



McAlester City Council

NOTICE OF MEETING

Regular Meeting Agenda

Tuesday, January 13, 2009 – 6:00 pm
McAlester City Hall – Council Chambers
28 E. Washington

Kevin E. Priddle.....	Mayor
Chris B. Fielder.....	Ward One
Donnie Condit.....	Ward Two
John Browne.....	Ward Three
Haven Wilkinson.....	Ward Four
Buddy Garvin.....	Vice-Mayor, Ward Five
Sam Mason.....	Ward Six
Mark B. Roath.....	City Manager
William J. Ervin.....	City Attorney
Cora M. Middleton.....	City Clerk

This agenda has been posted at the McAlester City Hall, distributed to the appropriate news media, and posted on the City website: www.cityofmcalester.com within the required time frame.

The Mayor and City Council request that all cell phones and pagers be turned off or set to vibrate. Members of the audience are requested to step outside the Council Chambers to respond to a page or to conduct a phone conversation.

The McAlester City Hall is wheelchair accessible. Sign interpretation or other special assistance for disabled attendees must be requested 48 hours in advance by contacting the City Clerk's Office at 918.423.9300, Extension 4956.

CALL TO ORDER

Announce the presence of a Quorum.

INVOCATION & PLEDGE OF ALLEGIANCE

- Kerry Kirkhart, Pastor for Family Worship Center

ROLL CALL

CITIZENS COMMENTS ON NON-AGENDA ITEMS

Residents may address Council regarding an item that is not listed on the Agenda. Residents must provide their name and address. Council requests that comments be limited to five (5) minutes.

CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- A. **Approval of the Minutes from the December 2, 2008, Special Meeting of the City Council.** *(Cora Middleton, City Clerk)*
- B. **Approval of the Minutes from the December 9, 2008, Regular Meeting of the City Council.** *(Cora Middleton, City Clerk)*
- C. **Concur with Mayor's reappointment of Stephanie Mowat to the Community Tree Board for a term to expire September 2010.** *(Kevin E. Priddle, Mayor)*
- D. **Concur with Mayor's reappointment of Doris Hackler to the Community Tree Board for a term to expire September 2010.** *(Kevin E. Priddle, Mayor)*
- E. **Concur with Mayor's reappointment of John Proctor to the Cemetery Board for a term to expire December 2011.** *(Kevin E. Priddle, Mayor)*
- F. **Concur with Mayor's reappointment of Larry Bishop to the Cemetery Board for a term to expire December 2011.** *(Kevin E. Priddle, Mayor)*
- G. **Concur with Mayor's reappointment of John Goodyear to the Cemetery Board for a term to expire December 2011.** *(Kevin E. Priddle, Mayor)*
- H. **Concur with Mayor's reappointment of Clark Ward to the Cemetery Board for a term to expire December 2011.** *(Kevin E. Priddle, Mayor)*
- I. **Approval of Claims for December 24, 2008 through January 13, 2009.** *(Sherry Alessi, Assistant City Financial Officer)*

ITEMS REMOVED FROM CONSENT AGENDA

PUBLIC HEARING

All persons interested in any ordinance listed under Scheduled Business shall have an opportunity to be heard in accordance with Article 2, Section 2.12(b) of the City Charter.

SCHEDULED BUSINESS

1. **Consider, and act upon, an Ordinance amending Ordinance No. 2299, which Established the Budget for Fiscal Year 2008-2009; Repealing all conflicting Ordinances; Providing for a Severability Clause; and Declaring an Emergency.** *(George Marcangeli, City Engineer/Public Works Director)*

Executive Summary

This agenda item involves a budget amendment to appropriate an insurance reimbursement for damage to several A/C units at various City facilities.

2. **Consider, and act upon, authorizing the Mayor to sign a contract with the Federal Aviation Administration regarding a ground lease at the McAlester Municipal Airport.** *(Mel Priddy, Community Services Director)*

Executive Summary

This agenda item involves a contract with the FAA for a ground lease.

NEW BUSINESS

Any matter not known or which could not have been reasonably foreseen prior to the time of posting the Agenda in accordance with Sec. 311.9, Title 25, Oklahoma State Statutes.

CITY MANAGER'S REPORT

REMARKS AND INQUIRIES BY CITY COUNCIL

RECESS COUNCIL MEETING

CONVENE AS McALESTER AIRPORT AUTHORITY

Majority of a Quorum required for approval

- Approval of the Minutes from the December 23, 2008, Regular Meeting of the McAlester Airport Authority. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item I regarding the Claims for the period of December 24, 2008 through January 13, 2009. *(Sherry Alessi, Assistant Chief Financial Officer)*

ADJOURN MAU

CONVENE AS McALESTER PUBLIC WORKS AUTHORITY

Majority of a Quorum required for approval

- Approval of the Minutes from the December 23, 2008, Regular Meeting of the McAlester Public Works Authority. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item I regarding the Claims for the period of December 24, 2008 through January 13, 2009. *(Sherry Alessi, Assistant Chief Financial Officer)*

ADJOURN MPWA

RECONVENE COUNCIL MEETING

ADJOURNMENT

CERTIFICATION

I certify that this Notice of Meeting was posted on this ___ day of ___, 2009 at ___ a.m./ p.m. as required by law in accordance with Section 303 of the Oklahoma Statutes and that the appropriate news media was contacted. As a courtesy, this agenda is also posted on the City of McAlester website: www.cityofmcalester.com.

Cora M. Middleton, City Clerk

Council Conference Room
Municipal Building
December 2, 2008

The McAlester City Council met in Special Session on Tuesday, December 2, 2008, at 6:00 P.M. after proper notice and agenda was posted November 21, 2008, at 2:15 P.M.

CALL TO ORDER

Mayor Priddle called the meeting to order. Council Roll Call was as follows:

Present: Chris Fiedler, John Browne, Donnie Condit, Haven Wilkinson, Buddy Garvin, Sam Mason & Mayor Priddle

Absent:

Presiding: Kevin E. Priddle, Mayor

Staff Present: Mark Roath, City Manager; Harold Stewart, Fire Chief; George Marcangeli, City Engineer/Public Works Director; David Medley, Utilities Director, Jim Lyles, Police Chief; Mel Priddy, Community Services Director; William J. Ervin, Sr., City Attorney and Cora Middleton, City Clerk

Councilman Mason gave the invocation and led the Pledge of Allegiance.

Mayor Priddle commented that the agenda contained two (2) items and he had no aspirations that either would be finalized tonight. He then asked that individuals that addressed the Council to limit themselves to five (5) minutes.

SCHEDULED BUSINESS

1. **Discussion, and possible action, on the City Attorney's legal opinion regarding the Use of Sales Tax Proceeds per Ordinance No. 2144.** (*William J. Ervin, City Attorney*)

Councilman Browne moved to open the discussion, and possible action, on the City Attorney's legal opinion regarding the Use of Sales Tax Proceeds per Ordinance No. 2144. The motion was seconded by Councilman Fiedler.

Before the vote, Mr. Ervin commented that the City Council had requested the City Attorney's office to furnish an opinion regarding the use of Sales Tax Revenue generated by Ordinance No. 2144 of the City of McAlester. He acknowledged the work of the staff of the City, Steve Harrison, Crawford and Associates and the BKD Audit in furnishing information that was useful in forming his opinion. He then read his opinion as follows:

RE: Legal Opinion – Use of Sales Tax Revenue Generated by Ordinance No. 2144 of the City of McAlester, Oklahoma.

Dear Sirs:

I have reviewed all available information relevant to the above referenced matter. The following constitutes the city attorney's legal opinion regarding the issues raised by the McAlester City Council.

I will attempt to address the specific legal question presented and to propose possible action the Council might take, in addition to the steps previously taken, regarding same. The legal question is:

- (1) Whether the funds generated by the Proposition contained in Resolution 02-02 and the sales tax levied pursuant to Ordinance No. 2144 of the City of McAlester, Oklahoma are to be used solely for the purpose of paying principal and interest or whether funds in excess of those required by debt maintenance may be used to fund additional capital improvements?

Answer: The language of the proposal cannot be determined, as a matter of law, to meet the specificity required by the Constitution of the State of Oklahoma. As a result, the excess sales tax revenue should be used solely for the purpose of paying the principal and interest on indebtedness authorized in the proposal, until such time that it is either judicially determined that the existing language is sufficient to authorize funding capital improvements, or until the language is amended and approved by the voters.

The Proposition contained in Resolution No. 02-02 reads as follows:

PROPOSITION

Shall Ordinance No. 2144 of the City of McAlester, Oklahoma, being an ordinance amending Ordinance No. 1576, which will extend the levy of the existing excise tax of one percent (1%) upon the gross proceeds or gross receipts derived from all sales taxable under the Sales Tax Law of Oklahoma *for the sole purpose of paying the principal of and interest on indebtedness incurred on behalf of the City of McAlester by the McAlester Public Works Authority for the refinancing of indebtedness of said City and Authority and providing capital improvements of said City*; providing for the purpose thereof; approving the incurring of indebtedness by said Authority in the amount of not to exceed \$ 18,500,000.00 for said purposes; extending the existing one percent (1%) excise tax from November 30, 2029 to November 30, 2031, or when such debt will be paid,

whichever shall be earlier, be approved? (Emphasis added)

The language in question is simply “and providing capital improvements of said City”. Article 10 § 19 of the Oklahoma Constitution states:

“Every act enacted by the Legislature, and every ordinance and resolution passed by any county, city, town, or municipal board or local legislative body, levying a tax shall specify distinctly the purpose for which said tax is levied, and no tax levied and collected for one purpose shall ever be devoted to another purpose.”

Please note that the key phrase is “specify distinctly” this phrase is subject to interpretation, and the relevant case law test the sufficiency of the language on a case by case basis. As a practical result, unless a published appellate case is found that addressed the exact language at issue in the above proposition, the issue becomes a question of fact and not law. Is the language, in fact, specific enough to advise the public as to how their taxes are to be spent, and to allow them to know if the subject revenue is being diverted.

There is some guidance in the form of Attorney General Opinions, more specifically, Okl. A.G. Opin. No. 04-32, and Okl. A.G. Opin. No. 05-23, where there are lengthy discussions of the term “purpose” in the context of bond indebtedness and tax revenue. While the Attorney General recognizes that such statements require a “reasonable measure of flexibility”, both opinions deal with specific capital improvement projects and not a general authorization for any capital improvement of the entity.

The City, as a prophylactic step, has been segregating this excess sales tax revenue in both the current and immediate past fiscal years. It is my considered opinion that this course should continue until the sufficiency of the proposal’s language be either judicially determined or be clarified and reapproved by the voters.

By following this conservative course of action the interests of the city are protected, the interests of the taxpayers are protected, and the subject tax revenue is going solely to an authorized purpose approved by the qualified electors of the City.

Mr. Ervin commented that there were four (4) options that he had devised and they were as follows:

PROPOSED ADDITIONAL ACTION

- Option 1: Prepare a ballot proposition amending the proposal's stated purpose to clarify the language to expressly authorize the use of excess revenue to fund specific capital improvements, and ratifying such capital improvement expenditures in the past.
- Option 2: File a Declaratory Judgment Action in the District Court to obtain a judicial determination as to the nature and effect of the existing language, and the expenditures authorized.
- Option 3: Use all revenue generated by this proposition only for principal and interest payments of the related bond indebtedness.
- Option 4: Use the revenue generated by this proposal to make the required debt maintenance payments first, and then use the excess revenue only for specific capital improvements of the City, and wait for this practice to be challenged by third party litigation.

Each action option has both positive and negative aspects. He added that his preference was for Option 1. He added that the City had been trying to make sure they are following the right path.

Mayor Priddle stated that in his understanding, if this were taken to the vote of the people, the past actions could be authorized and the future actions could be clarified. He added that the issues in question date back to 1992. He stated that the Council had been given a report from Crawford and Associates that indicated that the amount of excess sales tax receipts was \$14,409,745.78.

Mr. Roath commented that there were two (2) issues; 1). Going forward by ratifying what the Council had earlier done by using the excess only for principal and interest, and 2). How to deal with the past. He added that the City Attorney in Option 1 had attempted to address this issue by allowing the voters to decide on the past as well as how the excess receipts would be spent in the future. He stated that the language for Option 1 would need to be addressed. Mr. Roath stated that he supported Option 1. He added that he believed there were two (2) elections early in the next year, one in February and the next in April. He stated that there was limited time to submit this in February.

There was a lengthy discussion among the Council, Mr. Ervin and Mr. Roath regarding the four (4) options, what could happen if the Council selected Option 1, and what would happen if the people do not approve the proposition.

Councilman Browne commented that the Council had to make a decision and Option 1 was the only one that worked for him. He stated that he would make a motion to accept Option 1.

Councilman Mason stated that he was a little puzzled as to what they would be asking the citizens to vote on and they would be asking a different set of voters to vote. He added

that a motion had been made to select Option 1. He asked how could they vote on Option 1 without knowing what the proposition was.

Mr. Ervin commented that this would not be setting a precedent; the voters had already approved this issue once as it was. He added it would be the same body, just different members, and it was not a legal hurdle to go back to the voters. Mr. Ervin stated that the Council would only be voting on the option. They would have to vote on the proposition later. He stated that he did not like the early election because it did not give the Council time to look at the proposition. He added that the election in April would give them the time they needed.

Councilman Garvin stated that he agreed with Option 1 and he thanked the City Attorney for working on this matter.

Steve Harrison and Steve Foster addressed the Council expressing their concerns about the proposition, the length of time the Council had to consider this and the lack of information that was available to determine what the past expenditures actually were.

Councilman Mason commented that he did not feel that anyone could tell how the money had been spent.

There was further discussion among the Council regarding how quickly the debt could be paid off and what would test what the Council was doing with the excess sales tax.

Mr. Ervin explained that the test could be a taxpayer lawsuit. He then explained how a taxpayer lawsuit worked. He stated that the burden of proof fell on the person that brought the lawsuit. He added that the Council couldn't be forced to fix what had happened in 1992, but they could choose to fix it. He commented that they needed to move forward and that a problem could be over thought.

Mayor Priddle asked what the next appropriate step would be. He stated that Councilman Brown had made a motion to proceed with Option 1 to instruct the City Attorney and the City Manager to prepare ballot proposition language to submit to Council.

Mr. Ervin asked if there were any committees that could help with this.

Mr. Roath mentioned that the Council could form a sub-committee. He added that they could submit ballot language that had the broader approach and a more conservative approach. He stated that then the Council could choose which they wanted to put before the voters.

Mr. Ervin stressed that the language should accurately reflect the will of the Council.

Councilman Mason stated that getting this right and not rushing was important. He added that he was in favor of the Sub-committee and working with the City Manager (but

not staff) and with the City Attorney. He commented that the only issue tonight was to decide the direction the Council wanted to take.

Mayor Priddle asked the City Clerk how soon this would need to be submitted.

The City Clerk answered that it would need to be submitted sixty (60) days before the election.

Mr. Ervin commented that the wording of the Ordinance would not be difficult. It just needed to be specific.

Mr. Roath commented that the proposition could say a portion of the excess go to debt and a portion go to capital improvements. He added that the City had been very fortunate to have the excess.

Councilman Wilkinson commented that some of the capital improvements had not been completed.

Mayor Priddle appointed a sub-committee of Councilman Mason, Browne and himself to work on the ballot proposition. He then asked Councilman Browne if he would like to make his motion to direct the City Manager and City Attorney to begin to work on the ballot proposition language in conjunction with the Council Sub-Committee.

Councilman Browne agreed to the motion. Mayor Priddle seconded the motion.

There was no further discussion, and the vote was taken as follows:

AYE: Councilman Condit, Browne, Wilkinson, Garvin, Mason, Fiedler & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried.

2. Discussion, and possible action, on the City Attorney's legal opinion regarding the findings in the BKD Audit. (William J. Ervin, City Attorney)

Councilman Browne moved to open the discussion, and possible action, on the City Attorney's legal opinion regarding the findings in the BKD Audit. The motion was seconded by Councilman Condit.

Before the vote, Mr. Ervin stated that the Council had requested the City Attorney's office to furnish a legal opinion regarding the findings in the BKD Audit. He then read the opinion as follows:

RE: Legal Opinion – Corrective Action indicated by the BKD Investigative Audit Findings and potential qualifying offsets.

