

**PURCELL PUBLIC WORKS AUTHORITY
REGULAR MEETING
MAY 3, 2021
6:00 P.M.
IN THE COMMUNITY ROOM
OF THE POLICE SERVICE BUILDING
1515 N. GREEN AVENUE**

**Special Notice
Applicable to the May 3, 2021 Purcell Public Works Authority Meeting**

Because of the pandemic Coronavirus (“COVID-19”) properly wearing personal protective masks or face shields and personal distancing of at least six (6) feet will be required.

MINUTES

1. Call to order and declaration of a quorum present.

Chairman Cox called the meeting to order and declared a quorum to be present at 7:33 p.m.

2. Roll Call.

Roll call was conducted by Secretary, Dorothy Kennedy, with the following results:

Trustees present: Danny Jacobs, Graham Fishburn, Theda Engert, Jay Tate, Ted Cox
Trustees absent: None
Staff present: Dale Bunn, Victor Lohn, Dorothy Kennedy, John Blue, James Bolling, Clent Kennedy, Mike Lewis, Justin Howell, Tommy Mize
Counsel: Greg Dixon

3. Discussion of agenda items.

Chairman Cox called for any discussion of agenda items. There was no discussion.

4. Approval of the Consent Agenda:

- a. **Approval of minutes for April 5, 2021 Meeting(s).**
- b. **Approval of claims as presented in the Council Expense Report in the amount of \$459,602.05.**
- c. **Approval of the claims from the Water Impact Fee Fund as presented in the Council Expense Report in the amount of \$0.00**
- d. **Approval of payment of Golf Claims as presented in the Council Expense Report in the amount of \$51,787.54.**
- e. **Approval of payment of estimated payroll in the amount of \$91,000.00.**
- f. **Approve Treasurer’s Financial Report.**

Trustee Jacobs made a motion second by Trustee Fishburn to approve the Consent agenda as written.

Yes: Jacobs, Fishburn, Engert, Tate, Cox No: None Absent: None

5. Discussion and possible action on items removed from the Consent Agenda.

No items were removed from the Consent Agenda.

6. Discussion and possible action as necessary concerning a possible waterline expansion project in the former District 7 service area, including the south west area of Purcell water coverage.

No action.

7. Discussion and possible action concerning submitting plans to Oklahoma Department of Environmental Quality (ODEQ) for the Johnson Road Water Line Extension.

Mr. Kenny Sullivan stated as a reminder that this project is picked up mainly by the developer. He is picking up all the DEQ fees as well as engineering costs from an outside engineer. He recommended that the waterline extension be approved contingent upon approval of the City Engineer.

Trustee Jacobs made a motion second by Trustee Fishburn to approve submitting plans to ODEQ for the Johnson Road Water Line Extension contingent upon the City Engineering approval.

Yes: Jacobs, Fishburn, Tate, Engert, Cox No: None Absent: None

8. Discussion of an address concerning a quarterly report from Kem Scully, CEO Purcell Municipal Hospital.

Ms. Scully reported the Hospital conducted three Covid Vaccination Clinics. The hospital received the vaccine from the State and absorbed the cost of administering it, at no cost to the public.

Ms. Scully provided an Executive Financial Summary date ending 03-31-2021 showing days of cash on hand of 160 days. She compared the report to a time when the hospital had only 16 days of cash on hand. The current Revenue Over Expenses is \$730,548 as of March 31, 2021. All cash in and All cash out averaging at \$147,525.

9. Discussion and possible action concerning Purcell Municipal Hospital Board of Directors recommending Mr. Shawn Scully and Mr. Brad Scully to work in the Purcell Municipal Hospital on a contract basis at the request of Robert Bales, M.D., in compliance with Resolution 10-P05 Section (4.1).(d).

Mr. Bunn advised the reason this is being brought before the board is listed in the section concerning nepotism. The section stated the approval of the Hospital Board and the Purcell Public Works Authority. It addresses anyone related within the third degree to the Hospital Administrator or Hospital Board.

