



# Lead-Impacted Communities Relocation Assistance Trust

POST OFFICE BOX 96 • PICHER, OKLAHOMA 74360

Larry Rice=chairman	↑ trustees ↓
Ed Keheley=vice-chairman	
Jim Thompson=secretary	
Mike Sexton=treasurer	
Charles Clevenger	
Mark Osborn	
	Tamara Summerfield
	Janelle Trimble
	Bob Walker

## MINUTES

### Public Meeting

September 26, 2006 at 5:30 PM  
Picher-Cardin High School Commons  
715 West A Street • Picher, Oklahoma

**APPROVED: 10/18/2006**

Notice of this meeting has been filed with the Secretary of State at least 48-hours in advance of said meeting. In addition, a copy of this advance notice of meeting and agenda has been posted in a prominent location at the Picher-Cardin High School Commons, 715 West A Street, Picher, Oklahoma at or before 5:30 PM on September 25, 2006.

The Lead-Impacted Communities Relocation Assistance Trust ("Trust") may vote to approve, disapprove, or take other action on any of the following agenda items. The Trust may vote to authorize public comment on any agenda item and, at its discretion, may impose time limitations on speakers.

I. **Call to Order** – *Larry Rice, Chairman*

Time: 5:30 PM

a. Roll Call – *Jim Thompson, Secretary*

Present	Trustee Name	Absent	Tardy (time arrived)
X	Rev. Charles <b>Clevenger</b>		
X	Ed <b>Keheley</b>		
	Dr. Mark <b>Osborn</b>		X (5:45 PM)
X	Mike <b>Sexton</b>		
X	Tamara <b>Summerfield</b>		
X	Jim <b>Thompson</b>		
X	Janelle <b>Trimble</b>		
X	Bob <b>Walker</b>		
X	Chairman Larry <b>Rice</b>		

b. Welcome & Introductions

*After a general welcome to meeting attendees, Chairman Rice reminded everyone that the application deadline is Saturday, September 30, 2006. Once the Trust hires its Operations Manager (on tonight's agenda), they will busily work through these applications to ensure they are complete & accurate, work with applicants to correct deficiencies, assign priorities according to the Trust's guidelines, and get the information ready for the appraisal process... Chairman Rice also laid the ground rules for public participation in the meeting, stating that time would be reserved towards the end of the meeting for public comment, which may be limited based upon length of meeting. He also stated that some time may be afforded for public participation on those agenda items that have a major impact on those in attendance (at Chair's discretion).*

**II. Consideration and Vote to Approve Minutes from August 22, 2006 Meeting**  
 – *Jim Thompson, Secretary*

Motion: *Waive reading of the minutes and approve as drafted.*

Motion By: *Sexton*

Seconded: *Clevenger*

*MOTION PASSED unanimously.*

<b>Aye</b>	<b>Trustee Name</b>	<b>Nay</b>	<b>Abstain</b>
X	Rev. Charles <b>Clevenger</b>		
X	Ed <b>Keheley</b>		
	Dr. Mark <b>Osborn</b>		<i>not yet present</i>
X	Mike <b>Sexton</b>		
X	Tamara <b>Summerfield</b>		
X	Jim <b>Thompson</b>		
X	Janelle <b>Trimble</b>		
X	Bob <b>Walker</b>		
X	Chairman Larry <b>Rice</b>		

**III. Consideration and Vote to Approve, Deny, Amend, or Take Other Action on Claims for Reimbursement and Expenditures** – *Mike Sexton, Treasurer*

- a. Action Graphics for \$31.45
- b. Photo Abstract Company for \$125
- c. Miami News-Record & Tri-State Tribune for \$86.33
- d. (Anticipated) Miami News-Record & Tri-State Tribune for \$334.72
- e. (Anticipated) Joplin Globe for \$953.38

Motion: *Pay all claims and invoices as presented and as anticipated, respectively.*