Dear Sirs:

I have reviewed all available information relevant to the above referenced matter. The following constitutes the city attorney's legal opinion regarding the issues raised by the McAlester City Council.

I will attempt to address the specific legal question presented and to propose possible action the Council may take, in addition to the steps previously taken, regarding same. The legal question is:

- (1) May the potential qualifying expenditures identified by Crawford & Associates, P.C. be used to offset part of the questioned bond proceeds identified by the BKD Audit?

Answer: No. The potential qualifying expenses identified have no correlation in time or amount to the bond proceeds distributed by or transferred from the Trustee. Once the proceeds were comingled with general revenue they lose their individual character, they become fungible. While the identified expenditures might be considered allowable uses of the bond proceeds, there is no evidence that any of the bond proceeds at issue were used for any such expense. Since the bond proceeds cannot, with any degree of reasonable certainty, be tied to any potentially qualifying expense, there is no evidentiary or legal basis to claim such as an offset.

Under Article 10 § 16 of the Oklahoma Constitution, money borrowed by municipality may be used only for purpose for which borrowed. In re Bliss, Okla., 285 P. 73 (Okla. 1929); Gulf, C. & S.F. Ry. Co. v. Excise Board of Love County, 283 P. 1003 (1930).

In 2005, the City of McAlester, commissioned BKD, L.L.P. to perform an investigative audit (The BKD Audit) with regard to the City's Leave Buyback Policies and the past usage of bond proceeds. On January 6, 2006, BKD submitted a Forensic Accounting Report addressing both issues.

The relevant part of that report pertains to the past use of bond proceeds. As part of the BKD audit, the auditors reviewed five bond issues originated between 1999 and 2004, more specifically Series 1999 (capital improvements), Series 2002 (capital improvements), Series 2003A (educational facilities), Series 2003B (economic development) and 2004 (economic development).

In reviewing the disbursements made from the bond proceeds by the Trustee, the BKD audit identified a total of \$ 3,291,826.00 in bond proceeds that were either; (1) used for unknown purposes or purposes that were not properly documented, and (2) bond proceeds that were transferred improperly. The subtotals for each are set forth below:

Bond proceeds used for unknown purposes: \$ 2,670,101.00
Improper Transfers: \$ 621,725.00

On November 24, 2008 Crawford & Associates issued a letter outlining their attempts pursuant to a letter of engagement with the City of McAlester, Oklahoma to; (1) To research and define allowable uses or expenditures that could be paid with bond proceeds, (2) Identify expenditures that were made by the City or MPWA from sources other than the direct use of bond proceeds that could be allowable uses, (3) to develop recommendations on the resolution of the bond proceed use issues, and (4) Assist the City with the preparation of a repayment plan.

While there may be some question as to whether the potential qualifying expenses identified are in fact eligible for payment by bond proceeds, there is no evidence or documentation which supports that any such expense was actually paid for from such proceeds. There is no nexus between the disbursement of restricted bond proceeds and capital expenditures or economic development done during the same years. There is no correlation between the bond proceeds and any expenses that might qualify.

The theory then becomes that if bond proceeds were received, and any funds of the City were used, it offsets the bond proceeds. This is inconsistent with the Oklahoma Constitution Article 10 § 16. The proceeds of the bond indebtedness are to be used solely for the purposes for which they were approved, and this is true even when other monies of the City are used for such purposes.

Article 10 § 6 of the Oklahoma Constitution simply states;

“All laws authorizing the borrowing of money by and on behalf of the State, county, or other political subdivision of the State, shall specify the purpose for which the money is to be used, and the money so borrowed shall be used for no other purpose.”

It is important to note that while the scope of this opinion was limited to the offset question, it should not be read as an endorsement or condemnation of the findings contained in the BKD Audit. There does however seem to be an assumption that in quantifying an amount to be reimbursed, that bond proceeds used for purposes unknown to the auditors must be included, and must therefore be assumed to have been used for an impermissible purpose. The law makes no such assumption.

Without question the bond proceeds specifically identified as improper transfers should be part of any reimbursement plan. There remains a question for the Council as to whether bond proceeds that were used for unknown purposes, or

had insufficient documentation to make a determination, should be included in the reimbursement plan.

PROPOSED ADDITIONAL ACTION

- (1) Quantify the amount of bond proceeds to be repaid under a formal reimbursement plan, identifying which sums need to be reimbursed to which issue, crediting the sums that the City has previously budgeted for reimbursement, and accounting for the funds that may be recovered from third parties through litigation.
- (2) Adopt a repayment schedule, in coordination with any committee of the City, necessary for such task.
- (3) Continue efforts to recover monies through litigation from responsible third parties.

Mayor Priddle commented that, simply stated, the City owes the money.

Mr. Ervin commented that there was no proof that the money was misused, so we do not know it was misused. He added that there was no question that with the improper transfers that the money needs to be reimbursed. He stated that it was up to the Council to decide what to do about the bond proceeds that were spent on unknown purposes.

Mr. Roath stated that in FY 2006/2007 a total of \$310,000.00 was transferred toward the repayment. In FY 2007/2008 there was no transfer and in FY 2008/2009 a total of \$100,000.00 was transferred for a total of \$410,000.00.

Mr. Ervin again specified the steps the City Attorney's office recommended the Council take to correct this problem. He commented that there was not a clear fix with this problem and he stressed that the Council needed to make sure the proceeds were paid back and then used for intended purposes.

Councilman Mason asked if the amounts that had been budgeted for repayment were put into economic development and not offset any other issue.

Mr. Roath stated that was correct.

Councilman Mason commented that the City Attorney had indicated that there was no evidence of misuse of the money but there was no evidence that the money had been spent appropriately. He stated that, in his mind, there was more evidence of misuse which had been borne out in the federal trial.

Mr. Ervin commented that had there been evidence of misuse, the BKD Audit would not have stated that the purposes were unknown. He added that the Council was here to

insure that the money is used correctly. You could be repaying money that had been used correctly.

There was discussion between Mayor Priddle, Mr. Ervin and Mr. Roath regarding the repayment of the entire amount of 3.2 million dollars over a specified amount of times, possible interest on these funds, what that interest would be and how to reimburse the City with a limited amount of resources.

Councilman Browne stated that he disagreed with the repayment idea. He was not willing to tie up 3.2 million dollars that could be spent elsewhere when there wasn't any proof other than speculation. He added that the thing to do was to set up a repayment schedule for the \$621,725.00. Councilman Browne commented that BKD did not say that anything but the \$621,725.00 was inappropriately spent.

Councilman Mason stated that there was evidence that the money was not spent correctly because the projects were still there. He commented the City Attorney had issued an opinion and he meant to follow his advice.

There was discussion between Mr. Roath and Mr. Ervin regarding the findings in the BKD Audit and his opinion regarding the repayment of the entire 3.2 million. Mr. Ervin stated that the final decision was the responsibility of the Council.

Mayor Priddle asked Mr. Ervin if it would be appropriate to direct a repayment of the \$621,725.00, less the \$310,000.00 from FY 2006/2007 and the \$100,000.00 from FY 2008/2009 (leaving a balance of \$211,725.00), over five (5) years and at least take care of that portion of the problem. He commented that he would then appoint a sub-committee of Vice-Mayor Garvin, Councilman Condit and himself to look for recommendations for the \$2,670,101.00. He added that he would make that in the form of a motion. Councilman Browne stated he would second that motion.

Mr. Roath stated that we could possibly make that repayment earlier.

Councilman Fiedler asked what projects had not been completed and if it would be possible to put the expired sales tax back on a ballot.

Mayor Priddle commented that was something that would need to be looked at and decide what was needed for the Public Works area.

George Marcangeli addressed the Council stating that approximately two (2) years ago they were trying to complete the CIP projects. He stated that a list had been submitted to and approved by the Council and some of the projects had been higher than estimated. He stated that when they got to the last contract, the engineering had been paid for, they had been drawn up and surveyed but the cost to finish was 2.1 million dollars and there was only \$500,000.00 left in the account. He added that they deferred those projects for the Council to decide which, if any, would be completed.

Steve Harrison and Steve Foster expressed their concerns about the repayment of the \$621,725.00 and how the \$2,670,101.00 was spent. Mr. Harrison commented that the solution was simple and all the City needed to do was to repay itself each year as CIP projects were budgeted.

Councilman Browne stated that he felt to repay the entire amount would be acting on an assumption.

Mayor Priddle stated that he would like to make a motion to instruct the City Manager to determine a payback schedule of the \$621,725.00 over the next five (5) years or less and he would appoint a subcommittee of Vice-Mayor Garvin, himself and Councilman Condit. Councilman Garvin seconded the motion.

There was no further discussion, and the vote was taken as follows:

AYE: Councilman Wilkinson, Garvin, Mason, Fiedler, Condit, Browne & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried.

ADJOURNMENT

There being no further business to come before the Council, Councilman Fiedler moved for the Special Meeting to be adjourned. The motion was seconded by Councilman Condit and the vote was taken as follows:

AYE: Councilman Garvin, Mason, Fiedler, Condit, Browne, Wilkinson & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried, and the meeting was adjourned at 7:48 P.M.

Kevin E. Priddle, Mayor

ATTEST:

Cora Middleton, City Clerk

Council Chambers
Municipal Building
December 9, 2008

The McAlester City Council met in regular session on Tuesday, December 9, 2008, at 6:00 P.M. after proper notice and agenda was posted December 5, 2008, at 12:15 P.M.

CALL TO ORDER

Mayor Priddle called the meeting to order.

INVOCATION & PLEDGE OF ALLEGIANCE

- **Charles Neff, Pastor, Grand Avenue United Methodist Church**

ROLL CALL

Council Roll Call was as follows:

Present: Chris Fiedler, Donnie Condit, John Browne, Buddy Garvin, Sam Mason & Mayor Priddle

Absent: Haven Wilkinson

Presiding: Kevin E. Priddle, Mayor

Staff Present: Mark Roath, City Manager; George Marcangeli, City Engineer/Public Works Director; David Medley, Utilities Director; Harold Stewart, Fire Chief; William J. Ervin, Sr., City Attorney and Cora Middleton, City Clerk

CITIZENS' COMMENTS ON NON-AGENDA ITEMS

None

CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- Approval of the Minutes from the November 11, 2008, Regular Meeting of the City Council. (Cora Middleton, City Clerk)**
- Approval of the Minutes from the November 20, 2008, Special Meeting of the City Council. (Cora Middleton, City Clerk)**
- Approval of the Minutes from the November 25, 2008, Regular Meeting of the City Council. (Cora Middleton, City Clerk)**
- Concur with Mayor's reappointment of Jan Grubbs to the Library Board for a term to expire December, 2012. (Kevin E. Priddle, Mayor)**

- E. **Concur with Mayor's appointment of Steve Benefield to the McAlester Economic Development Services, Inc. Board for a term to expire June, 2011. (Kevin E. Priddle, Mayor)**
- F. **Concur with Mayor's appointment of Fred Probis to the McAlester Economic Development Services, Inc. Board for a term to expire June, 2011. (Kevin E. Priddle, Mayor)**
- G. **Concur with Mayor's reappointment of Tom Bledsoe to the McAlester Economic Development Services, Inc. Board for a term to expire October, 2011. (Kevin E. Priddle, Mayor)**
- H. **Concur with Mayor's appointment of Lee Anderson to the McAlester Economic Development Services, Inc. Board for a term to expire December, 2011. (Kevin E. Priddle, Mayor)**
- I. **Concur with Mayor's appointment of Kenny Edwards to the McAlester Economic Development Services, Inc. Board for a term to expire December, 2011. (Kevin E. Priddle, Mayor)**
- J. **Approval of Claims for the period of November 26, 2008 through December 9, 2008. (Sherry Alessi, Assistant City Financial Officer) In the following amounts: General Fund - \$81,916.85; Nutrition - \$517.88; SE Expo Ctr/Tourism Fund - \$2,798.58; E-911 - \$237.23; Economic Development - \$282.50; CDBG Grants Fund - \$51,966.13 and CIP Fund - \$337.71.**

Mayor Priddle stated that he would like to remove items "H" and "I" from the consent agenda.

Councilman Condit moved for approval of Items "A through G and J" of the consent agenda. The motion was seconded by Councilman Browne.

There was no discussion, and the vote was taken as follows:

AYE: Councilman Fiedler, Condit, Browne, Garvin, Mason & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

ITEMS REMOVED FROM CONSENT AGENDA

- H. **Concur with Mayor's appointment of Lee Anderson to the McAlester Economic Development Services, Inc. Board for a term to expire December, 2011. (Kevin E. Priddle, Mayor)**

Councilman Garvin moved to approve the Mayor's appointment of Lee Anderson to the McAlester Economic Development Services, Inc. Board for a term to expire December, 2011. The motion was seconded by Councilman Browne.

Before the vote, Mayor Priddle commented that he would like to begin the discussion and a prepared statement was distributed to the Council. He then stated that he would read from a letter to the Ethics Board that he had written today. The Mayor's statement was as follows:

"December 8, 2008

To: City of McAlester Ethics Board
From: Mayor Kevin Priddle
CC: City Manager, City Attorney, City Councilors

Re: Request to Issue a Binding Advisory Opinion

In early 2008, the citizens of McAlester passed the new City Charter. Section 7.01(b) of the charter speaks to the Board of Ethics and that the "City Council shall authorize the Board to issue binding advisory opinions'."

As a result of the passage of the Charter, Ordinance #2294 was adopted by the City Council on June 24th, 2008 creating the Board of Ethics with section 2.b stating specifically:

"The Board, insofar as possible under state law, shall issue binding advisory opinions....."

Under Section 3 – Specific Responsibilities of the Board, paragraph b. (1) "The Board shall render advisory opinions to City officials and employees, through the City Council, with respect to ethical standards in the municipal service pursuant to request by the council.

In tandem with Ordinance #2294, the Council also created Ordinance #2293 creating Section 2-68, Conflict of Interest. Section 1 – Purpose and Declaration of Policy states:

"The primary purpose of this Ordinance is to ensure that the use of public office for private gain is prohibited. Moreover, this ordinance is intended to ensure that the business of this municipality will be conducted in such a way that no public official of the municipality will gain a personal or financial advantage as a result of their position with the City and so that the public trust in municipal officials will be preserved. **A further purpose of the Ordinance is to avoid the appearance of impropriety, whether or not an actual conflict of interest exists.** (bolding added by myself and not actually contained in the ordinance)

Contained within ordinance #2293 is section 4 – Disclosure where section (A) reads:

"A public official who has reason to believe that he or she has or may have a conflict of interest shall, **prior to participating in any official action on the matter**, identify the matter under consideration, the nature of the potential conflict of interest and why he or she believes that he or she is able or unable to act in the matter." (bolding added by myself and not actually contained in the ordinance)

Section 2.03 of the City Charter section (a) deals with the “Powers and Duties” of the Mayor. One of those duties is to “appoint with the advice and consent of the Council the members of citizens’ advisory boards and commissions”.

The City has eighteen citizen advisory boards and commissions with over 140 individuals appointed on those Boards. When a vacancy happens on a Board, the normal procedure is for that committee either through a nominating committee or through their Chairman to make a recommendation to the Mayor for filling the vacancy. This, I believe, has been standard procedure for many years.

In June, 2008, the McAlester Economic Development Service had requested a re-appointment of their current President – Lee Anderson from the previous Mayor Don Lewis. The appointment was subsequently withdrawn under speculation that the nomination would have failed to have been ratified by the Council.

Since the new City Council took effect in July, 2008 I have been notified by the nominating committee of MEDS more than once of their desire to have Mr. Anderson reappointed. At their November 2008 board meeting, the nominating committee presented to their board their “slate” of appointment nominees including Mr. Anderson. As I was at the meeting as an Ex-Officio member, I questioned the Board regarding the controversy that may occur with this appointment. Other than the abstaining of the City Manager who abstains normally on appointment matters, the MEDS board voted unanimously to have their slate of appointees presented to the City Council. The MEDS board, like all of our City Boards, has tremendous individuals on the Board who give of their time and efforts freely for the betterment of our City and who are leaders in our community. Supporting all of our Boards in the pursuit of membership which they believe will help them in their duties is vital in my opinion.

