

The City of Durant encourages participation from all its citizens. If participation at any public meeting is not possible due to a disability, notification to the City Clerk at least 48 hours prior to the scheduled meeting is encouraged in order to make the necessary accommodations. The City of Durant may waive the 48-hour rule if interpreters for the deaf (signing) or translation services for limited English proficient (LEP) individuals are not the necessary accommodation.

## **DURANT CITY UTILITIES AUTHORITY**

**6:00 PM**

**Roscoe J. Hatfield  
Council Chambers  
300 West Evergreen  
Durant, Oklahoma**

**November 14, 2023**

### **AGENDA**

#### **CALL TO ORDER**

#### **ROLL CALL**

#### **ORDER OF BUSINESS**

##### **1. Consent Items**

*To help streamline meetings and allow the focus to be on other items requiring strategic thought, the "Consent Items" portion of the agenda groups the routine, procedural, and self-explanatory non-controversial items together. These items are voted on in a single motion (one vote). However, any Council member requesting further information on a specific item thus removes it from the "Consent Items" section for individual attention and separate vote.*

- a. Consider Approval of Regular Meeting Minutes of October 10, 2023
- b. Consider Approval of the Schedule of Regular Meetings for the Durant City Utilities Authority for Calendar Year 2024

##### **2. Consider Items Removed from Consent**

##### **3. Information Items**

##### **4. Administration**

- a. Consider and Take Action with Respect to a Resolution of the Durant City Utilities Authority (the "Borrower") Approving and Authorizing a Clean Water SRF Loan From the Oklahoma Water Resources Board in the Total Aggregate Principal Amount of \$23,000,000.00; Approving the Issuance of a Promissory Note in the Total Aggregate Principal Amount of \$23,000,000.00, Secured by a Pledge of Revenues and Authorizing Its Execution; Approving and Authorizing the Execution of a Loan Agreement for Clean Water SRF Loan; Designating a Local Trustee and Approving and Authorizing the Execution of a Trust

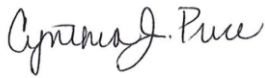
Agreement; Approving and Authorizing the Execution of a Security Agreement; Ratifying and Confirming a Lease Agreement, as Amended; Ratifying, Confirming, and Approving a Sales Tax Agreement By and Between the City and the Borrower Pertaining to a Year-To-Year Pledge of Certain Sales Tax Revenue; Approving and Authorizing Application to the Oklahoma Water Resources Board; Approving Professional Services Agreements; Approving Various Covenants; Approving and Authorizing Payment of Fees and Expenses; and Containing Other Provisions Relating Thereto (R-2023-23)

## **5. New Business**

### **ADJOURNMENT**

#### **CERTIFICATE**

This is to certify that in conformity with the Oklahoma Open Meeting Act, public notice of the date, time and place of this meeting was filed with the City Clerk of Durant on the 8th day of November, 2022 and that an agenda of said meeting was posted at the place of such meeting at 3:00 p.m. on the 9th day of November, 2023.



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Cynthia J. Price, City of Durant



# The City of Durant

## Memorandum

**Date:** 11/14/2023  
**To:** Mayor and City Council  
**From:** Cynthia Price, City Clerk  
**Re:** Consider Approval of Regular Meeting Minutes of October 10, 2023

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### **Council Information / Action Requested**

Approval of Regular Meeting Minutes of October 10, 2023

**City Staff Information / Action Follow-up, if Council authorizes this action:**

### **ATTACHMENTS:**

1. Durant City Utilities Authority Minutes 10102023 cjp

This is to certify that in conformity with the Oklahoma Open Meeting Act, public notice of the date, time and place of this meeting was filed with the City Clerk of Durant on the 8th day of November, 2022 and that an agenda of said meeting was posted at the place of such meeting at 5:00 p.m. on the 5th day of October, 2023.