Motion By: *Summerfield*

Seconded: *Keheley*

*MOTION PASSED unanimously.*

<b>Aye</b>	<b>Trustee Name</b>	<b>Nay</b>	<b>Abstain</b>
X	Rev. Charles <b>Clevenger</b>		
X	Ed <b>Keheley</b>		
	Dr. Mark <b>Osborn</b>		<i>not yet present</i>
X	Mike <b>Sexton</b>		
X	Tamara <b>Summerfield</b>		
X	Jim <b>Thompson</b>		
X	Janelle <b>Trimble</b>		
X	Bob <b>Walker</b>		
X	Chairman Larry <b>Rice</b>		

**IV. Consideration and Vote to Approve, Amend, or Take Other Action on Audit of Trust Finances and Accounting Records – Mike Sexton, Treasurer**

*Treasurer Mike Sexton and Chairman Larry Rice both remarked that they would like to have conducted a standard financial audit of the Trust from its inception through the date that Mike Sexton took over as Treasurer (August 1, 2006 meeting). They pointed out that it is a standard, perfunctory task to ensure that everything is up-to-date and in good order. Sexton recommended that John Ober and Associates of Miami, Oklahoma be utilized for this service, which is the same firm used to conduct the Trust's audit of the Ottawa Reclamation Authority financial records. The cost quoted to perform this task was \$1,800.*

Motion: Hire John Ober & Associates to conduct a financial audit of the Trust from its inception through August 1, 2006 for a cost not to exceed \$1,800.

Motion By: Trimble

Seconded: Clevenger

*MOTION PASSED unanimously.*

Aye	Trustee Name	Nay	Abstain
X	Rev. Charles <b>Clevenger</b>		
X	Ed <b>Keheley</b>		
	Dr. Mark <b>Osborn</b>		<i>not yet present</i>
X	Mike <b>Sexton</b>		
X	Tamara <b>Summerfield</b>		
X	Jim <b>Thompson</b>		
X	Janelle <b>Trimble</b>		
X	Bob <b>Walker</b>		
X	Chairman Larry <b>Rice</b>		

**V. Consideration and Vote to Approve, Amend, or Take Other Action on Establishing Priorities for Buyout of Businesses – Chairman Rice**

*At its meeting on August 22, 2006, the Trust adopted priorities for businesses that allowed certain businesses that rely upon patronage by local residents to receive higher priority for buyout assistance.*

*The Trust discussed the need to take some action to begin making determinations about which businesses will be given Priority 1 consideration. At its August 22 meeting, the Trust voted to give highest priority buyout consideration to businesses "significantly impacted by declining population" in the area.*

Motion: Establish a committee comprised of Sexton, Keheley, Thompson, and Clevenger to work with the new Operations Manager in reviewing business applications and assigning priorities.

Motion By: Thompson

Seconded: Walker

*MOTION PASSED unanimously.*

Aye	Trustee Name	Nay	Abstain
X	Rev. Charles <b>Clevenger</b>		
X	Ed <b>Keheley</b>		
X	Dr. Mark <b>Osborn</b>		
X	Mike <b>Sexton</b>		
X	Tamara <b>Summerfield</b>		
X	Jim <b>Thompson</b>		
X	Janelle <b>Trimble</b>		
X	Bob <b>Walker</b>		
X	Chairman Larry <b>Rice</b>		

**VI. Consideration and Vote to Approve, Amend, or Take Other Action on Establishing Priorities for Hardship Cases – Dr. Mark Osborn**

*At its meeting on August 22, 2006, the Trust determined that residents who are elderly (≥ 70 years of age), mentally or physically challenged, or seriously ill could apply for Priority One consideration in the buyout even though their residence may not lie within the Priority One zone.*

*Dr. Osborn remarked that "hardship" applications were made available shortly after the August 22 Trust meeting and are due Saturday, September 30<sup>th</sup>. Anyone residing within the Priority 1 zone does not need to fill out one of these forms, as they are only for those seeking Priority 1 consideration that do not otherwise meet the Priority 1 criteria. Dr. Osborn presented some ideas about how this review process might work. He also suggested that those providing proof of Social Security or Veteran's disability would prove to be fairly straightforward, as would those that provide proof of age. Those without such proof should seek a written statement from their physician on a prescription pad, or at least provide ample medical records for review. Dr. Osborn suggested that he may need to come to Picher and sit down with some of the applicants to go through the records, if necessary.*

Motion: Establish a committee Chaired by Dr. Osborn and comprised of Trimble, Summerfield, and Walker to review "hardship" applications and assign priorities.