My personal concern with the nomination of Mr. Anderson has nothing to do with his withdrawal in June, 2008. It deals with the fact that during my campaign for Mayor, Mr. Anderson was a contributor to my campaign. My CI campaign forms indicate this fact, however, some individuals may construe this fact to mean that I have something to gain by Mr. Anderson’s appointment or that his appointment was somehow in response to his campaign contributions. For the record:

- I have known Mr. Anderson for years and have no business dealings with Mr. Anderson, other than I purchased radio ads during the campaign as all candidates did.
- Neither myself, my spouse or any household member has any direct or indirect personal or financial interest with Mr. Anderson.
- During the campaign, the subject of his re-appointment never surfaced and I did not know of his re-appointment schedule until after being elected Mayor.

I support Mr. Anderson’s nomination to the MEDS Board based solely on the recommendation of their Board of Directors. It would be far easier for me to simply not place Mr. Anderson’s name for appointment, however, that would not be supporting the very Board which contains so many individuals of good character and selfless dedication.

This issue is not about a single individual. It is about establishing the correct procedure and protocol in the proper balance with recent ordinances and guidance which the voters and the City Council have established, however, practical applications have yet to be tested.

I believe the purpose of ordinance #2293 was to help provide guidance and to give an avenue to help myself, the City Councilors and City Board members to insure that there is no appearance of impropriety, whether or not an actual conflict of interest exists.

As a result of the above background information, I would like the Ethics Board to answer two questions:

- 1.) Although the appointment power clearly resides with the Mayor, is it in the opinion of the Ethics Board a violation of ordinance #2293, #2294 or any other ordinance or policy for the Mayor to appoint an individual to a City Board who contributed to the campaign of the Mayor?
- 2.) Is it in the opinion of the Ethics Board a violation of ordinance #2293, #2294 or any other ordinance or policy for the Mayor to appoint an individual to a City Board who contributed to the campaign of any of the City Councilors?

The goal should clearly be to get the best candidates available on all of our City Boards. In my opinion, one of the best sources for these candidates is from the direction of the nominating committee or the Board of Directors of the individual committee. It is, however, a foregone conclusion that the individuals who make up our City Boards are involved citizens and that involved citizens would tend to be more involved in local elections than the general electorate. Excluding these individuals from serving on any City Boards at any time, under any circumstance would seem to be against the democratic principles which our founding fathers established.

I appreciate your time, your guidance, and your wisdom and look forward to your responses. I understand that this will be the first such undertaking of the Ethics Board and as such may take some time. I would hope that, if at all possible, I may have an answer by February 1st, 2009 and will remove Mr. Anderson's name from nomination until you have responded.

Respectfully,

Mayor Kevin E. Priddle"

Mayor Priddle stated that he would remove Mr. Anderson's name from the nomination and Kenny Edwards name as well. He explained that Mr. Edwards had worked with him. He added that this was what the citizens had created the Ethics Board for and what our Ordinances were for, it was better sometimes to ask questions before you before you took action.

Mayor Priddle explained that there was only one Ordinance on the agenda and the public hearing could wait until the Council addressed that item.

Councilman Mason stated that he had a comment to make about one of the appointments. He commented that the Mayor had withdrawn the name that he was going to comment about. He then asked that the following statement be included verbatim in the minutes. Councilman Mason's statement was as follows:

"I oppose the confirmation by this council of the appointment of Mr. Lee Anderson to the board of McAlester Economic Development Service, Inc. for the following reasons.

Mr. Anderson, has in the past, both while on the MEDS board and after his withdrawal of his nomination June 24, 2008, publicly and repeatedly, exhibited extreme animosity toward certain members of this council. In so doing, his conduct cast a shadow on all members of the MEDS board. The board owes its very existence to the City of McAlester which funds the MEDS contractual effort by 80% or more of its annual budget.

I also call to the attention of all that Mr. Anderson contributed, according to each individual's own required ethics reports filed with the City Clerk, certain sums of cash in the recent Municipal Elections. In the campaign period of 2008, Kevin Priddle received \$1,000.00, John Browne received \$800.00, and Chris Fiedler received \$200.00. I believe the combination of these contributions and Mr. Anderson's subsequent MEDS board nomination on tonight's agenda constitute a quid pro quo. In acceptance of these cash contributions and potentially casting a vote in this confirmation process, if nothing else, presents the appearance, real or imagined, that votes by recipients of Mr. Anderson's contributions were solicited and even purchased.

Mr. Anderson has boasted that all is fair in politics, love and war. I disagree with that analogy. In making that statement, an individual professes that anything goes to further that individual's agenda. I don't subscribe to that old school thinking, but believe that every action taken by each member of this council be made honestly, ethically, legally, and always in the best interest of every citizen of the City of McAlester and not made for any gain, personally or otherwise.

The City of McAlester Conflict of Interest ordinance requires that any member of this body, who becomes aware of a possible conflict of interest, either personally or in regards to any other member or city official, make the Board of Ethics aware of the conflict. Because of this, I further state that it appears that a violation of Ordinance 2293-Conflict of Interest may occur as outlined above and if it does in fact occur, I formally request through the City Clerk that an inquiry under section 3, b, (2) of City of McAlester ordinance 2294, which created the Board of Ethics be initiated. Supporting documentation to be forwarded to the Board of Ethics with this request will be forthcoming."

Councilman Browne stated that he felt they had been accused of being bribed and he resented that.

Mayor Priddle commented that this was why we have the Board of Ethics and this would have been the first time he appointed someone that had contributed to his campaign. He stated that there had been appointments of individuals that had contributed to Councilman Mason's campaign but he felt that all of the appointments had been made because the individual would be good for the position. He added that when dealing with public interest it was better to do things

the right way and this was about the process.

Councilman Garvin stated that he hated that this had went this way. He commented that the Mayor had explained how this matter would be handled and he appreciated the way it was to be handled.

SCHEDULED BUSINESS

- 1. Presentation and Place on File the Revenue and Expense Review for October, 2008.**
(Kevin E. Priddle, Mayor)

Executive Summary

This agenda item involves the Mayor's financial review for the month of October, 2008.

Mayor Priddle briefly reviewed the October 2008 Revenue and Expenses of the City. He stated that the City was doing a very good job of controlling the budget. He commented that all of the cities in the state were experiencing the same challenges and McAlester was fortunate that the sales tax had remained high.

Mr. Roath commented that the staff was going a very good job and he supported the continuing efforts by OML to find new sources of revenues.

- 2. Presentation of a Certificate of Appreciation to the City's West Wastewater Treatment Plant Personnel for the Oklahoma Water Pollution Control Association Plant of the Year Award.** *(Kevin E. Priddle, Mayor; Mark B. Roath, City Manager and David Medley, Utilities Director)*

Executive Summary

This agenda item involves issuing a Certificate of Appreciation to each West Water Treatment Employee for the award given to the City by the Oklahoma Water Pollution Control Association.

Mayor Priddle, Mr. Roath and David Medley presented the personnel of the West Wastewater Treatment Plant with certificates of appreciation from the City for their efforts that earned the Plant its recognition as Wastewater Treatment Plant of the Year. The employees were as follows: Gary Roe, Wayne Russell, Dustin Lott, Jerry Morris, Jerry Matthews, Alvie Smith, Dean Boatner and David Weeks.

- 3. Presentation and Portfolio Review of the Investment of Non-Uniform Defined Benefit Retirement Plan Proceeds as of December 2, 2008.** *(John L. Baumert, Smith Barney)*

Executive Summary

This agenda item involves a presentation and review of the investment of Non-Uniform Defined Benefit Retirement Plan Proceeds by John L. Baumert, Senior Vice-President for Smith Barney.

Councilman Mason moved to open the discussion for the presentation and Portfolio review of the Investment of Non-Uniform Defined Benefit Retirement Plan Proceeds as of December 2, 2008. The motion was seconded by Councilman Garvin.

Before the vote, John Baumert explained that his company had been involved with the City of McAlester since 1991/1992. He commented that he had met quarterly with the non-uniformed committee for the past sixteen (16) years. He added that they review the performance of the various investment managers every quarter and they review rebalancing the account quarterly also. Mr. Baumert reviewed the Plans' activity over the past seven (7) to eight (8) years, stating that it had been a tough period. He added that there could be another six (6) months of volatility. He stated that with the earmarks of the plan he felt it had performed inline with their projections.

There was discussion among the Council regarding what the next year looked like financially, how the country had changed from a manufacturing economy to a service economy and if there were specific areas that needed to be looked at.

Mr. Baumert stated that the fund needed to be a little over weighted and that with the labor costs so much cheaper overseas that it would be hard to turn around the type of economy.

Mayor Priddle stated that the Audit & Finance Advisory Committee had recommended that the Council have a study done to see where the plan was, where it needed to be and how to get the plan to that position.

There was no vote on this item.

4. Presentation and Status Report on the 911 Addressing System Project. (Darren Hibbard, InterAct Public Safety Systems)

Executive Summary

This agenda item involves a status report on the 911 Addressing System by a representative of InterAct Public Safety Systems.

Councilman Browne moved to open the discussion for the Status Report on the 911 Addressing System Project. The motion was seconded by Councilman Fiedler.

Before the vote, Darren Hibbard addressed the Council stating that the project as a whole was thirty (30) percent completed. He stated that they were in the mapping phase of the County and that was about twenty-five (25) percent completed. He added that when they were finished with the County they would move to the City. He commented that road names had been a problem but he believed they were on target to complete the project by the deadline which he thought was January 2010.

There was no vote on this item.

5. Consider, and act upon, authorizing the Mayor to sign a Memorandum of Understanding for Emergency Management with Pittsburg County, Oklahoma. (Harold Stewart, Fire Chief)

Executive Summary

This agenda item concerns a Memorandum of Understanding for Emergency Management.

Councilman Mason moved to authorize the Mayor to sign a Memorandum of Understanding for Emergency Management with Pittsburg County. The motion was seconded by Councilman Fiedler.

Before the vote, Chief Stewart addressed the Council thanking them for supporting the services that the Fire Department furnished the citizens of McAlester.

Councilman Fiedler stated that this was still being referred to as Civil Defense.

Chief Stewart stated that that was being addressed by the City Attorney's office.

There was no further discussion, and the vote was taken as follows:

AYE: Councilman Garvin, Mason, Fiedler, Condit, Browne & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

6. Consider, and act upon, authorizing the Mayor to sign a City/County Agreement for Joint Civil Defense/Emergency Management Administration and Addendum with Pittsburg County, Oklahoma. (Harold Stewart, Fire Chief)

Executive Summary

This agenda item concerns a City/County Agreement for Joint Civil Defense/Emergency Management Administration and Addendum with Pittsburg County for this fiscal year.

Chief Stewart explained that this was an agreement between the City and the County.

Councilman Browne moved to authorize the Mayor to sign a City/County Agreement for Joint Civil Defense/Emergency Management Administration and Addendum with Pittsburg County, Oklahoma. The motion was seconded by Councilman Fiedler.

Before the vote, Councilman Mason commented that the agreement had been signed by the County but the addendum had not been signed. He then moved to amend the motion to approve this based on the addendum being signed by the County and then authorizing the Mayor to sign this.

Mayor Priddle stated that he would second the motion.

Councilman Mason then asked if the payment could be released or if it needed to come back to the Council.

Mr. Roath stated that he thought Councilman Mason was correct, get the addendum approved and place the payment on a future claims list after the addendum was approved and both contracts were signed.

Mayor Priddle commented that he had received several positive comments on this item.

Councilman Fiedler stated that he supported emergency management one hundred percent (100%) but he would like to see in the future a mission statement and projections for where it was planning on going and how it was planning on growing. He commented that he would like to see the Council become more involved with emergency management.

Mayor Priddle commented that he had attended the last emergency management meeting and was impressed.

Councilman Mason commented that this delay could have been resolved and he hoped that this would come to the City before the contract expired.

There was no further discussion, and the vote was taken as follows:

AYE: Councilman Mason, Fiedler, Condit, Browne, Garvin & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

7. **Consider, and act upon, a Resolution supporting Hickory Ridge McAlester, LLC, for a tax credit award related to Phase II of their housing development and a City cash contribution of \$9,394.00 from the Economic Development Fund. (Ryan Hackett, Hickory Ridge McAlester, LLC)**

Executive Summary

This agenda item concerns a request to support a tax credit application as well as a cash contribution to support additional affordable housing being constructed by Hickory Ridge McAlester, LLC.

Mr. Roath stated that this request had been raised at the last meeting and the amount had been buried within the resolution. He added that this request was for 28 units. He commented that after discussing this matter with Councilman Mason, the City could not waive the fees, but Councilman Mason had suggested that the City make a cash contribution equal to what the expense would be. He stated that he had requested Dennis Lalli to calculate the cost of the permits and that amount was the \$9,394.00. He stated that the budget amendment had been placed after this item so the Council could make any adjustments they felt were needed. Mr. Roath then stated that he had received a letter from the applicant stating that the amount needed was \$14,001.00.

Mayor Priddle commented that another \$3,900.00 would come from Economic Development to fund this request. He then moved to raise the contribution amount to \$14,001.00. The motion was seconded by Councilman Garvin.

Before the vote, Councilman Mason stated that he did not have a problem with paying out of economic development funds but he did have a problem with not being informed that this project would be constructed in phases. He added that this phase had fewer units but they were requesting the same amount from the City.

Mayor Priddle explained that he didn't think they realized they would construct a phase two (2), but they had some additional land become available and there was no intention of a phase three (3) because there was no land available.

There was no further discussion, and the vote was taken as follows:

AYE: Councilman Condit, Browne, Garvin, Mason, Fiedler & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

Mayor Priddle stated that the next agenda item required a Public Hearing and he asked for a motion to open the Public Hearing.

PUBLIC HEARING

All persons interested in any ordinance listed under Scheduled Business shall have an opportunity to be heard in accordance with Article 2, Section 2.12(b) of the City Charter.

Councilman Fiedler moved to open the Public Hearing, seconded by Councilman Browne.

There was no discussion, and the vote was taken as follows:

AYE: Councilman Browne, Garvin, Mason, Fiedler, Condit & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried, and the Public Hearing was opened at 7:23 P.M.

There were no comments made regarding the Ordinance by the audience or the Council.

Councilman Condit moved to close the Public Hearing. The motion was seconded by Councilman Fiedler, and the vote was taken as follows:

AYE: Councilman Garvin, Mason, Fiedler, Condit, Browne & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried and the Public Hearing was closed at 7:24 P.M.

8. **Consider, and act upon, an Ordinance amending Ordinance No. 2299, which Established the Budget for Fiscal Year 2008-2009; Repealing all conflicting Ordinances; Providing for a Severability Clause; and Declaring an Emergency.**
(Mark B. Roath, City Manager)

Executive Summary

This agenda item concerns a budget amendment involving the recent changes in economic development construction projects; a proposed cash contribution for Phase II of the Hickory Ridge McAlester, LLC and an additional amount for potential claims against the City.

Mr. Roath explained that Exhibit A-1 was to increase the budget amount for damage claims. He commented that it had probably been under funded for the year and Exhibit A-2 was reflecting the changes in the projects that the Council had approved for economic development. He added that the amount for the Hickory Ridge Development would be adjusted to reflect the additional funds that had been approved by the Council and the total appropriation would be \$505,001.00.

Councilman Mason asked if this would come back to the Council as an amended budget amendment.

Mr. Roath stated that it was his hope that the amendment would be approved tonight and not need to come back for this particular amendment. He added that, if approved, the change would be made and the corrected version would be sent to the State Auditor.

There was no further discussion, and the vote was taken as follows:

AYE: Councilman Garvin, Mason, Fiedler, Condit, Browne & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried.

Councilman Fiedler moved to approve the EMERGENCY CLAUSE, seconded by Councilman Browne.

There was no discussion, and the vote was taken as follows:

AYE: Councilman Mason, Fiedler, Condit, Browne, Garvin & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried.

9. **Consider, and act upon, a Bid Award to Waste Research, Inc. for the purchase of Two New and Unused 25 Cubic Yard Rear-Loading Garbage Trucks and authorize the City Manager or his designee to negotiate a five-year Lease Purchase Agreement with a local financial institution for the trucks. (George Marcangeli, City Engineer/Public Works Director)**

Executive Summary

This agenda item concerns the awarding of a bid for two new garbage trucks and the authorizing the City Manager or his designee to negotiate a five-year lease purchase agreement.