Hospital Board Chairman, David Shirley stated this was brought to the Board by Doctor Bales himself. It is his request and is not at the request of any staff or Board. Doctor Bales is an established doctor who does surgeries. Doctor Bales has experienced a tremendous turnover and his indication is that in order for him to stay he wants some consistency. They are the two individuals he brought forth to the Hospital Board. The only way we would be able to do this would be on a contract basis and would not include any benefits paid by the hospital. Mr. Shirley stated this is the reason the Hospital Board has recommended it to us in order to keep Doctor Bales and continued to provide revenue for the hospital.

Trustee Tate stated he has tried to look at this from all angles and said it does not sit well with him. Ms. Scully addressed this stating this is not a full time position it is a contract basis for one day a week. It is at the surgeon's preference in the operating room. Both persons have full time jobs elsewhere and neither are interested them giving up, but are willing to come in for Doctor Bales.

Chairman Cox stated he does not like nepotism because it makes a difficulty in the work environment. He stated the way this is being presented his understanding that neither would be working for the Hospital although they would be working at the hospital. He asked Mr. Shirley if that was a correct statement. Mr. Shirley answered yes. Chairman asked would we be cutting checks to a company to pay them or cut a check directly to them. Ms. Scully stated the arrangement at this time is that the Hospital would cut them a check. Ms. Scully stated the reason this came to us is that Doctor Bales has two contract persons employed by him that are unable for a few months to assist in the operating room. The hospital has personnel who has left for a COVID related job. Additionally, PMH Operating Room Scrub person as well as another employee trained in the operating room. All these circumstances together have been brought on at Doctor Bale's request.

Administrative Assistant Beth stated Doctor Bales has conducted 346 procedures in 2020 and the hospital collected \$1.3M revenue from those procedures.

Chairman Cox skipped to agenda item 10.

10. Discussion of an address concerning a quarterly report from Jackie Wadley of Wadley's EMS.

Mr. Wadley went over the quarter's ambulance run reports. He reported paramedic status as eight fulltime, five parttime, three graduating in June and one will graduate in December. He reported paramedics are hard to get. Ambulances services are having to send EMT's to schools for training.

11. Discussion and possible action to appoint Cindy Carmichael to a term expiring December 31, 2023 filling a vacancy on the Purcell Municipal Hospital Board of Directors, left by Tammy Powell.

Mr. Shirley said Tammy Powell's duties have changed.

Trustee Jacobs made a motion second by Trustee Engert to approve appointment of Cindy Carmichael as written.

Yes: Jacobs, Engert, Tate, Fishburn, Cox No: None Absent: None

12. Discussion and possible action concerning Change Order No. 3 for the New Hospital – Water Line Extension in the amount of \$50,294.

Trustee Tate made a motion second by Trustee Jacobs to approve Change Order No. 3 as written.
Yes: Tate, Jacobs, Fishburn, Engert, Tate, Cox No: None Absent: None

13. Ratify action taken by the Purcell City Council concerning Employee 2021-2022 Health Insurance Renewal Proposal from INSURICA.

Trustee Jacobs made a motion second by Trustee Tate to approve as written.
Yes: Jacobs, Tate, Engert, Fishburn, Cox No: None Absent: None

Chairman Cox went back to item number 9.

Agenda item 9 continued: **Discussion and possible action concerning Purcell Municipal Hospital Board of Directors recommending Mr. Shawn Scully and Mr. Brad Scully to work in the Purcell Municipal Hospital on a contract basis at the request of Robert Bales, M.D., in compliance with Resolution 10-P05 Section (4.1).(d).**

Attorney Greg Dixon asked what Ms. Scully official position is. Chairman Cox advised it is Chief Executive Officer (CEO). Mr. Dixon asked how she attained the position. Mr. Bunn replied the board appointed her. Mr. Dixon asked who is recommending that her sons be employed? He asked Ms. Scully if she is on the board. Ms. Scully advised she is not. Mr. Dixon asked Mr. Shirley if he represents the board. Mr. Shirley acknowledged he did.

Mr. Dixon advised according to AG opinion; you have to analyze the situation in regard to “who is hiring”. If it is an official who is voted in or appointed, there would be a problem. If Ms. Scully is not involved, then he doesn’t believe it qualifies for nepotism.

Chairman Cox asked in your opinion, after reading the rules, you do not believe this rises to the level of nepotism? Mr. Dixon said “not if Ms. Scully is not the individual who hires these nurses that happen to be her sons.