Motion By: Thompson

Seconded: Clevenger

*MOTION PASSED unanimously.*

Aye	Trustee Name	Nay	Abstain
X	Rev. Charles <b>Clevenger</b>		
X	Ed <b>Keheley</b>		
X	Dr. Mark <b>Osborn</b>		
X	Mike <b>Sexton</b>		
X	Tamara <b>Summerfield</b>		
X	Jim <b>Thompson</b>		
X	Janelle <b>Trimble</b>		
X	Bob <b>Walker</b>		
X	Chairman Larry <b>Rice</b>		

**VII. Status Report from Trust Committee Assigned to Coordinate with Local Units of Government – Jim Thompson, Secretary**

*At its meeting on August 1, 2006, the Trust established a committee comprised of Tamara Summerfield, Jim Thompson, and Janelle Trimble to coordinate with local units of government and establish a strong communication link between these entities and the Trust.*

*Jim Thompson reported that the Committee was still waiting for information from the Cities re complete list of utility customers, as well as indebtedness. He reported that he had received information from Cardin and Picher as of this date and that there was no action to be taken at this time.*

**VIII. Status Report on Contracting for Appraisal and Acquisition Services – J. D. Strong, Office of the Secretary of the Environment**

*Strong reported that the Request for Proposals (or bid solicitation) was issued by the Oklahoma Dept. of Central Services on Friday, September 22. The complete RFP is posted on their website, and bids are due Friday, October 13. He reminded Trustees that they will need to meet shortly thereafter, or wait to award the winning contract until its next meeting, unless they want to authorize the Chairman to select the winning bid and execute the contract on the Trust's behalf (SEE NEXT AGENDA ITEM).*

**IX. Consideration and Vote to Approve, Amend, or Take Other Action on Selection and Award of Contract for Appraisal and Acquisition Services – Chairman Rice**

*Given the urgency of awarding the appraisal and acquisition contract, the Trust discussed the need to authorize someone to select the lowest-best bidder and execute the contract.*

Motion: Authorize Chairman Rice, working with a Committee comprised of Trimble, Keheley, and Thompson, to select the lowest-best bidder and award the turnkey appraisal and acquisition service contract.

Motion By: Osborn

Seconded: Summerfield

*MOTION PASSED unanimously.*

Aye	Trustee Name	Nay	Abstain
X	Rev. Charles <b>Clevenger</b>		
X	Ed <b>Keheley</b>		
X	Dr. Mark <b>Osborn</b>		
X	Mike <b>Sexton</b>		
X	Tamara <b>Summerfield</b>		
X	Jim <b>Thompson</b>		
X	Janelle <b>Trimble</b>		
X	Bob <b>Walker</b>		
X	Chairman Larry <b>Rice</b>		

X. **Consideration and Vote to Approve, Amend, or Take Other Action on Reducing the Size of the Buyout Boundary (“Area at Greatest Risk for Subsidence”) – Jim Thompson, Secretary**

*Thompson remarked that some questions and concerns had arisen since the Trust approved the buyout boundary on August 1, particularly relating to the purchase of large tracts of rural farmland. Keheley stated that there were approximately 25 residences and 1 business outside the Subsidence Evaluation study area but within the boundary previously adopted by the Trust. Keheley presented a map of a proposed new boundary for consideration that would shrink the size of the buyout boundary to fit more closely with the areas identified as having a probability of collapse per the Subsidence Evaluation study. In addition to the study area, the proposed new boundary included 23 of the 25 residences located in the vicinity of Douthat, Treece (Oklahoma), Zincville, and western Cardin. Left out were 2 residences on the far western edge of the previously approved buyout boundary, as well as vast acreages of unimproved rural land.*

Motion: *Adopt the new buyout boundary proposed by Keheley that fits more closely to the areas identified as being at-risk for subsidence in the Subsidence Evaluation Study.*