Councilman Fiedler moved to approve a Bid Award to Waste Research, Inc. for the purchase of Two New and Unused 25 Cubic Yard Rear-Loading Garbage Trucks and authorize the City Manager or his designee to negotiate a five- year Lease Purchase Agreement with a local financial institution for the trucks. The motion was seconded by Councilman Browne.

Before the vote, Mayor Priddle stated that the local financial institution would not be the bank that he worked at.

Mr. Roath stated that he had originally been asked to look at the solid waste and landfill divisions in much more detail and he realized that this had been brought before the Council before the information was complete. He explained that the condition of the trucks, the legal agreements that already exist and the fact that the landfill sits on State property all affect the steps that might need to be taken when considering what to do with the solid waste and landfill divisions. He added that there were still questions about what to do with the current manpower and equipment. Mr. Roath commented that by acting on these two (2) trucks tonight would not interfere with the research of the information regarding the solid waste and landfill divisions. He added that whatever direction the City goes, the decision would be made by the Council and based on the best information that can be made available to them.

George Marcangeli stated that 2000 was the last time that the City purchased garbage trucks and there had probably been \$60,000.00 spent for repairs since the first of the year.

There was discussion among the Council concerning when the trucks would be available, how the solid waste operation was set up, if one of the old trucks could be used to pick up cardboard and if by using a lease purchase could the City actually afford to buy three (3) trucks.

Mr. Roath explained that \$100,000.00 had been budgeted for lease purchases for five (5) pieces of equipment. He stated that there was still three (3) pieces of equipment that they hoped to purchase out of that.

Councilman Garvin commented that the trucks were long overdue, the equipment was in bad shape, there was only one man on the back of the trash trucks, the Street Department were working Saturdays at the landfill and it was not good for departments to be working on other jobs. He stated that he would like to see the Council meet with the staff and the City Manager about the staffing needs of the City.

There was further discussion among the Council, Mr. Roath and Mr. Marcangeli regarding the staffing at the landfill, how the employees would advance if they had the opportunity to and how the City was not the only business trying to attract good employees. They also discussed the potential options for interest on the lease purchase.

There was no further discussion, and the vote was taken as follows:

AYE: Councilman Fiedler, Condit, Browne, Garvin, Mason & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

10. **Discussion, and possible action, on a list of qualified professional consultants to assist the City in determining the feasibility of Thunder Creek Golf Course being made into a public course.** *(Mark B. Roath, City Manager)*

Executive Summary

This agenda item concerns a potential list of golf professionals able to assist the City in determining the feasibility of the Thunder Creek Golf Course being made a public course.

Councilman Fiedler moved to open the discussion on a list of qualified professional consultants to assist the City in determining the feasibility of Thunder Creek Golf Course being made into a public course. The motion was seconded by Councilman Garvin.

Before the vote, Mayor Priddle stated that he did not see the need for action on this item. The City Manager had furnished them with a list of names and he would like to have Councilman Browne and Vice-Mayor Garvin review the list with him and if there were any questions to let him know. He commented that they were not going to spend any money, they just needed to get more informed on the subject and he would like to get this taken care of.

11. Discussion, and possible action, on engaging the services of Capitol Decisions, Inc., to perform lobbying work for the City of McAlester in Wasbington, D.C. (Mark B. Roath, City Manager)

Executive Summary

This agenda item concerns Capitol Decisions, Inc., desire to contract with the City to perform lobbying services in Washington, D.C.

Councilman Condit moved to approve engaging the services of Capitol Decisions, Inc., to perform lobbying work for the City of McAlester in Washington, D.C. The motion was seconded by Councilman Browne.

Before the vote, Mr. Roath commented that this was a follow up to direction from the Council. He stated that the administration did not recommend the Council engage these services at this time. He added that it was possible that there would be public dollars flowing whether the City hired somebody in Washington or not. Mr. Roath stated that if at some time in the future the Council decided to engage someone then updated information would be furnished to them. He commented that the City of Durant had also opted to not engage anyone at this time for these services.

Mayor Priddle commented that he agreed that with the incentives that were being furnished by the federal government, monies would begin to flow down to the municipalities. He then added that he did not feel this item needed any action.

NEW BUSINESS

None

CITY MANAGER'S REPORT

Mr. Roath stated that a Special Meeting had been scheduled for Thursday, December 11th at 4:00 P.M. at the Expo to review preliminary designs for the Southside Industrial Park. He added that these designs had been furnished by Tim Wynn. He commented that the Fourth Ward meeting had been scheduled and he would leave the details of that meeting to the Mayor.

REMARKS AND INQUIRIES BY CITY COUNCIL

Vice-Mayor Garvin stated that he did not have any comments but he asked if the change in his Ward meeting needed to be discussed at this time.

Mayor Priddle explained that one of the requirements of the new Charter was that he give a State of the City address before February 1st. He added that he had spoken with Vice-Mayor Garvin about moving his Ward meeting to February so that he could give his address and satisfy the Charter requirement.

Councilmen Mason and Condit did not have any remarks at this time.

Councilman Fiedler commented that he had one item to report about and it was the Big Mac Cruisers first annual Christmas for Kids Car Show. He stated that it was going to be at 3rd and Choctaw underneath the covered parking area, Saturday, December 13th from 1:00 P.M. until 5:00 P.M. He asked that those attending bring a toy or make a cash donation.

Councilman Browne stated that the Letter Carriers along with United Way were doing a toy drive similar to the food drive that was done in the Spring. He added that the toys could be brought to the Post Office or they could be picked up by the Carriers. He thanked Mr. Marcangeli and Mr. Roath for getting the trash trucks before the Council.

Mayor Priddle commented that the State of the City address would be the 3rd Tuesday in January at the McAlester Campus of Eastern Oklahoma State College. He added that the Fourth Ward meeting would be Tuesday, December 16th at the EXPO, room 209 at 6:00 P.M. He stated that he had been very impressed with Councilman Browne's meeting last month.

RECESS COUNCIL MEETING

Mayor Priddle asked for a motion to recess the Regular Meeting to convene the Authorities.

Councilman Browne moved to recess the Regular Meeting and convene the Authorities. The motion was seconded by Councilman Fiedler and the vote was taken as follows:

AYE: Councilman Browne, Garvin, Mason, Fiedler, Condit & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried, and the Regular Meeting was recessed at 8:06 P.M.

RECONVENE COUNCIL MEETING

The Regular Meeting was reconvened at 8:08 P.M.

Mayor Priddle stated that the Chief Negotiator for the City was unable to make the trip to McAlester so there would not be an Executive Session as scheduled.

EXECUTIVE SESSION

Recess into Executive Session in compliance with Section Title 25 Section 307 (B), et.seq. Oklahoma Statutes, to wit:

- **Section 307 (B) (2) – Discussion concerning current status of the collective bargaining negotiations with the IAFF and FOP.**

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

ADJOURNMENT

There being no further business to come before the Council, Councilman Mason moved for the meeting to be adjourned, seconded by Councilman Garvin. The vote was taken as follows:

AYE: Councilman Browne, Garvin, Mason, Fiedler, Condit & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried, and the meeting was adjourned at 8:09 P.M.

Kevin E. Priddle, Mayor

ATTEST:

Cora Middleton, City Clerk

**CLAIMS FROM DEC. 24, 2008
THRU
JAN. 13, 2009**

CKET: 04096 CLAIMS FOR 1/13/09

NDOR SET: 01

ND : 01 GENERAL FUND

NDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT

-A00267	AIRGAS					
		I-106522885	01 -5431202	OPERATING SUP OXYGEN FOR AMBULANCE	044566	106.98
		I-106534348	01 -5431202	OPERATING SUP OXYGEN FOR AMBULANCE	044566	71.91
		I-106583879	01 -5431202	OPERATING SUP OXYGEN FOR AMBULANCE	044566	25.89
		I-106935832	01 -5431202	OPERATING SUP OXYGEN FOR AMBULANCE	044566	119.60
		I-106954788	01 -5431202	OPERATING SUP OXYGEN FOR AMBULANCE	044566	116.05

-A00500	AMERICAN MUNICIPAL SERV					
		I-3125	01 -5213337	COLLECTION SE OUTSTANDING FEES OCT 08	044567	765.68
		I-3296	01 -5213337	COLLECTION SE OUTSTANDING FINE COLLECTI	044567	339.49

-A00751	ATWOODS					
		I-3177056	01 -5548203	REPAIRS & MAI MAINTENANCE SUPPLIES	044568	26.53
		I-3190689	01 -5542203	REPAIRS & MAI MISC REPAIR & MAINT ITEMS	044568	14.97
		I-3195862	01 -5542203	REPAIRS & MAI MISC REPAIR & MAINT ITEMS	044568	23.13
		I-3200465	01 -5542203	REPAIRS & MAI MISC REPAIR & MAINT ITEMS	044568	44.85
		I-3203698	01 -5542203	REPAIRS & MAI MISC REPAIR & MAINT ITEMS	044568	44.83
		I-3205759	01 -5542203	REPAIRS & MAI MISC REPAIR & MAINT ITEMS	044568	26.97
		I-3205792	01 -5542203	REPAIRS & MAI MISC REPAIR & MAINT ITEMS	044568	15.99

-A00770	AUTO PARTS CO					
		I-831894	01 -5431316	REPAIRS & MAI BLANKET PO FOR PARTS	044570	171.90
		I-832582	01 -5431316	REPAIRS & MAI BLANKET PO FOR PARTS	044570	100.58

-B00180	BEMAC SUPPLY					
		I-S1429620.001	01 -5548203	REPAIRS & MAI MAINTENANCE SUPPLIES	044573	12.20

-C00100	CLEET					
		I-08-23431	01 -5213336	FEES LAW ENFORCEMENT TRAIN	044575	5,139.84

-C00300	CPC - CEMETERY PERPETUA					
		I-08-23355	01 -5215622	TRANSFERS-CCP 3RD QTR 2008 TRANSFER	044576	2,137.50

-C00430	CHIEF FIRE & SAFETY CO.					
		I-155629	01 -5431401	CAPITAL OUTLA 4 X 25 RED PRO FLOW LG	044577	412.00
		I-155629	01 -5431401	CAPITAL OUTLA 4 X 50 RED PRO FLOW	044577	295.00
		I-155629	01 -5431401	CAPITAL OUTLA 4 X 100 RED PRO FLOW	044577	8,368.00
		I-155629	01 -5431401	CAPITAL OUTLA HARRINTON HSTS50-40S	044577	925.00

-C00534	CLINT SELF CONCRETE CON					
		I-1086	01 -5215480	CONTINGENCY/A REDO PARKING LOT @ LIBRAR	044578	5,055.00

-C00840	CRAWFORD & ASSOCIATES					
		I-3890	01 -5215302	CONSULTANTS CONSULTING SERVICES	044579	15,260.84
		I-3891	01 -5215302	CONSULTANTS CONSULTING SERVICES	044579	1,445.00

-C00841	CREATIVE PRODUCT SOURCE					
		I-CPI000672	01 -5431329	PROMOTIONAL PROMOTIONAL SUPPLIES	044580	125.07

BOOKET: 04096 CLAIMS FOR 1/13/09

ENDOR SET: 01

END : 01 GENERAL FUND

ENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
-C00848	CRYSTIE LEIGH WESLEY					
		I-08-23360	01 -5542308	CONTRACTED SE SCOREKEEPER FEES-2 GAMES	044581	16.00
-D00098	DARRELL MILLER					
		I-08-23335	01 -5321331	EMPLOYEE TRAV SHOES/WINTER CLOTHING	044582	162.65
		I-08-23335	01 -5321331	EMPLOYEE TRAV SHOES/WINTER CLOTHING	044582	274.71
-D00330	DEPT. OF PUBLIC SAFETY					
		I-04-2904093	01 -5321308	CONTRACTED SE TELETYPE RENTALS:	044584	350.00
-D00600	DONNA M. CREWS					
		I-08-23358	01 -5542308	CONTRACTED SE SCOREKEEPER FEES- 7 GAMES	044585	56.00
-D00775	JUSTIN DUVALL					
		I-08-23361	01 -5542308	CONTRACTED SE REFEREE FEES - 3 GAMES	044586	60.00
-E00219	ENGLISH JANITORIAL					
		I-16864	01 -5542316	REPAIRS & MAI REPLACE MOP HEADS	044587	77.17
-E00266	ERVIN & ERVIN ATTORNEYS					
		I-08-23432	01 -5214302	CONSULTANTS/L RETAINER FEE JAN 2009	044588	2,509.00
-F00015	FLEETCOR TECHNOLOGIES					
		I-NP15492374	01 -5862205	PETROLEUM PRO FUEL/GEN FOR NOV 2008	044589	9,598.36
-F00038	FED EX					
		I-08-23408	01 -5211202	OPERATING SUP INFO TO DEPT OF JUSTICE	044590	145.65
-F00170	FIRST NATIONAL BANK					
		I-08-23411/JAN 08	01 -5865510	CAPITAL LEASE LEASE 121 ROAD GRADER	044591	3,091.82
-GCC010	G & C RENTAL CENTER, IN					
		I-7480	01 -5547203	REPAIRS & MAI RENTAL OF BOB CAT	044592	461.50
		I-7493	01 -5547203	REPAIRS & MAI RENTAL OF BOB CAT	044592	269.50
		I-7557	01 -5547203	REPAIRS & MAI RENTAL OF BOB CAT	044592	272.00
-I00061	IKON OFFICE SOLUTIONS,					
		I-5010139121	01 -5321308	CONTRACTED SE COPIER RICOH AF1027	044594	14.02
		I-5010139121	01 -5321308	CONTRACTED SE CANON IR3300	044594	67.35
-I00110	IMPRESS OFFICE SUPPLY					
		I-026711	01 -5213202	OPERATING SUP OFFICE SUPPLIES	044596	59.98
		I-026721	01 -5431202	OPERATING SUP OFFICE SUPPLIES	044596	28.77
		I-026820	01 -5213202	OPERATING SUP OFFICE SUPPLIES	044596	107.89
		I-026855	01 -5431202	OPERATING SUP OFFICE SUPPLIES	044596	49.00
		I-026884	01 -5431202	OPERATING SUP OFFICE SUPPLIES	044596	26.34
		I-026898	01 -5431202	OPERATING SUP OFFICE SUPPLIES	044596	24.20
		I-026927	01 -5213202	OPERATING SUP OFFICE SUPPLIES	044596	29.33
		I-026930	01 -5431202	OPERATING SUP OFFICE SUPPLIES	044596	27.99