Chairman Cox asked considering all the discussion; do we have to take an action if legal counsel doesn’t feel it rises to the level of nepotism? Mr. Dixon asked if the Council approves every hire? Chairman Cox advised we do not. Mr. Dixon stated then no we do not have to take action and should not overstep the Hospital Board’s decision.

Chairman Cox declared the meeting to be in recess in order to go into the Purcell Economic Development Authority Meeting at 8:04 p.m.

Mayor/Chairman Cox declared the City Council Meeting and the Purcell Public Works Authority in joint session in order to enter joint Executive Session at 8:05 p.m.

14. EXECUTIVE SESSION: DISCUSSION, CONSIDERATION RE: AN EXECUTIVE SESSION TO BE HELD IN ACCORDANCE WITH 25 O. S. 307 § (B) (2) AND 25 O.S. 307 § (B) 3.

- a. **Discussion and consideration of labor contract for fiscal year 2021-2022 between the City of Purcell and the IAFF Local 3596 in accordance with 25 O.S. § 307 (B) (2).**
- b. **Discussion and consideration of labor contract for fiscal year 2021-2022 between the City of Purcell and the FOP #194 in accordance with 25 O.S. § 307 (B) (2).**
- c. **Discussion and consideration concerning the purchase or appraisal of real property in accordance with 25 O.S. 307 § (B) 3.**

Mayor/Chairman Cox made a motion second by Councilman/Trustee Jacobs to enter into joint Executive Session at 8:07 p.m. with the following persons entering: Councilmen/Trustees who are present, City/Trust Attorney Greg Dixon, City/Trust Manager Dale Bunn and City/Trust Treasurer Victor Lohn.

Yes: Cox, Jacobs, Fishburn, Engert, Tate No: None Absent: None

Mayor/Chairman Cox declared the Council has returned from Executive Session at 8:55 p.m.

Mayor/Chairman Cox made a motion second by Councilman Jacobs to return to regular Joint Session at 8:55 p.m.

Yes: Cox, Jacobs, Fishburn, Engert, Tate, No: None Absent: None

15. EXECUTIVE SESSION: DISCUSSION, CONSIDERATION AND POSSIBLE ACTION CONCERNING ITEMS DISCUSSED IN EXECUTIVE SESSION IN ACCORDANCE WITH 25 O. S. 307 § (B) (2) AND 25 O.S. 307 § (B) 3.

- a. Discussion and consideration and possible action concerning labor contract for fiscal year 2021-2022 between the City of Purcell and the IAFF Local 3596 in accordance with 25 O.S. § 307 (B) (2).
- b. Discussion and consideration and possible action concerning labor contract for fiscal year 2021-2022 between the City of Purcell and the FOP #194 in accordance with 25 O.S. § 307 (B) (2).
- c. Discussion and consideration and possible action concerning the purchase or appraisal of real property in accordance with 25 O.S. 307 § (B) 3.

Mayor/Chairman Cox declared no action to be taken on Executive Session items.

16. Trustee comments.

Councilman/Trustee Tate reported the Veteran's Memorial Day Service will be conducted virtual this year again, with the hopes of going back live next year. He asked it be posted on the City website and Facebook.

Councilman/Trustee Tate reported being contacted by a constituent who stated they were bird watching at the Lake and were harassed by persons at the RV park. He wondered if this was an adverse effect of allowing persons to stay longer than 30 days. Another complaint is that companies are parking on the grass areas around. Councilman Tate asked if it would be possible to get the radar in the 800 Block of Adams.

Councilwoman/Trustee Engert reported she was contacted by a person who runs at the Lake. She reported vehicles speeding. Captain Bolling advised his officers patrol the lake area often.

Councilman/Trustee Fishburn thanked Councilman Tate for his volunteer services for Veterans.

Councilman/Trustee Jacobs mirrored his thanks for Councilman Tate volunteer services for Veterans.

Mayor/Chairman Cox advised he had spoken to Mr. Lohn about getting a revised Budget that includes payroll.

12. City Manager and staff comments.

17. General Manager and staff comments.

None.

18. Adjourn.

Chairman Cox declared the meeting to be adjourned at 9:07 p.m.

Approved this 7th day of June 2021

Attest:

Ted Cox, Chairman

Dorothy Kennedy, Secretary