Motion By: *Osborn*

Seconded: *Keheley*

*MOTION FAILED by 2-7 vote.*

Aye	Trustee Name	Nay	Abstain
	Rev. Charles <b>Clevenger</b>	X	
X	Ed <b>Keheley</b>		
X	Dr. Mark <b>Osborn</b>		
	Mike <b>Sexton</b>	X	
	Tamara <b>Summerfield</b>	X	
	Jim <b>Thompson</b>	X	
	Janelle <b>Trimble</b>	X	
	Bob <b>Walker</b>	X	
	Chairman Larry <b>Rice</b>	X	

*Thompson presented a resolution for adoption by the Trust that would maintain the existing buyout boundary, but exclude from eligibility parcels consisting largely of undeveloped land. The resolution stated, in part, “the Lead-Impacted Communities Relocation Assistance Trust will not expend the limited amount of taxpayer resources granted to it for the purchase of any real estate which consists substantially of undeveloped land, including but not limited to agricultural land.” In an effort to remove any unintended stigma caused by the official name of the buyout boundary, the resolution further stated, in part, that, “the area identified as constituting the statutorily defined ‘area of greatest subsidence risk’ shall hereafter be known as the ‘relocation assistance zone.’” (SEE ATTACHED RESOLUTION)*

Motion: *Adopt the resolution presented by Thompson.*

Motion By: Thompson

Seconded: Clevenger

*MOTION PASSED unanimously.*

Aye	Trustee Name	Nay	Abstain
X	Rev. Charles <b>Clevenger</b>		
X	<b>Ed Keheley</b>		
X	Dr. Mark <b>Osborn</b>		
X	<b>Mike Sexton</b>		
X	Tamara <b>Summerfield</b>		
X	<b>Jim Thompson</b>		
X	Janelle <b>Trimble</b>		
X	<b>Bob Walker</b>		
X	Chairman Larry <b>Rice</b>		

*Chairman Rice called for a break in the agenda to allow audience time for questions and comments, as the remainder of the agenda was to be devoted to the hiring of the Operations Manager.*

**XI. Consideration and Vote to Approve, Amend, or Take Other Action on Hiring of Trust Operations Manager – Chairman Rice**

*Pursuant to the Oklahoma Open Meetings Act, the Trust may enter into Executive Session via recorded vote of a majority of a quorum of Trustees for the purpose of holding confidential communications regarding hiring or employment.*

**a. Discussion regarding the application process and/or applicants**

*Strong provided a quick overview of the application and selection process. He stated that 27 applicants submitted resumes and references, 5 were called to Oklahoma City for interviews, and information on 4 applicants was provided in advance of the meeting for the Trust's consideration. OSE's recommendations and analyses of the candidates will be provided in Executive Session, with the final decision and vote taken afterwards in the open, public meeting.*

**b. Possible Executive Session to discuss job candidates**

**i. Vote on whether to enter Executive Session**

*The Oklahoma Open Meeting Act (at 25 O.S. 307(B)(1)) allows public bodies to hold executive sessions for the purpose of "discussing the employment, hiring, appointment, promotion, demotion, disciplining, or resignation of any individual salaried public officer or employee." As such, a vote of the majority of a quorum of Trustees may authorize executive session for such discussions.*

Motion: Enter into Executive Session to discuss the employment of the Trust's Operations Manager, with Secretary Thompson charged with keeping the minutes in Executive Session.

Motion By: Walker

Seconded: Trimble

*MOTION PASSED unanimously.*

Aye	Trustee Name	Nay	Abstain
X	Rev. Charles <b>Clevenger</b>		
X	Ed <b>Keheley</b>		
X	Dr. Mark <b>Osborn</b>		
X	Mike <b>Sexton</b>		
X	Tamara <b>Summerfield</b>		
X	Jim <b>Thompson</b>		
X	Janelle <b>Trimble</b>		
X	Bob <b>Walker</b>		
X	Chairman Larry <b>Rice</b>		

ii. If Executive Session, designation of person to keep minutes

*The Trust adjourned Executive Session and reconvened in the public meeting for a final vote.*

Motion: Move to authorize the Chairman to employ Sonya Harris as Manager of the Trust at a competitive rate of pay on terms agreeable to Ms. Harris and the Trust.