CKET: 04096 CLAIMS FOR 1/13/09

NDOR SET: 01

ND : 01 GENERAL FUND

NDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
-I00110	IMPRESS OFFICE SUPPLY		continued			
		I-026951	01 -5431202	OPERATING SUP OFFICE SUPPLIES	044596	2.98
		I-026997	01 -5211202	OPERATING SUP OFFICE SUPPLIES	044596	150.34
		I-027003	01 -5211202	OPERATING SUP OFFICE SUPPLIES	044596	13.49
		I-027037	01 -5321202	OPERATING SUP BLANKET PO MISC: SUPPLIES	044596	72.82
-J00110	JACKIE BRANNON CORR. CT					
		I-P157	01 -5542308	CONTRACTED SE MONTHLY FEE - INMATE CREW	044597	26.86
-J00331	JIM LAWSON					
		I-08-23364	01 -5211331	EMPLOYEE TRAV CANDIDATE TRAVEL EXP	044599	315.51
-J00340	JIM WOOD REFRIGERATION					
		I-08-9771	01 -5548203	REPAIRS & MAI PARTS/POLICE GARAGE HEATE	044600	150.00
-J00395	JOHN BILL BRANCH					
		I-6601	01 -5215480	CONTINGENCY/A LABOR TO PAINT DOORS	044601	300.00
-K06159	KESSLERS TEAM SPORTS					
		I-U67320-00	01 -5544202	OPERATING SUP RECREATIONAL SUPPLIES	044602	497.00
-L00275	LEONARD & RINEER, P.C.					
		I-08-23428	01 -5214302	CONSULTANTS/L CLAIM LITIGATION	044604	506.25
-L00380	LOCKE SUPPLY CO.					
		I-9507556	01 -5548203	REPAIRS & MAI SUPPLIES FOR REPAIRS	044605	7.15
		I-9507639	01 -5548203	REPAIRS & MAI SUPPLIES FOR REPAIRS	044605	11.67
		I-9508911-00	01 -5542203	REPAIRS & MAI REPAIRS & MAINT.	044605	34.78
		I-9516622	01 -5548203	REPAIRS & MAI SUPPLIES FOR REPAIRS	044605	30.78
-L00428	LOWE'S CREDIT SERVICES					
		C-PO 07-21146 CREDIT	01 -5548203	REPAIRS & MAI MAINTENANCE SUPPLIES	044606	211.49-
		I-01215	01 -5548203	REPAIRS & MAI MAINTENANCE SUPPLIES	044606	55.37
		I-01218	01 -5542203	REPAIRS & MAI REPAIRS & MAINT.	044606	29.92
		I-01274	01 -5548203	REPAIRS & MAI MAINTENANCE SUPPLIES	044606	443.58
		I-01483	01 -5215480	CONTINGENCY/A HAND RAILS & BRACKETS	044606	123.24
		I-01533	01 -5542203	REPAIRS & MAI REPAIRS & MAINT.	044606	186.70
		I-01555	01 -5542203	REPAIRS & MAI REPAIRS & MAINT.	044606	31.13
		I-01579	01 -5542203	REPAIRS & MAI REPAIR & MAINT ITEMS	044606	47.58
		I-01665	01 -5548203	REPAIRS & MAI MAINTENANCE SUPPLIES	044606	39.97
		I-01701	01 -5542203	REPAIRS & MAI REPAIRS & MAINT.	044606	5.33
		I-01739	01 -5542203	REPAIRS & MAI REPAIR & MAINT ITEMS	044606	204.27
		I-02589	01 -5548203	REPAIRS & MAI MAINTENANCE SUPPLIES	044606	222.26
		I-02895	01 -5542203	REPAIRS & MAI REPAIRS & MAINT.	044606	62.13
		I-05331	01 -5542203	REPAIRS & MAI REPAIR & MAINT ITEMS	044606	20.91
		I-05341	01 -5542203	REPAIRS & MAI REPAIRS & MAINT.	044607	69.61
		I-07410	01 -5548203	REPAIRS & MAI MAINTENANCE SUPPLIES	044607	90.97
		I-06800	01 -5548203	REPAIRS & MAI MAINTENANCE SUPPLIES	044607	34.00
		I-09115	01 -5548203	REPAIRS & MAI MAINTENANCE SUPPLIES	044607	45.94

CKET: 04096 CLAIMS FOR 1/13/09

NDOR SET: 01

ND : 01 GENERAL FUND

NDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
-100428	LOWE'S CREDIT SERVICES		continued			
		I-09275	01 -5542203	REPAIRS & MAI REPAIRS & MAINT.	044607	31.96
		I-09687	01 -5548203	REPAIRS & MAI MAINTENANCE SUPPLIES	044607	116.00
		I-96354	01 -5548203	REPAIRS & MAI MAINTENANCE SUPPLIES	044607	35.00
-M00470	MILLER BROS. ENTERPRISE					
		I-10815-06	01 -5431203	REPAIRS & MAI REP MAIN STAT GARAGE DOOR	044608	26.00
-M00570	MOORE MEDICAL CORP.					
		I-95482380 RI	01 -5431202	OPERATING SUP MEDICAL SUPPLIES	044609	216.95
		I-95498573 RI	01 -5431202	OPERATING SUP MEDICAL SUPPLIES	044609	513.30
		I-95518287 RI	01 -5431202	OPERATING SUP MEDICAL SUPPLIES	044609	271.70
-M00045	MC CRAYS WELDING					
		I-3311	01 -5215480	CONTINGENCY/A WELDING PLATES/LIBRARY	044611	18.00
-M00140	MCALESTER PAINT & SUPPL					
		I-022667	01 -5215480	CONTINGENCY/A SUPPLIES	044612	125.38
-N00250	MCALESTER NEWS CAPITAL					
		I-01564842	01 -5212317	ADVERTISING & COUNCIL PUBLICATIONS	044613	10.65
		I-08-23346	01 -5431330	DOES & SUBSCR 1 YR SUBSCRIPTION	044613	306.00
-N00271	NIX FORD					
		I-108891	01 -5431316	REPAIRS & MAI REPAIRS TO AMBULANCE	044614	656.37
		I-58937	01 -5431316	REPAIRS & MAI MEDIC 3 REPAIRS	044614	467.97
		I-58947	01 -5431316	REPAIRS & MAI MEDIC 3 REPAIRS	044614	56.96
-N00303	NORMAN BENNETT ARBITRAT					
		I-08-23319	01 -5214302	CONSULTANTS/L INTEREST ARBITRATION IAFF	044615	1,760.00
-000060	OFFICE DEPOT, INC					
		I-454931429001	01 -5320202	OPERATING EXP SMEAD FOLDERS	044618	40.72
		I-454931429001	01 -5320202	OPERATING EXP DESK CALENDAR	044618	5.97
		I-454931429001	01 -5320202	OPERATING EXP MONTHLY DESK PAD	044618	38.39
		I-454941378001	01 -5321202	OPERATING SUP SMEAD FOLDERS	044618	203.60
		I-454941378001	01 -5321202	OPERATING SUP DESK CALENDAR REFILLS	044618	5.97
		I-454941378001	01 -5321202	OPERATING SUP MONTHLY DESK PAD	044618	20.94
		I-454941378001	01 -5321202	OPERATING SUP 13 MONTH PLANNER	044618	15.99
		I-456072052-001	01 -5321202	OPERATING SUP ADJ. TASK, CHAIR	044618	99.19
		I-457690586-C01	01 -5210202	OPERATING SUP BLANKET PO OFFICE SUPP	044618	34.89
-000075	O'REILLY AUTO PARTS					
		C-491919	01 -5431316	REPAIRS & MAI PARTS & SUPPLIES	044619	2.06-
		I-0230-112485	01 -5862203	REPAIRS & MAI RADIATOR FOR UNIT 66	044619	101.00
		I-100005	01 -5431316	REPAIRS & MAI PARTS & SUPPLIES	044619	5.18
		I-103349	01 -5431316	REPAIRS & MAI PARTS & SUPPLIES	044619	2.98
		I-104499	01 -5862203	REPAIRS & MAI SMALL AUTO PARTS	044619	3.25
		I-104500	01 -5862203	REPAIRS & MAI SMALL AUTO PARTS	044619	110.20

CKET: 04096 CLAIMS FOR 1/13/09

NDOR SET: 01

ND : 01 GENERAL FUND

NDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT

-000075	O'REILLY AUTO PARTS		continued			
		I-107375	01 -5862203	REPAIRS & MAI SMALL AUTO PARTS	044619	104.44
		I-107896	01 -5431316	REPAIRS & MAI PARTS & SUPPLIES	044619	3.99
		I-108720	01 -5431316	REPAIRS & MAI PARTS & SUPPLIES	044619	16.09
		I-109365	01 -5862203	REPAIRS & MAI SMALL AUTO PARTS	044619	89.99
		I-109679	01 -5431316	REPAIRS & MAI PARTS & SUPPLIES	044619	109.80
		I-110281	01 -5431316	REPAIRS & MAI PARTS & SUPPLIES	044619	28.08
		I-488210	01 -5431316	REPAIRS & MAI PARTS & SUPPLIES	044620	13.28
		I-491118	01 -5431316	REPAIRS & MAI PARTS & SUPPLIES	044620	18.00
		I-491336	01 -5431316	REPAIRS & MAI PARTS & SUPPLIES	044620	48.88
		I-492595	01 -5431316	REPAIRS & MAI PARTS & SUPPLIES	044620	10.56
		I-493763	01 -5431316	REPAIRS & MAI PARTS & SUPPLIES	044620	15.49
-000410	OKLA. STATE UNIVERSITY					
		I-6999	01 -5431331	EMPLOYEE TRAV FINANCE CHARGE	044622	5.61
-000520	OIL-OK INDEPENDENT LIVI					
		I-08-22151/JAN 09	01 -5215355	OIL-OK FOR IN MONTHLY AGREEMENT FEE	044623	2,000.00
-000592	ORTIVUS					
		I-INV027476	01 -5431202	OPERATING SUP MONTHLY SERVICE FEE	044624	350.00
-000610	OTA PIKEPASS CENTER					
		I-2008110C828	01 -5431331	EMPLOYEE TRAV PIKEPASS	044625	50.00
-P00020	P F BUSINESS FORMS					
		I-310808	01 -5213317	ADVERTISING & CITATION JACKETS	044626	1,975.00
		I-310808-	01 -5213317	ADVERTISING & CITATION JACKETS	044626	395.00
-P00242	PETER STASICK					
		I-08-23417	01 -5652331	EMPLOYEE TRAV TRAVEL EXP CANDIDATE	044627	725.61
-P00350	PD COUNTY TAG AGENCY					
		I-08-23333	01 -5321202	OPERATING SUP TAG & TITLE 09 CHEV IMPAL	044628	30.00
-P00450	PRIDE IN MCALESTER					
		I-JULY 08 - DEC 08	01 -5215319	MISC. PRIDE I AS PER CONTRACT	044629	2,500.00
-P00510	PRO-KIL PEST CONTROL					
		I-48860	01 -5431202	OPERATING SUP NORTH STATION	044630	96.00
		I-48861	01 -5431202	OPERATING SUP SOUTH STATION	044630	96.00
-Q00017	QUALITY JANITORIAL SUPP					
		I-002919	01 -5542203	REPAIRS & MAI JANITORIAL SUPPLIES	044631	666.30
R00090	RAM INC					
		I-05217	01 -5862205	PETROLEUM PRO NO LEAD	044632	1,972.00
		I-05217	01 -5862205	PETROLEUM PRO DIESEL	044632	4,431.25

CKET: 04096 CLAIMS FOR 1/13/09

NDOR SET: 01

ND : 01 GENERAL FUND

NDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
-R00445	ROBERT FLANTROY					
		I-08-23357	01 -5542308	CONTRACTED SE REFEREE FEES - 3 GAMES	044633	60.00
-S00365	SIMPLEXGRINNELL LP					
		I-64177902	01 -5324202	OPERATING SUP SCOPE OF WORK/CETR SYS	044636	453.00
		I-64177902	01 -5324202	OPERATING SUP 11-5-08 DATA FROM CAMERA	044636	52.00
-S00510	SOUTHERN SUPPLY & EQUIP					
		I-44777	01 -5431203	REPAIRS & MAI CHAIN SAW REPAIRS	044637	54.05
-S00725	STAPLES CREDIT PLAN					
		I-09694	01 -5652202	OPERATING SUP OFFICE SUPPLIES	044638	192.40
		I-110462	01 -5431203	REPAIRS & MAI NOTEBOOK PC	044638	599.98
		I-19500	01 -5542202	OPERATING SUP OPEN PO/ OFFICE SUPPLIES	044638	175.97
		I-66954	01 -5210202	OPERATING SUP BLANKET PO/OFFICE SUPPLIE	044638	167.98
		I-68397	01 -5542202	OPERATING SUP OPEN PO/ OFFICE SUPPLIES	044638	276.15
-SC0770	STATEWIDE COMMUNICATION					
		I-1325	01 -5431203	REPAIRS & MAI MEDIC 1 RADIO REPAIRS	044639	136.50
-T00010	T. H. ROGERS LUMBER CO.					
		I-387498	01 -5215480	CONTINGENCY/A WOOD DOORS AT LIBRARY	044640	665.80
-T00058	BI2TEL					
		I-3332	01 -5215316	REPAIRS & MAI REP BROKEN FAX LINE CABLE	044641	170.00
-T00370	TIPPIT INSURANCE					
		I-27728	01 -5215321	AUTO INSURANC GEN FUND 3RD QTR FLEET IN	044642	9,424.35
		I-27728	01 -5215321	AUTO INSURANC NUT 3RD QTR FLEET INS	044642	252.28
		I-27728	01 -5215321	AUTO INSURANC E911 3RD QTR FLEET INS	044642	199.41
		I-27728	01 -5215322	INSURANCE/BON GEN FUND 3RD QTR GEN LIAB	044642	44,348.54
		I-27728	01 -5215322	INSURANCE/BON NUTR 3RD QTR GEN LIAB INS	044642	3,123.14
		I-27728	01 -5215322	INSURANCE/BON E911 3RD QTR GEN LIAB INS	044642	1,249.26
-T00443	TOMMY BUCKNER					
		I-08-23362	01 -5542308	CONTRACTED SE REFEREE FEES - 6 GAMES	044643	120.00
-T00458	TONYA M BARNES					
		I-08-23359	01 -5542308	CONTRACTED SE SCOREKEEPER FEES-3 GAMES	044644	24.00
T00554	TRI-TECH INC					
		I-49290	01 -5320202	OPERATING EXP METH DRUG KITS	044646	190.00
		I-49290	01 -5320202	OPERATING EXP FREIGHT	044646	13.50
T00630	TWIN CITIES READY MIX					
		I-27038	01 -5865218	STREET RE-SUR CONCRETE	044647	912.50
		I-27299	01 -5865218	STREET RE-SUR CONCRETE	044647	1,460.00
		I-27300	01 -5865218	STREET RE-SUR CONCRETE	044647	273.75

CHECK: 04096 CLAIMS FOR 1/13/09

NDOR SET: 01

ND : 01 GENERAL FUND

NDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT

-U00130	UNITED SAFETY & CLAIMS					
		I-08-23420	01 -5215106	WORKMAN'S COM WORKERS COMP	044649	16,525.41
		I-7358	01 -5215106	WORKMAN'S COM ESTIMATED SERVICE FEE	044650	1,175.00
-W00040	WALMART COMMUNITY BRC					
		I-00032	01 -5542202	OPERATING SUP SUPPLIES-CHRISTMAS DECOR	044651	38.88
		I-00676	01 -5542202	OPERATING SUP SUPPLIES-CHRISTMAS DECOR	044651	52.83
		I-04200	01 -5542202	OPERATING SUP SUPPLIES-CHRISTMAS DECOR	044651	26.62
		I-06771	01 -5542202	OPERATING SUP SUPPLIES-CHRISTMAS DECOR	044651	64.42
		I-09802	01 -5321202	OPERATING SUP BLANKET MISC. SUPPLIES	044651	73.14
		I-1282	01 -5431202	OPERATING SUP SUPPLIES	044651	75.47
		I-3974	01 -5431202	OPERATING SUP SUPPLIES	044651	65.63
		I-5792	01 -5431202	OPERATING SUP SUPPLIES	044652	34.88
		I-6363	01 -5431202	OPERATING SUP SUPPLIES	044652	159.35
		I-9879	01 -5431202	OPERATING SUP SUPPLIES	044652	45.38
-W00270	WHITE ELECTRICAL SUPPLY					
		I-229300	01 -5542203	REPAIRS & MAI MISC REPAIRS & MAINT ITEM	044654	69.09
		I-229909	01 -5548203	REPAIRS & MAI ELECTRICAL SUPPLIES	044654	146.16
		I-230390	01 -5548203	REPAIRS & MAI ELECTRICAL SUPPLIES	044654	26.36
		I-230406	01 -5548203	REPAIRS & MAI ELECTRICAL SUPPLIES	044654	228.24
	FUND	01	GENERAL FUND	TOTAL:		167,044.32

