Stein, Inc.	\$6,000,000	0	25	\$44,000
3 Commercial Metals Company	\$300,000,000	119	46	\$52,000
4 WebstaurantStore	\$20-30,000000	60	140	\$34,400
5 BrucePac	\$25,000,000	180	170	\$36,000
6 Project Special K (January 2018)	\$3,000,000	0	18 (FT) 30 (PT)	\$80,000 \$23,000
7 SteelFab Oklahoma (May 2018)	\$18,000,000	0	150	\$45,000
8 BCW Group	Leasing	0	8	\$40,000
9 Shoe Sensation	Retail Leasing	0	0	0
10 Firehouse Subs	Retail Leasing	0	0	0
11 Cross Development Project	Retail Leasing	0	0	0
Total Jobs		359	593	
		952 Jobs		

2017 Bryan County Average Wage	\$36,530
2017 State of Oklahoma Average Wage	\$45,045

2006 Bryan County Average Wage	\$23,509
2007 Bryan County Average Wage	\$24,079
2008 Bryan County Average Wage	\$25,489
2009 Bryan County Average Wage	\$26,944
2010 Bryan County Average Wage	\$30,386
2011 Bryan County Average Wage	\$31,081
2012 Bryan County Average Wage	\$31,154
2013 Bryan County Average Wage	\$31,488
2014 Bryan County Average Wage	\$31,719
2015 Bryan County Average Wage	\$34,627
2016 Bryan County Average Wage	\$34,952
2017 Bryan County Average Wage	\$36,530

Increase in 10 Years	\$12,721
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