Motion By: Keheley

Seconded: Sexton

*MOTION PASSED unanimously.*

Aye	Trustee Name	Nay	Abstain
X	Rev. Charles <b>Clevenger</b>		
X	Ed <b>Keheley</b>		
X	Dr. Mark <b>Osborn</b>		
X	Mike <b>Sexton</b>		
X	Tamara <b>Summerfield</b>		
X	Jim <b>Thompson</b>		
X	Janelle <b>Trimble</b>		
X	Bob <b>Walker</b>		
X	Chairman Larry <b>Rice</b>		

**XII. Consideration and Vote to Take Action on Establishing an Office for the Trust and its Operations Manager – Chairman Rice**

*Chairman Rice pointed out that the first order of business for the new Operations Manager will be to get an office established within the area, including not just office space but also necessary equipment, supplies, services, etc.*

Motion: Establish a Committee of Keheley and Clevenger to work with the new Operations Manager to locate and establish a new office in Picher, and authorize Chairman Rice to approve all expenses necessary to establish the office.

Motion By: Osborn

Aye	Trustee Name	Nay	Abstain
X	Rev. Charles Clevenger		
X	Ed Keheley		
X	Dr. Mark Osborn		
X	Mike Sexton		
X	Tamara Summerfield		
X	Jim Thompson		
X	Janelle Trimble		
X	Bob Walker		
X	Chairman Larry Rice		

Seconded: Summerfield

*MOTION PASSED unanimously.*

**XIII. Consideration and Vote to Take Action Regarding Future Meeting Dates, Locations, and Topics – Chairman Rice**

*Keheley pointed out that the Trust needs to soon discuss and establish certain things, such as what constitutes a business and what constitutes a church.*

Motion: Hold the next Trust meeting on Wednesday, October 18 at 4:30 PM at the Picher-Cardin High School Commons.

Motion By: Thompson

Aye	Trustee Name	Nay	Abstain
X	Rev. Charles Clevenger		
X	Ed Keheley		
X	Dr. Mark Osborn		
X	Mike Sexton		
X	Tamara Summerfield		
X	Jim Thompson		
X	Janelle Trimble		
X	Bob Walker		
X	Chairman Larry Rice		

Seconded: Sexton

*MOTION PASSED unanimously.*

**XIV. Adjourn – Chairman Rice**

Time: 8:09 PM

*Motion was made by KEHELEY and seconded by TRIMBLE to adjourn the meeting at 8:09 PM. The motion was carried by a unanimous vote of the Trustees.*

**RESOLUTION**  
**OF THE**  
**LEAD IMPACTED COMMUNITIES RELOCATION ASSISTANCE TRUST**

**Whereas**, Oklahoma Statutes at 27A O.S. §2203(B) provide that the Trust shall make buyout assistance funds available to those within the “area of greatest subsidence risk” who:

1. “have rented their living quarters”
2. “own homes”
3. “have rented their business or nonprofit organization premises”
4. “operate businesses or nonprofit organizations in structures they own”; and

**Whereas**, this same section of law (at 27A O.S. §2203(B)(6)) gives the Trust discretion in determining whether or not to provide buyout assistance to “all other owners of real property in the area of greatest subsidence risk”; and

**Whereas**, the intent of this buyout assistance program is not to amass real estate, but rather to assist residents and business owners within the communities most at-risk for subsidence in relocating their homes, businesses, and nonprofit organizations to safe areas; and

**Whereas**, the Trust is instructed by statute (at 27A O.S. §2203I) to identify the “area of greatest subsidence risk” which by statute ((at 27A O.S. §2203(B)(1)) is not limited to properties directly over predicted subsidence zones but includes the communities where such features are located as well as “a reasonable buffer area around such communities”; and

**Whereas**, the use of the statutory term “area of greatest subsidence risk” to refer to properties not directly over predicted subsidence zones creates the possibility of confusion.

**Now, therefore, be it resolved that** the Lead-Impacted Communities Relocation Assistance Trust will not expend the limited amount of taxpayer resources granted to it for the purchase of any real estate which consists substantially of undeveloped land, including but not limited to agricultural land; and

**Be it further resolved that** the area identified as constituting the statutorily defined “area of greatest subsidence risk” shall hereafter be known as the “relocation assistance zone.”

Approved by the Trust in open meeting this 26<sup>th</sup> day of September, 2006

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Larry Rice, Chairman

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James Thompson, Secretary