ACCOUNT: 04096 CLAIMS FOR 1/13/09

ENDORSET: 01

VENDOR : 02 MPWA

ENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT

-A00103 ACCURATE LABS & MINING						
		I-8K12014	02 -5974304	LAB TESTING THM & HAA TESTING MONTHLY	044565	1,360.00
		I-8K19060	02 -5974304	LAB TESTING THM & HAA TESTING MONTHLY	044565	2,720.00
		I-8L04046	02 -5974304	LAB TESTING THM & HAA TESTING MONTHLY	044565	100.00
		I-8L04047	02 -5974304	LAB TESTING THM & HAA TESTING MONTHLY	044565	80.00
		I-8L15027	02 -5974304	LAB TESTING THM & HAA TESTING MONTHLY	044565	50.00
		I-9K19065	02 -5974304	LAB TESTING THM & HAA TESTING MONTHLY	044565	25.00
-A00751 ATWOODS						
		I-3174177	02 -5973203	REPAIRS & MAI PAINT FOR FRAMES (PUMPS)	044568	164.00
		I-3191308	02 -5973203	REPAIRS & MAI PAINT FOR FRAMES (PUMPS)	044568	65.30
-A00770 AUTO PARTS CO						
		C-831608	02 -5862203	REPAIRS & MAI SMALL AUTO PARTS	044569	140.92-
		C-831689	02 -5862203	REPAIRS & MAI SMALL AUTO PARTS	044569	11.50-
		I-731437	02 -5862203	REPAIRS & MAI SMALL AUTO PARTS	044569	76.99
		I-831087	02 -5862203	REPAIRS & MAI SMALL AUTO PARTS	044569	183.13
		I-831157	02 -5862203	REPAIRS & MAI SMALL AUTO PARTS	044569	161.53
		I-831212	02 -5862203	REPAIRS & MAI SMALL AUTO PARTS	044569	52.19
		I-831283	02 -5862203	REPAIRS & MAI SMALL AUTO PARTS	044569	140.92
		I-831377	02 -5862203	REPAIRS & MAI SMALL AUTO PARTS	044569	188.90
		I-831384	02 -5862203	REPAIRS & MAI SMALL AUTO PARTS	044569	231.98
		I-831535	02 -5862203	REPAIRS & MAI SMALL AUTO PARTS	044569	24.87
		I-831557	02 -5862203	REPAIRS & MAI SMALL AUTO PARTS	044569	49.19
		I-831567	02 -5862203	REPAIRS & MAI SMALL AUTO PARTS	044569	154.01
		I-831573	02 -5862203	REPAIRS & MAI SMALL AUTO PARTS	044569	69.92
		I-831650	02 -5862203	REPAIRS & MAI SMALL AUTO PARTS	044569	88.45
		I-831688	02 -5862203	REPAIRS & MAI SMALL AUTO PARTS	044570	3.29
		I-831695	02 -5862203	REPAIRS & MAI SMALL AUTO PARTS	044570	144.28
		I-831696	02 -5862203	REPAIRS & MAI SMALL AUTO PARTS	044570	61.98
-B00043 B & S SUPPLY, INC.						
		I-58778	02 -5974203	REPAIRS & MAI BINS & BOLTS	044571	775.39
		I-58795	02 -5974203	REPAIRS & MAI BINS FOR PIPE	044571	486.78
-B00150 BEALES GOODYEAR TIRES						
		I-MC-158880	02 -5862203	REPAIRS & MAI RIMS FOR SW-1	044572	642.00
-B00180 BEMAC SUPPLY						
		C-CM S1429959.001	02 -5974316	REPAIRS & MAI SUPPLYS FOR SUMMIT RIDGE	044573	1.70-
		I-S1419893.001	02 -5974316	REPAIRS & MAI SUPPLYS FOR SUMMIT RIDGE	044573	202.81
		I-S1419913.001	02 -5974316	REPAIRS & MAI SUPPLYS FOR SUMMIT RIDGE	044573	29.60
		I-S1419952.001	02 -5974316	REPAIRS & MAI SUPPLYS FOR SUMMIT RIDGE	044573	50.44
		I-S1429876.001	02 -5974316	REPAIRS & MAI SUPPLYS FOR SUMMIT RIDGE	044573	195.84
		I-S1429891.001	02 -5974316	REPAIRS & MAI SUPPLYS FOR SUMMIT RIDGE	044573	7.42
F00015 FLEETCOR TECHNOLOGIES						
		I-NP15492375	02 -5862205	PETROLEUM PRO FUEL/MPWA FOR NOV 2008	044589	7,385.94

CKET: 04096 CLAIMS FOR 1/13/09

VDOR SET: 01

VD : 02 MPWA

VDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
-J00301	JESSE THOMPSON					
		I-08-23164	02 -5975332	LAND IMPROVEM TEAR OUT & INSTALL FENCE	044598	741.00
-L00428	LOWE'S CREDIT SERVICES					
		I-09853	02 -5974316	REPAIRS & MAI SUPPLIES	044607	195.39
-M00590	MOSS WRECKER SERVICE					
		I-3754	02 -5862203	REPAIRS & MAI TRANSPORT ROLL OFF	044610	600.00
-N00341	NORTHERN EQUIP. CO.					
		I-#5	02 -5974401	CAPITAL OUTLA ENHANCED COAGULATION	044616	68,690.02
-N00347	MEHLBURGER BRAWLEY / NR					
		I-MC-07-03-09	02 -5974401	CAPITAL OUTLA ENHANCED COAGULATION	044617	3,309.36
-000075	O'REILLY AUTO PARTS					
		I-111601	02 -5862205	PETROLEUM PRO TRACTOR FLUID	044619	199.95
		I-112025	02 -5862205	PETROLEUM PRO TRACTOR FLUID	044619	367.92
-000275	OKLA DEPT OF COMMERCE					
		I-08-21572/JAN 09	02 -5267521	CDBG LOAN #89 CDBG-EDIF #8908 ECON. DEV	044621	1,145.83
-R00090	RAM INC					
		I-05198	02 -5862205	PETROLEUM PRO DIESEL FOR LANDFILL	044632	3,087.00
		I-05223	02 -5862205	PETROLEUM PRO DIESEL WATER PLANT	044632	1,772.50
-S00725	STAPLES CREDIT PLAN					
		I-3112958943	02 -5871202	OPERATING SUP INK & SUPPLIES FOR OFFICE	044638	131.96
-T00370	TIPPIT INSURANCE					
		I-27728	02 -5267321	AUTO INSURANC MPWA 3RD QTR FLEET INS	044642	3,898.29
		I-27728	02 -5267322	INSURANCE MPWA 3RD QTR GEN LIAB INS	044642	11,243.30
-W00270	WHITE ELECTRICAL SUPPLY					
		I-227186	02 -5974316	REPAIRS & MAI MAINTENANCE SUPPLY	044654	69.49
		I-227260	02 -5974316	REPAIRS & MAI MAINTENANCE SUPPLY	044654	55.44
		I-227277	02 -5974316	REPAIRS & MAI MAINTENANCE SUPPLY	044654	25.05
		I-227483	02 -5974316	REPAIRS & MAI MAINTENANCE SUPPLY	044654	65.46
		I-229872	02 -5974316	REPAIRS & MAI MAINTENANCE SUPPLY	044654	40.00
-W00299	WILKINS ENVIRONMENTAL					
		I-1724	02 -5973304	LAB TESTING TOXICITY TESTING	044655	1,422.50
-Z00010	ZEE MEDICAL INK					
		I-0021792326	02 -5866202	OPERATING SUP FIRST AIDE SUPPLIES	044657	56.75
				FUND 02 MPWA	TOTAL:	112,935.24

CKET: 04096 CLAIMS FOR 1/13/09

NDOR SET: 01

ND : 03 AIRPORT AUTHORITY

NDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
-F00170	FIRST NATIONAL BANK					
		I-08-21571/JAN 09	03 -5876511	FNB LOAN #119 LOAN#119817 AIRPORT AUTH	044591	2,510.00
-T00370	TIPPIT INSURANCE					
		I-27728	03 -5876321	AUTO INSURANC AIRPORT 3RD QTR FLEET INS	044642	252.28
-W00269	WHITES TRACTORS					
		I-072799	03 -5876203	REPAIRS & MAI REPAIRS & MAINTENANCE	044653	54.50
			FUND	03 AIRPORT AUTHORITY	TOTAL:	2,816.78

ACCOUNT: 04096 CLAIMS FOR 1/13/09

ENDORSET: 01

FUND : 08 NUTRITION

ENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT

-D00213	DEBBIE COMPTON					
		I-08-23398	08 -5549308	CONTRACT SERV CONTRACT MEAL DELIVERY	044583	135.00
		I-08-23399	08 -5549308	CONTRACT SERV REIMB OF MILEAGE	044583	131.63
-G00220	GENE CARR					
		I-08-23400	08 -5549308	CONTRACT SERV REIMB OF MILEAGE	044593	146.25
-K00186	KENNETH BAKER					
		I-08-23396	08 -5549308	CONTRACT SERV CONTRACT MEAL DELIVERY	044603	150.00
		I-08-23397	08 -5549308	CONTRACT SERV REIMB OF MILEAGE	044603	96.53
			FUND 08 NUTRITION		TOTAL:	659.41

CHKET: 04096 CLAIMS FOR 1/13/09

ENDOR SET: 01

ND : 16 REVOLVING EVIDENCE

ENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
-R00574	RUBLE-VANCE	CHEVROLET F				
		I-00506	16 -5323401	CAPITAL OUTLA 2008 CHEV IMPALA	044634	24,998.00
			FUND	16 REVOLVING EVIDENCE	TOTAL:	24,998.00

CKEY: 04096 CLAIMS FOR 1/13/09

NDOR SET: 01

ND : 28 SE EXPO CTR/TOURISM FUND

NDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
-B00192	BEN E. KEITH					
		I-00757918	28 -5654210	CONCESSION SU CONCESSION SUPPLIES	044574	2,284.39
-J00110	JACKIE BRANNON CORR. CT					
		I-F166	28 -5654308	CONTRACT SERV INMATE LABOR	044597	77.80
-S00360	SIMPLEXGRINNELL					
		I-72625401	28 -5654316	REPAIRS & MAI ANN SPRINKLER SYS INSPECT	044635	331.65
-T00370	TIPPIT INSURANCE					
		I-27728	28 -5654321	AUTO INSURANC EXPO 3RD QTR FLEET INS	044642	126.14
		I-27728	28 -5654322	INSURANCE EXPO 3RD QTR GEN LIAB INS	044642	2,498.51
-T00540	TREATS SOLUTIONS INC					
		I-107427-00	28 -5654203	REPAIR & MAIN JANITORIAL SUPPLIES	044645	1,278.10
-U00100	UNIFIRST HOLDINGS, L.P.					
		I-8240560913	28 -5654203	REPAIR & MAIN MONTHLY SERVICE OCT	044648	49.09
-W00040	WALMART COMMUNITY BRC					
		I-005649	28 -5654210	CONCESSION SU CONCESSION SUPPLIES	044651	18.50
		I-010508	28 -5654202	OPERATING SUP IST AIDE SUPPLIES	044651	23.92
		I-012019	28 -5654210	CONCESSION SU CONCESSION SUPPLIES	044651	81.04
		I-019319	28 -5654210	CONCESSION SU CONCESSION SUPPLIES	044651	31.88
		I-020851	28 -5654210	CONCESSION SU CONCESSION SUPPLIES	044651	29.18
		I-08348	28 -5654210	CONCESSION SU CONCESSION SUPPLIES	044651	145.61
		I-09014	28 -5654210	CONCESSION SU CONCESSION SUPPLIES	044651	82.88
			FUND	28	SE EXPO CTR/TOURISM FUND TOTAL:	7,058.69

ACCOUNT: 04096 CLAIMS FOR 1/13/09

ENDORSEMENT SET: 01

FUND : 29 E-911

ENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT

-100066	I/O SOLUTIONS, INC.					
		I-C21625A	29 -5324202	OPERATING SUP DISPATCH ENTRY LEVEL TEST	044595	144.00
		I-C21625A	29 -5324202	OPERATING SUP FREIGHT	044595	14.00
			FUND	29 E-911	TOTAL:	158.00

PKET: 04096 CLAIMS FOR 1/13/09

NDOR SET: 01

ND : 30 ECONOMIC DEVELOPMENT

NDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
-000275	OKLA DEPT OF COMMERCE					
		I-08-21544/JAN 09	30 -5211510	CDBG / EDIF D CDBG-EDIF CONT. #12248 ED	044621	282.50
-W00495	WYNN ASSOCIATES					
		I-08-23429	30 -5211319	MISCELLANEOUS SOUTHPARK PROJECT	044656	4,857.70
			FUND 30	ECONOMIC DEVELOPMENT	TOTAL:	5,140.20

CHECK: 04096 CLAIMS FOR 1/13/09

ENDORSE: 01

FUND : 33 CDBG GRANTS FUND

ENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
-N00347	MEHLBURGER BRAWLEY / NR					
		I-MC-08-01-05	33 -5871403	CDBG - SMALL CDBG WATER/WASTE WATER IM	044617	3,054.00
			FUND	33 CDBG GRANTS FUND	TOTAL:	3,054.00
REPORT GRAND TOTAL:						323,864.64

** G/L ACCOUNT TOTALS **

AR	ACCOUNT	NAME	AMOUNT	=====LINE ITEM=====		=====GROUP BUDGET=====	
				ANNUAL BUDGET	BUDGET OVER AVAILABLE BUDG	ANNUAL BUDGET	BUDGET OVER AVAILABLE BUDG
08-2009	01 -5210202	OPERATING SUPPLIES	202.87	5,500	1,531.02		
	01 -5211202	OPERATING SUPPLIES	309.48	6,050	2,874.09		
	01 -5211331	EMPLOYEE TRAVEL & TRAININ	315.51	5,000	2,815.01		
	01 -5212317	ADVERTISING & PRINTING	10.65	5,000	2,730.56		
	01 -5213202	OPERATING SUPPLIES	197.20	3,000	1,578.62		
	01 -5213317	ADVERTISING & PRINTING	2,370.00	4,000	1,130.00		
	01 -5213336	FEES	5,139.84	122,000	72,099.32		
	01 -5213337	COLLECTION SERVICES	1,105.17	20,000	16,819.64		
	01 -5214302	CONSULTANTS/LABOR RELATION	4,775.25	119,965	55,681.16		
	01 -5215106	WORKMAN'S COMP	17,700.41	188,525	2,092.39		
	01 -5215302	CONSULTANTS	16,705.84	40,000	7,568.80		
	01 -5215316	REPAIRS & MAINTENANCE	170.00	6,000	5,600.94		
	01 -5215319	MISC. PRIDE IN MCALESTER	2,500.00	5,000	41.86	Y	
	01 -5215321	AUTO INSURANCE	9,876.04	44,394	14,449.18		
	01 -5215322	INSURANCE/BONDS	48,720.94	263,406	77,443.63		
	01 -5215355	OIL-OK FOR INDEPENDENT LIV	2,000.00	24,000	0.00		
	01 -5215480	CONTINGENCY/ADA COMPLIANCE	6,287.42	46,445	30,134.14		
	01 -5215622	TRANSFERS-CCP 12.5%	2,137.50	7,872	4,368.87		
	01 -5320202	OPERATING EXPENSE	288.58	5,000	1,854.53		
	01 -5321202	OPERATING SUPPLIES	521.65	15,000	10,071.71		
	01 -5321308	CONTRACTED SERVICES	431.37	20,683	13,133.08		
	01 -5321331	EMPLOYEE TRAVEL & TRAININ	437.36	12,000	4,408.96		
	01 -5324202	OPERATING SUPPLIES	505.00	1,276	600.55		
	01 -5431202	OPERATING SUPPLIES	2,524.37	27,000	9,398.34		
	01 -5431203	REPAIRS & MAINT SUPPLIES	816.53	18,000	13,671.27		
	01 -5431316	REPAIRS & MAINTENANCE	1,724.05	16,000	3,925.03		
	01 -5431329	PROMOTIONAL	125.07	1,500	74.93		
	01 -5431330	DUES & SUBSCRIPTIONS	306.00	13,000	10,552.00		
	01 -5431331	EMPLOYEE TRAVEL & TRAININ	55.61	12,000	1,457.85		
	01 -5431401	CAPITAL OUTLAY	10,000.00	10,000	0.00		
	01 -5542202	OPERATING SUPPLIES	634.87	48,000	33,003.34		
	01 -5542203	REPAIRS & MAINT SUPPLIES	1,632.45	26,000	5,093.47		
	01 -5542308	CONTRACTED SERVICES	362.86	25,000	11,697.98		
	01 -5542316	REPAIRS & MAINTENANCE	77.17	20,000	11,025.54		
	01 -5544202	OPERATING SUPPLIES	497.00	8,000	4,821.71		
	01 -5547203	REPAIRS & MAINT SUPPLIES	1,003.00	10,000	3,206.66		
	01 -5548203	REPAIRS & MAINTENANCE SUPP	1,510.69	40,000	12,435.60		
	01 -5652202	OPERATING SUPPLIES	192.40	5,200	1,865.09		
	01 -5652331	EMPLOYEE TRAVEL & TRAININ	725.61	2,045	240.63	Y	
	01 -5862203	REPAIRS & MAINT SUPPLIES	408.88	170,670	39,937.97		
	01 -5862205	PETROLEUM PRODUCTS	16,001.61	435,000	222,916.85		
	01 -5865218	STREET RE-SURFACING	2,646.25	150,000	41,536.71		
	01 -5865510	CAPITAL LEASE	3,091.82	37,101	0.00		
	02 -5267321	AUTO INSURANCE - FLEET	3,898.29	13,169	1,112.33		
	02 -5267322	INSURANCE	11,243.30	122,375	41,318.58		

