

KAY COUNTY PUBLIC BUILDINGS AUTHORITY

Post Office Box 450
Newkirk, Oklahoma 74647

Monday, February 3, 2020

Special Meeting

9:00 a.m.

Newkirk, Oklahoma

The Trustees of the Kay County Public Buildings Authority (PBA) met in special session at 9:00 a.m. on Monday, February 3, 2020, in the Commissioners Court of Kay County Courthouse in Newkirk, Oklahoma. Notice of the meeting was posted for public information on January 30, 2020, at the Courthouse front door, Commissioners Court, and basement handicapped entrance of the Kay County Courthouse in Newkirk, Oklahoma.

Chairman John Wilson called the meeting to order (9:02 a.m.). Those present were as follows: Jason Shanks, Vice-Chairman; Jack Godberson, Member; Billie Chrz, First Assistant District Attorney (ADA); Steve Kelley, County Sheriff; Susan Keen, County Assessor; Marilee Thornton, Kay County Court Clerk; Dennis Bonewell, Kay County Emergency Management Director; David Cummings, Baumert, Cummings & Hiatt Law Firm; Jessica Windom, Ponca City News; Claude Williams, Taxpayers for Transparency; Tammy Reese, Secretary/Kay County Clerk.

Motion was made by Shanks and seconded by Wilson approving special meeting minutes of January 6, 2020. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Motion was made by Shanks and seconded by Godberson approving to authorize the Chairman to enter into a contract for civil engineering services with Wallace Engineering of Tulsa, OK for a fixed fee of \$36,500 plus expenses and hourly rates for overages, such services to be rendered in regard to the Courthouse Renovation and Annex/OSU Extension Service improvements project funded by the Bonds Series 2019 and 2020, upon consultation with legal counsel. PBA Attorney David Cummings said he will review, make modifications and return for signatures. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Selecting a construction manager (CM): Godberson asked if the CM chosen would include the courthouse renovation project. Commissioner Shanks explained the agenda item did not allow for the courthouse renovation project but said the committee meeting met on Friday and agreed to use the same CM for both phases. Shanks told the committee met with Timberlake Construction and KSB on Friday. The committee's recommendation to the board is to engage KSB; he stated KSB will prepare a contract and give to Attorney Cummings for review. Cummings said the CM will handle all the bidding process and will bring their recommendations to the board for approval/disapproval; he stated both companies were very qualified and noted it was not an easy decision.

Motion was made by Shanks and seconded by Godberson approving to select KSB, LLC of Ponca City as the construction manager at risk for the construction of the Courthouse Annex and OSU Extension Service facilities improvements project funded by the Bonds Series 2019 and 2020, and authorizing the Chairman to enter into all appropriate agreements with that company for those services, upon consultation with legal counsel. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Motion was made by Shanks and seconded by Godberson approving to open a depository bank general account at Equity Bank for the Authority, for acceptance of funds presently held by the Kay County Treasurer, and designation of authorized signers. David Cummings explained that the State Auditors told the county the trust authority should operate under the authority account and not under the county general account. He said after the account has been opened all unencumbered funds would be moved. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Motion was made by Shanks and seconded by Godbersen approving the KCPBA Chairman, Vice-Chairman and Secretary/Treasurer as the designated authorized signers, with two (2) required signatures. Motion carried: Godbersen, aye; Wilson, aye; Shanks, aye.

Motion was made by Shanks and seconded by Godbersen approving to authorize the opening of a depository account with Equity Bank, to be named the Kay County Public Buildings Authority Gross Revenue Fund, in compliance with Section 1 of the Depository Agreement entered into as part of the courthouse renovation and construction project Bonds Series 2019 and 2020, and approving the KCPBA Chairman, Vice-Chairman and Secretary/Treasurer as the designated authorized signers, with two (2) required signatures. Attorney Cummings said the county sales tax money will be deposited into this account and noted BancFirst is paid from this account. Motion carried: Godbersen, aye; Wilson, aye; Shanks, aye.

Motion was made by Shanks and seconded by Godbersen approving the KCPBA Chairman, Vice-Chairman and Secretary/Treasurer as the designated authorized signers, with two (2) required signatures for providing written directions to BancFirst under the Bond Indenture, including the approval of requisitions and payment requests relative to the courthouse improvement project funded by the Bonds Series 2019 and 2020. Cummings told that invoices on the project will be paid by requisitions directed to BancFirst. Motion carried: Godbersen, aye; Wilson, aye; Shanks, aye.

Motion was made by Shanks and seconded by Wilson approving action to authorize the Chairman of the Authority to execute the automatic transfer authorization in favor of BancFirst to provide for the automatic debit from the Gross Revenue Fund account at Equity Bank to the Trustee Bank for principal and interest payments on the Bonds Series 2019 and 2020 and Trustee's fee. Cummings said this is allowing BancFirst to pull debt payments and the annual fee with an ACH. Motion carried: Godbersen, aye; Wilson, aye; Shanks, aye.

Motion was made by Shanks and seconded by Godbersen approving engagement of the law firm of Baumert, Cummings & Hiatt for ongoing legal representation of the Authority on at-will basis. David Cummings said going forward with the project the law firm would charge by the hour and bill monthly. Motion carried: Godbersen, aye; Wilson, aye; Shanks, aye.

There being no further business, motion was made by Shanks and seconded by Godbersen to adjourn (9:35 a.m.). Motion carried: Godbersen, aye; Wilson, aye; Shanks, aye.

Approved this _____ day of _____ 20.

TRUSTEES
KAY COUNTY PUBLIC BUILDINGS AUTHORITY

JOHN A. WILSON, CHAIRMAN

JASON SHANKS, VICE-CHAIRMAN

JACK GODBERSON, MEMBER

ATTEST:

TAMMY REESE, SECRETARY-TREASURER/KAY COUNTY CLERK
KAY COUNTY PUBLIC BUILDINGS AUTHORITY
(SEAL)