** G/L ACCOUNT TOTALS **

AR	ACCOUNT	NAME	AMOUNT	=====LINE ITEM=====		=====GROUP BUDGET=====	
				ANNUAL BUDGET	BUDGET OVER AVAILABLE BUDG	ANNUAL BUDGET	BUDGET OVER AVAILABLE BUDG
	02 -5267521	CDBG LOAN #8908	1,145.83	13,750	0.04		
	02 -5862203	REPAIRS & MAINT SUPPLIES	2,721.21	239,000	104,732.38		
	02 -5862205	PETROLEUM PRODUCTS	12,813.31	180,000	67,427.81		
	02 -5866202	OPERATING SUPPLIES	56.75	2,000	701.97		
	02 -5871202	OPERATING SUPPLIES	131.96	5,700	2,267.83		
	02 -5973203	REPAIRS & MAINT SUPPLIES	229.30	57,500	37,060.12		
	02 -5973304	LAB TESTING	1,422.50	20,000	4,097.01		
	02 -5974203	REPAIRS & MAINT SUPPLIES	1,262.17	40,000	19,195.35		
	02 -5974304	LAB TESTING	4,335.00	31,000	6,554.30		
	02 -5974316	REPAIRS & MAINTENANCE	935.24	75,000	62,530.90		
	02 -5974401	CAPITAL OUTLAY	71,999.38	1,006,785	286,316.91		
	02 -5975332	LAND IMPROVEMENTS	741.00	10,000	9,259.00		
	03 -5876203	REPAIRS & MAINT SUPPLIES	54.50	3,000	953.87		
	03 -5876321	AUTO INSURANCE	252.28	800	43.16		
	03 -5876511	FNB LOAN #119817 PAYMENTS	2,510.00	30,120	0.00		
	08 -5549308	CONTRACT SERVICES	659.41	13,530	4,944.28		
	16 -5323401	CAPITAL OUTLAY	24,998.00	24,998	0.00		
	28 -5654202	OPERATING SUPPLIES	23.92	7,726	1,775.08		
	28 -5654203	REPAIR & MAINT SUPPLIES	1,327.19	16,000	5,829.72		
	28 -5654210	CONCESSION SUPPLIES	2,673.48	25,200	13,812.46		
	28 -5654308	CONTRACT SERVICES	77.80	3,000	1,862.99		
	28 -5654316	REPAIRS & MAINTENANCE	331.65	12,000	9,721.01		
	28 -5654321	AUTO INSURANCE	126.14	425	4.58		
	28 -5654322	INSURANCE	2,498.51	10,025	16.78		
	29 -5324202	OPERATING SUPPLIES	158.00	18,067	17,333.51		
	30 -5211319	MISCELLANEOUS	4,857.70	59,500	33,754.79		
	30 -5211510	CDBG / EDIF DURALINE LOAN	282.50	3,390	0.00		
	33 -5871403	CDBG - SMALL CITIES	3,054.00	159,000	12,434.54		
	** 2008-2009 YEAR TOTALS **		323,864.64				

NO ERRORS

** END OF REPORT **

PKET: 04096 CLAIMS FOR 1/13/09

NDOR SET: 01

REPORT TOTALS

FUND DISTRIBUTION

FUND NO#	FUND NAME	AMOUNT
01	GENERAL FUND	167,044.32CR
02	MPWA	112,935.24CR
03	AIRPORT AUTHORITY	2,816.78CR
08	NUTRITION	659.41CR
16	REVOLVING EVIDENCE	24,998.00CR
28	SE EXPO CTR/TOURISM FUND	7,058.69CR
29	E-911	158.00CR
30	ECONOMIC DEVELOPMENT	5,140.20CR
33	CDBG GRANTS FUND	3,054.00CR
** TOTALS **		323,864.64CR

TYPE OF CHECK TOTALS

	NUMBER	GROSS BALANCE	PAYMENT DISCOUNT	OUTSTANDING
HAND CHECKS		0.00	0.00	0.00
		0.00	0.00	
DRAFTS		0.00	0.00	0.00
		0.00	0.00	
REG-CHECKS		323,864.64	323,864.64CR	0.00
		323,864.64	0.00	
EFT		0.00	0.00	0.00
		0.00	0.00	
NON-CHECKS		0.00	0.00	0.00
		0.00	0.00	
ALL CHECKS		323,864.64	323,864.64CR	0.00
		323,864.64	0.00	

TOTAL CHECKS TO PRINT: 89

ERRORS: 0 WARNINGS: 0



McAlester City Council

AGENDA REPORT

Meeting Date:	<u>January 13, 2009</u>	Item Number:	<u>1</u>
Department:	<u>Public Works</u>	Account Code:	<u></u>
Prepared By:	<u>George Marcangeli</u>	Budgeted Amount:	<u></u>
Date Prepared:	<u>January 5, 2009</u>	Exhibits:	<u>One</u>

Subject

Consider, and act upon, an Ordinance amending Ordinance No. 2299, which Established the Budget for Fiscal Year 2008-2009; Repealing all conflicting Ordinances; Providing for a Severability Clause; and Declaring an Emergency.

Recommendation

Motion to approve an Ordinance Amending the Budget for Fiscal Year 2008-09 and declaring an emergency.

Discussion

In September, 2008, an insurance adjuster accompanied the City's Facility Maintenance Superintendent and inspected several hail-damaged heating/air conditioning units at the Stipe Center and City Hall. As a result of this inspection, the City received an insurance payment of \$ 36,851 from Union Insurance Co. to reimburse the City for damages caused by a hailstorm. The monies received from the insurance company are needed to replace two (2) units at the Stipe Center and one (1) unit at City Hall. The proposed budget amendment appropriates \$ 36,851 to address this issue.

Approved By

	<i>Initial</i>	<i>Date</i>
Department Head	<u>GEM</u>	<u>01/05/09</u>
City Manager	<u>MBR</u>	<u>01/05/09</u>

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2299 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2008-2009; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

WHEREAS, the City Council heretofore adopted Ordinance No. 2299 setting forth the Budget for Fiscal Year 2008-2009 beginning July 1, 2008 and ending June 30, 2009; and

WHEREAS, the City Departments and Divisions routinely review their budget appropriations to determine if any changes are necessary; and

WHEREAS, based upon said review the City staff now recommends that the amendment to the Budget be considered by the City Council; and

WHEREAS, the City Council has the authority to make amendments to the City Budget under Article 5, Section 5.07 (b) of the City Charter as well as State law; and

WHEREAS, the City Council has determined that the proposed amendment to the FY 2008-2009 Budget, which is for an adjustment to the General Fund to reflect unbudgeted revenues and expenses for replacement of heating/air conditioning units at the Stipe Center and City Hall, are in the best interest of the City; and therefore, desires to adopt the same by formal action.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF McALESTER, OKLAHOMA:

SECTION 1: The proposed amendment to the FY 2008-2009 Budget of the City of McAlester, Oklahoma, as heretofore adopted by Ordinance, as summarized in Exhibit A-1, which is attached hereto and fully incorporated herein by reference, be, and the same is hereby completely adopted and approved as an amendment to the said FY 2008-2009 Budget.

SECTION 2: All portions of the existing FY 2008-2009 Budget, Ordinance No. 2299 except as specifically herein amended, shall remain in full force and effect, and not be otherwise affected by the adoption of the amendatory ordinance.

SECTION 3: That all other ordinances in conflict herewith are hereby repealed to the extent of any such conflict or inconsistency and all other ordinances not in conflict herewith shall remain in full force and effect.

SECTION 4: Should any paragraph, sentence, sub-division, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part or parts as declared to be invalid, illegal, or unconstitutional.

SECTION 5: That an emergency is hereby declared to exist, and for the provision of the public peace, health and safety, by reason whereof it is necessary that all acts take effect immediately and be in full force and effect from, and after the passage and approval.

PASSED and the EMERGENCY CLAUSE ruled on separately this 13th day of January, 2009.

**CITY OF MCALESTER, OKLAHOMA
A Municipal Corporation**

By _____
Kevin E. Priddle, Mayor

ATTEST:

Cora Middleton, City Clerk

Approved as to form and legality this 13th day of January, 2009.

By _____
William J. Ervin, City Attorney

FY 2008-2009 BUDGET AMENDMENT

GENERAL FUND (01)

Estimated Fund Balance 6/30/08	-
FY 08-09 Budgeted Revenues	13,910,471
FY 08-09 Budgeted Appropriations	(13,889,820)
Additional Revenue	36,851
Budget Amendments	(36,851)
Estimated Ending Fund Balance	<u>20,651</u>

DEPARTMENT	FUND	ACCOUNT NO.	REV/EXP	AMOUNT	DESCRIPTION
GENERAL	01	4-0-625	REV	36,851	Union Ins. Co. Hail Damage reimbursement to A/C units.
		<u>Department Total</u>		<u>36,851</u>	Stipe Center & City Hall
FACILITY MAINT.	01	5548405	EXP	36,851	Replacement of A/C units
		<u>Department Total</u>		<u>36,851</u>	Stipe Center and City Hall



McAlester City Council

AGENDA REPORT

Meeting Date: January 13, 2009 Item Number: 2
Department: Community Services
Prepared By: Mel Priddy Account Code: _____
Date Prepared: January 5, 2009 Budgeted Amount: _____
Exhibits: One

Subject

Consider, and act upon, authorizing the Mayor to sign a contract with the Federal Aviation Administration regarding a ground lease at the McAlester Municipal Airport.

Recommendation

Motion to authorize the Mayor to sign a contract with the Federal Aviation Administration regarding a ground lease.

Discussion

The Federal Aviation Administration (FAA) has a 16'X16' storage building located on Airport property. The FAA is being asked to pay the City \$100.00 per month for use of said ground space for their building. Attached is a proposed contract that was prepared by the FAA for Council consideration.

Approved By

	<i>Initial</i>	<i>Date</i>
Department Head	<u>MWP</u>	<u>01/05/09</u>
City Manager	<u>MBR</u>	<u>01/06/09</u>

Lease DTFASW-08-L-00114
System Support Center, (SSC)
MLC - Shop and Storage Building Site
McAlester Municipal Airport
McAlester, Oklahoma

**U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION**

LAND LEASE OFF AIRPORT

THIS LEASE is hereby entered into by THE CITY OF MCALESTER, OKLAHOMA, whose address is P.O. Box 578, McAlester, Oklahoma 74502, hereinafter referred to as the Lessor and the UNITED STATES OF AMERICA, herein after referred to as the Government. This lease shall become effective when it is fully executed by all parties. The terms and provisions of this lease, and the conditions herein, bind the Lessor and the Lessor's administrators, successors and assigns.

WITNESSETH: The parties hereto, for the consideration hereinafter mentioned covenant and agree as follows:

1. PREMISES (AUG-02):

The Lessor hereby leases to the Government the following described property, hereinafter referred to as the premises, viz:

SYSTEM SUPPORT CENTER, (SSC) SHOP AND STORAGE BUILDING SITE

Beginning at a point at the southwest corner of the Beacon Light located on the McAlester Municipal Airport and running in a westerly direction parallel with the east-west line of the south side of the Administration Building on said airport 15 feet to a Point of Beginning; thence in a continuation of said line a distance of 100 feet; thence in a southerly direction and at an angle of 90° to said line 75 feet; thence in an easterly direction and at an angle of 90° to the last line 100 feet; thence in a northerly direction to the Point of Beginning, and containing 7,500 square feet of land area (0.17 acre) and being a part of the area shown on the blueprints of the plans of the McAlester Municipal Airport filed with the City Engineer of the City of McAlester, Pittsburg County, Oklahoma.

A. Together with a right-of-way for ingress to and egress from the premises;(For Government Employees, their Agents and Assigns) a right-of-way for establishing and maintaining a pole line or pole lines for extending electric power and/or telecommunication lines to the premises; and a right-of-way for subsurface power, communication and/or water lines to the premises; all rights-of-way to be over said lands and adjoining lands of the Lessor, and unless herein described otherwise, to be by routes reasonably determined to be the most convenient to the Government.

B. And the right of grading, conditioning, and installing drainage facilities, and seeding the soil of the premises, and the removal of all obstructions from the premises which may constitute a hindrance to the establishment and maintenance of Government facilities.

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C. And the right to make alterations, attach fixtures, and erect additions, structures, or signs, in or upon the premises hereby leased, which alterations, fixtures, additions, structures or signs so placed in or upon, or attached to the said premises shall be and remain the property of the Government.

2. TERM (AUG-02):

To have and to hold, for the term commencing on October 1, 2008 and continuing through September 30, 2018 inclusive, PROVIDED, that adequate appropriations are available from year to year for the payment of rentals.

3. DAY-TO-DAY LEASE EXTENSION (AUG-02):

The Government may continue to occupy the premises for not to exceed 180 days after the end of the occupancy period covered by the basic lease term and any options that have been exercised. In such event, the rent shall accrue on a daily basis at the rate equal to one-thirtieth of the monthly rent of the last previously due monthly rent, until one of the following events occurs: (1) the 180 day period expires; (2) a new lease commences, (3) the Government acquires a fee simple interest in the property or (4) the Government vacates the leased premises; whichever occurs first. The accrued rent computed on a daily basis shall be due and payable in arrears at the end of each month until the amount accrued by the end of the month has been fully paid.

4. CONSIDERATION(COST) (AUG-02):

The Government shall pay the Lessor rental for the premises in the amount of \$1,200 per annum during the lease period. Payments shall be made in arrears at the end of each government fiscal year without the submission of invoices or vouchers. The payments shall be made to: THE CITY OF MCALESTER, OKLAHOMA and sent to: P.O. Box 578, McAlester, Oklahoma 74502 or directly deposited in accordance with the Electronic Funds Transfer (EFT) Payment clause in this lease. Payments shall be considered paid on the day a check is dated or an electronic funds transfer is made.

5. PAYMENT BY ELECTRONIC FUND TRANSFER (OCT-06):

(a) Method of payment.

1. All payments by the Government under this contract will be made by electronic funds transfer (EFT), except as provided in paragraph (a) (2) or (a) (3) of this lease. As used in this clause, the term "EFT" refers to the funds transfer and may also include the payment information transfer. Payment information transfer refers to the payment information normally sent with a payment to assist the contractor in associating the payment to specific contracts.

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2. In the event the Government is unable to release one or more payments by EFT, the Contractor agrees to either

- a. Accept payment by check or
- b. Request the Government to extend the payment due date until such time as the Government can make payment by EFT (but see paragraph (d) of this clause).

3. In the event that the Contractor is granted a waiver from EFT under the exceptions as provided for in FAA AMS Section T3.3.1.A-7, the Government payments will be made by check. A waiver from EFT is not permanent, and the Contractor must register for EFT when the circumstances that justified the waiver change.

(b) *Contractor's EFT information.* The Government will make payment to the Contractor using the EFT information contained in the Central Contractor Registration (CCR) database. In the event that the EFT information changes, the Contractor will be responsible for providing the updated information to the CCR database (Reference Clause, "Central Contractor Registration - Real Property"). If the Contractor is granted an exemption from CCR, the contractor will follow the requirements of alternate clause "Contractor Payment Information - Non-CCR".

(c) *Mechanisms for EFT payment.* The Government may make payment by EFT through either the Automated Clearing House (ACH) network, subject to the rules of the National Automated Clearing House Association, or the Fedwire Transfer System. The rules governing Federal payments through the ACH are contained in 31 CFR Part 210.

(d) *Suspension of payment.* If the Contractor's EFT information in the CCR database is incorrect, then the Government is not required to make payments to the Contractor under this contract until correct EFT information is entered into the CCR database, and any invoice or contract financing request submitted during this period of noncompliance will be deemed not to be a proper invoice for the purpose of prompt payment under this contract. In such instances, the late interest payment terms of the contract regarding notice of an improper invoice and delays in accrual of interest penalties apply.

(e) Liability for incomplete or erroneous transfers.

(1) If an incomplete or erroneous transfer occurs because the Government used the Contractor's EFT information incorrectly, the Government remains responsible for,

- (i) Making a correct payment;
- (ii) Paying any late payment penalty due; and

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(iii) Recovering any erroneously directed funds.

(2) If an incomplete or erroneous transfer occurs because the Contractor's EFT information was incorrect, or was revised within 30 days of Government release of the EFT payment transaction instruction to the Federal Reserve System, and,

(i) If the funds are no longer under the control of the payment office, the Government is deemed to have made payment and the Contractor is responsible for recovery of any erroneously directed funds; or

(ii) If the funds remain under the control of the payment office, the Government will make payment under the provisions of paragraph (d) "Suspension of Payment".

(f) *EFT and payment terms.* A payment will be deemed to have been made in a timely manner in accordance with the payment terms of this contract if, in the EFT payment transaction instruction released to the Federal Reserve System, the date specified for settlement of the payment is on or before the payment due date, provided the specified payment date is a valid date under the rules of the Federal Reserve System.

(g) *EFT and assignment of claims.* If the Contractor assigns the proceeds of this contract, as provided for in the assignment of claims terms of this contract, the Contractor will require that the assignee register separately in the CCR database and that the assignee agree that payments will be made by EFT in accordance with the terms of this clause. The requirements of this clause will apply to the assignee as if it were the Contractor. EFT information that shows the ultimate recipient of the transfer to be other than the Contractor or the CCR registered assignee is incorrect EFT information within the meaning of paragraph (d) "Suspension of Payment" clause.

(h) *EFT and Change of Name or Ownership Changes.* If the Contractor transfers ownership of the property under lease or changes its business name, it will follow the requirements of section (g) of clause, "Central Contractor Registration - Real Property".

(i) *Liability for change of EFT information by financial agent.* The Government is not liable for errors resulting from changes to EFT information made by the Contractor's financial agent.

(j) *Payment information.* The accounting office will forward to the Contractor available payment information that is suitable for transmission as of the date of release of the EFT instruction to the Federal Reserve System. The Government may request the Contractor to designate a desired format and method(s) for delivery of payment information from a list of formats and methods the payment office is capable of executing. However, the Government does not guarantee that any particular format or method of delivery is available at any particular payment office and retains the latitude to use the format and delivery method most convenient to the Government. The Contractor can obtain detailed payment information by registering for the

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US Treasury PAID system. This can be done on the internet by logging onto the website: <https://fmsapps.treas.gov/paid/>. If the Government makes payment by check in accordance with paragraph (a) of this clause, the Government will mail the payment information to the remittance address contained in the contract and CCR database.

6. CONTRACTOR PAYMENT INFORMATION - NON-CCR (OCT-06)

(a) The Central Contractor Registration system the FAA's required method to receive vendor information. However you have been granted an exception to CCR and therefore must provide your initial payment information and any future changes to your payment information to the Real Estate Contracting Officer on a completed and signed "Vendor Miscellaneous Payment Information" form, together with any other required notice under this contract.

(b) The Contractor is responsible to maintain correct payment information with the FAA, and for any liability that may result from the Government's reliance on incomplete or inaccurate information provided by the contractor. Failure to provide accurate information or adequate notice of changes to vendor payment information can result in a determination of "incorrect information" as defined in paragraph d, "Suspension of Payment" of clause "Payment by Electronic Fund Transfer - Real Property".

7. INTEREST FOR LATE PAYMENTS (AUG-02):

An interest penalty will be paid by the Government, if requested from the Lessor, if payment is not made within 30 days of the due date.

Payment shall be considered as being made on the day a check is dated or an electronic funds transfer is made. All days referred to in this clause are calendar days, unless otherwise specified. Rent shall be paid annually in arrears and will be due on the last day of the government fiscal year.

The interest penalty shall be at the rate established by the Secretary of the Treasury under Section 12 of the Contract Disputes Act of 1978 (41 U.S.C. 611) that is in effect on the day after the due date. This rate is referred to as the "Renegotiation Board Interest Rate," and it is published in the Federal Register semiannually on or about January 1 and July 1. Interest penalties of less than \$1.00 shall not be paid.

Interest penalties will not be paid on delays due to disagreement between the Government and Lessor over the payment amount, requests for additional information or other issues involving contract compliance or on amounts temporarily withheld or retained in accordance with the terms of the contract.

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8. CANCELLATION (AUG-02):

The Government may terminate this lease, in whole or in part, if the Real Estate Contracting Officer (RECO) determines that a termination is in the best interest of the Government. The RECO shall terminate by delivering to the Lessor a written notice specifying the effective date of the termination. The termination notice shall be delivered by registered mail, return receipt requested and mailed at least 30 days before the effective termination date.

9. QUIET ENJOYMENT (OCT-96):

The Lessor warrants that they have good and valid title to the premises, and rights of ingress and egress, and warrants and covenants to defend the Governments use and enjoyment of said premises against third party claims.

10. NOTIFICATION OF CHANGE IN LAND TITLE (AUG-02):

If the Lessor sells or otherwise conveys to another party or parties any interest in the aforesaid land, rights of way thereto, and any areas affecting said demised premises, they shall notify the Government, in writing, of any such transfer or conveyance affecting the demised premises within 30 calendar days after completion of the "change in property rights". Concurrent with the written notification, the Lessor shall provide the Government copies of the legal document(s) (acceptable to local authorities) for transferring and or conveying the property rights.

11. SUBORDINATION, NONDISTURBANCE AND ATTORNMENT (OCT-96):

The Government agrees, in consideration of the warranties herein expressed, that this lease is subject and subordinate to any and all recorded deeds of trust, mortgages, and other security instruments now or hereafter imposed upon the premises, so long as such subordination shall not interfere with any right of the Government under this lease. It is mutually agreed that this subordination shall be self-operative and that no further instrument shall be required to effect said subordination.

In the event of any sale of the premises, or any portion thereof, or any such transfer of ownership, by foreclosure of the lien of any such security instrument, or deed provided in lieu of foreclosure, the Government will be deemed to have attorned to any purchaser, successor, assigns, or transferee. The succeeding owner will be deemed to have assumed all rights and obligations of the Lessor under this lease, establishing direct privity of estate and contract between the Government and said purchasers/transferees, with the same force, effect and relative priority in time and right as if the lease had initially been entered into between such purchasers or transferees and the Government; provided that such transferees shall promptly provide, following such sale or transfer, appropriate documentation deemed necessary by the Real Estate Contracting Officer, and shall promptly execute any instrument, or other writings, as shall be deemed necessary to document the change in ownership.

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12. NOTICES (OCT-96):

All notices/correspondence shall be in writing, reference the lease number, and be addressed as follows:

TO LESSOR: The City of McAlester, Oklahoma
 P.O. Box 578
 McAlester, Oklahoma 74502

TO GOVERNMENT: Department of Transportation
 Federal Aviation Administration
 Real Estate and Utilities Group, ASW-55
 Fort Worth, Texas 76193

13. CONTRACT DISPUTES (Nov. 03)

All contract disputes and arising under or related to this lease contract shall be resolved through the Federal Aviation Administration (FAA) dispute resolution system at the Office of Dispute Resolution for Acquisition (ODRA) and shall be governed by the procedures set forth in 14 C.F.R. Parts 14 and 17, which are hereby incorporated by reference. Judicial review, where available, will be in accordance with 49 U.S.C. 46110 and shall apply only to final agency decisions. A Lessor may seek review of a final FAA decision only after its administrative remedies have been exhausted.

(a) All Contract Disputes shall be in writing and shall be filed at the following address:

Office of Dispute Resolution for Acquisition, AGC-70,
Federal Aviation Administration,
800 Independence Ave., S.W.,
Room 323,
Washington, DC 20591
Telephone: (202) 267-3290,
Facsimile: (202) 267-3720; or

(b) A contract dispute against the FAA shall be filed with the ODRA within two (2) years of the accrual of the lease contract claim involved. A contract dispute is considered to be filed on the date it is received by the ODRA.

The full text of the Contract Disputes clause is incorporated by reference. Upon request the full text will be provided by the RECO.

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14. PROTEST (Nov. 03)

(a) Protests concerning Federal Aviation Administration Screening Information Requests (SIRs) or awards of lease contracts shall be resolved through the Federal Aviation Administration (FAA) dispute resolution system at the Office of Dispute Resolution for Acquisition (ODRA) and shall be governed by the procedures set forth in 14 C.F.R. Parts 14 and 17, which are hereby incorporated by reference. Judicial review, where available, will be in accordance with 49 U.S.C. 46110 and shall apply only to final agency decisions. A protestor may seek review of a final FAA decision only after its administrative remedies have been exhausted.

(b) Offerors initially should attempt to resolve any issues concerning potential protests with the Real Estate Contracting Officer.

(c) Protests shall be in writing and shall be filed at:

(1) Office of Dispute Resolution for Acquisition, AGC-70,
Federal Aviation Administration,
800 Independence Ave., S.W.,
Room 323,
Washington, DC 20591
Telephone: (202) 267-3290,
Facsimile: (202) 267-3720; or

(2) At the same time as filing the protest with the ODRA, the protestor shall serve a copy of the protest on the Real Estate Contracting Officer (RECO).

(d) A protest is considered to be filed on the date it is received by the ODRA and shall be filed:

(1) Not later than seven (7) business days after the date the protester knew or should have known of the grounds for the protest; or

(2) If the protester has requested a post-award debriefing from the RECO, not later than five (5) business days after the date on which the RECO holds that debriefing.

The full text of the Protest clause is incorporated by reference. Upon request the full text will be provided by the RECO.

15. ANTI-KICKBACK (OCT-96)

The Anti-Kickback Act of 1986 (41 U.S.C. 51-58) (the Act), prohibits any person from (1) Providing or attempting to provide or offering to provide any kickback; (2) Soliciting, accepting, or attempting to accept any kickback; or (3) Including, directly or indirectly, the amount of any

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kickback in the contract price charged by a prime Contractor to the United States Government or in the contract price charged by a subcontractor to a prime contractor or higher tier subcontractor.

16. ASSIGNMENT OF CLAIMS (OCT-96):

Pursuant to the Assignment of Claims Act, as amended, 31 USC 3727, 41 USC 15, the Lessor may assign his rights to be paid under this lease.

17. COVENANT AGAINST CONTINGENT FEES (AUG-02):

The Lessor warrants that no person or agency has been employed or retained to solicit or obtain this contract upon an agreement or understanding for a contingent fee, except a bona fide employee or agency. For breach or violation of this warranty, the Government shall have the right to annul this contract without liability or, in its discretion, to deduct from the contract price or consideration, or otherwise recover the full amount of the contingent fee.

18. OFFICIALS NOT TO BENEFIT (OCT-96):

No member of or delegate to Congress, or resident commissioner, shall be admitted to any share or part of this contract, or to any benefit arising from it. However, this clause does not apply to this contract to the extent that this contract is made with a corporation for the corporation's general benefit.

19. NON-RESTORATION (OCT-96):

It is hereby agreed between the parties, that upon termination of its occupancy (due to termination or expiration of the lease), the Government shall have no obligation to restore and/or rehabilitate, either wholly or partially, the property which is the subject matter of this lease. It is further agreed that the Government may abandon in place any or all of the structures and equipment installed in or located upon said property by the Government during its tenure. Such abandoned equipment shall become the property of the Lessor.

20. EXAMINATION OF RECORDS (AUG-02):

The Comptroller General of the United States, the Administrator of FAA or a duly authorized representative from either shall, until 3 years after final payment under this contract have access to and the right to examine any of the Lessors directly pertinent books, documents, paper, or other records involving transactions related to this contract.

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21. LEASE SUCCESSION (AUG-02): This lease supersedes Lease No.

DTFA07-99-L-01000 and all other previous agreements between the parties for the leased property described in this document.

23. SIGNATURE BLOCK (AUG 02):

IN WITNESS WHEREOF, the parties hereto have signed their names:

THE CITY OF MCALESTER, OKLAHOMA

By: _____

Date: _____

Title: _____

UNITED STATES OF AMERICA:

BY: _____

Sharon E. Wynn

Date: _____

TITLE: _____

Contracting Officer

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MUNICIPAL CERTIFICATE

I, _____, certify that I am the _____
of the municipality named in the foregoing agreement, that _____
who signed said agreement on behalf of said municipality, was then _____
_____ thereof, that said agreement was duly signed for and in behalf
of said municipality by authority of its governing body, and is within the scope of its municipal
powers. Dated this _____ day of _____, 2008.

Signed by _____

CORPORATE SEAL

Council Chambers
Municipal Building
December 23, 2008

The McAlester Airport Authority met in regular session on Tuesday, December 9, 2008, at 6:00 P.M. after proper notice and agenda was posted December 16, 2008.

Present: Chris Fiedler, Donnie Condit, John Browne, Haven Wilkinson, Sam Mason, William J. Ervin, Sr. & Kevin E. Priddle
Absent: Buddy Garvin
Presiding: Kevin E. Priddle, Chairman

A motion was made by Mr. Browne and seconded by Mr. Fiedler to approve the following:

- **Approval of the Minutes from the December 9, 2008, Regular Meeting of the McAlester Airport Authority.** *(Cora Middleton, City Clerk)*
- **Confirm action taken on City Council Agenda Item A regarding the Claims for the period of December 10, 2008 through December 23, 2008.** *(Sherry Alessi, Assistant Chief Financial Officer)* In the amount of \$1,075.03.

There was no discussion, and the vote was taken as follows:

AYE: Trustees Fiedler, Condit, Browne, Wilkinson, Mason, & Chairman Priddle
NAY: None

Chairman Priddle declared the motion carried.

There being no further business to come before the Authority, Mr. Browne moved for the meeting to be adjourned, seconded by Mr. Fiedler. The vote was taken as follows:

AYE: Trustees Fiedler, Condit, Browne, Wilkinson, Mason, & Chairman Priddle
NAY: None

Chairman Priddle declared the motion carried.

ATTEST:

Kevin Priddle, Chairman

Cora Middleton, Secretary

Council Chambers
Municipal Building
December 23, 2008

The McAlester Public Works Authority met in Regular session on Tuesday, December 23, 2008, at 6:00 P.M. after proper notice and agenda was posted December 9, 2008.

Present: Chris Fiedler, Donnie Condit, John Browne, Haven Wilkinson, Sam Mason, William J. Ervin. Sr. & Kevin E. Priddle
Absent: Buddy Garvin
Presiding: Kevin E. Priddle, Chairman

A motion was made by Mr. Mason and seconded by Mr. Wilkinson to approve the following:

- **Approval of the Minutes from the December 9, 2008, Regular Meeting of the McAlester Public Works Authority.** *(Cora Middleton, City Clerk)*
- **Confirm action taken on City Council Agenda Item A regarding the Claims for the period of December 10, 2008 through December 23, 2008.** *(Sherry Alessi, Assistant Chief Financial Officer)* In the amount of \$213,037.07.
- **Confirm action taken on City Council Agenda Item 4 regarding authorizing the Mayor to sign an Engagement Agreement with Benefit Partners to undertake a Defined Benefit Retirement Plan and Trust Experience Analysis to be paid from the Defined Benefit Retirement Plan.**

There was no discussion, and the vote was taken as follows:

AYE: Trustees Condit, Browne, Wilkinson, Mason, Fiedler, & Chairman Priddle
NAY: None

Chairman Priddle declared the motion carried.

There being no further business to come before the Authority, Mr. Mason moved for the meeting to be adjourned, seconded by Mr. Wilkinson. The vote was taken as follows:

AYE: Trustees Condit, Browne, Wilkinson, Mason, Fiedler, & Chairman Priddle
NAY: None

Chairman Priddle declared the motion carried.

ATTEST:

Kevin Priddle, Chairman

Cora Middleton, City Clerk