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Cynthia J. Price, City of Durant

**MINUTES OF THE MEETING OF DURANT CITY UTILITIES AUTHORITY  
October 10, 2023 AT 6:00 PM  
Roscoe J. Hatfield Council Chambers  
300 West Evergreen  
Durant, Oklahoma**

**CALL TO ORDER**

Chairman Tucker called the meeting to order at 7:44 p.m.

**ROLL CALL**

**Present:**

Trustee Lauran Fuller  
Trustee Humphrey Miller  
Trustee Danny Sherrer  
Chairman Martin Tucker  
City Attorney Tom Marcum  
Interim City Manager Rick Rumsey  
City Clerk Cynthia J. Price

**Absent:**

Vice Chairman Mike Simulescu

**ORDER OF BUSINESS**

**1. Consent Items**

*To help streamline meetings and allow the focus to be on other items requiring strategic thought, the "Consent Items" portion of the agenda groups the routine, procedural, and self-explanatory non-controversial items together. These items are voted on in a single motion (one vote). However, any Council member requesting further information on a specific item thus removes it from the "Consent Items" section for individual attention and separate vote.*

- a. Consider Approval of Regular Meeting Minutes of September 12, 2023

Motion To: Approve Consent Item as Presented

Motion By: Humphrey Miller

Seconded By: Lauran Fuller

Ayes: Fuller, Miller, Sherrer, Tucker

Nays: None

Abstain: None

## **2. Consider Items Removed from Consent**

## **3. Information Items**

## **4. Administration**

- a. Discussion, Consideration and Possible Action on Approving the Purchase of Parts to Repair the UV System at the Waste Water Treatment Plant at the Cost of \$50,965.00

Motion To: Approve Purchase of Parts to Repair the UV System at the Waste Water Treatment Plant at the Cost of \$50,965.00

Motion By: Danny Sherrer

Seconded By: Martin Tucker

Ayes: Fuller, Miller, Sherrer, Tucker

Nays: None

Abstain: None

- b. Discussion, Consideration and Possible Action on Accepting a Quote from Custom Manufacturing for 5 Open Top 20 Yard Roll-Off Containers and 5 Enclosed Top 20 Yard Roll-off Containers for the Total Amount of \$64,500.24

Motion To: Accept Quote from Custom Manufacturing for 5 Open Top 20 Yard Roll-Off Containers and 5 Enclosed Top 20 Yard Roll-Off Containers for the Total Amount of \$64,500.24

Motion By: Martin Tucker

Seconded By: Lauran Fuller

Ayes: Fuller, Miller, Sherrer, Tucker

Nays: None

Abstain: None

- c. Consider Approval of Amended Water Purchase Contract Between the Durant City Utilities Authority and Rural Water and Sewer District No. 5 (C-2023-70)

Motion To: Approve Amended Water Purchase Contract Between the Durant City Utilities Authority and Rural Water and Sewer District No. 5 (C-2023-70)

Motion By: Lauran Fuller

Seconded By: Humphrey Miller

Ayes: Fuller, Miller, Sherrer, Tucker

Nays: None

Abstain: None

- d. Consider Approval of Amended Industrial Water Purchase Contract Between the Durant City Utilities Authority and Rural Water and Sewer District No. 5 (C-2023-71)

Motion To: Approve Amended Industrial Water Purchase Contract Between the Durant City Utilities Authority and Rural Water and Sewer District No. 5 (C-2023-71)

Motion By: Martin Tucker

Seconded By: Humphrey Miller

Ayes: Fuller, Miller, Sherrer, Tucker

Nays: None

Abstain: None

## **5. New Business**

There was no new business.

## **ADJOURNMENT**

Motion To: Adjourn Meeting

Motion By: Martin Tucker

Seconded By: Humphrey Miller

Ayes: Fuller, Miller, Sherrer, Tucker

Nays: None

Abstain: None



# The City of Durant

## Memorandum

**Date:** 11/14/2023  
**To:** Mayor and City Council  
**From:** Cynthia Price, City Clerk  
**Re:** Consider Approval of the Schedule of Regular Meetings for the Durant City Utilities Authority for Calendar Year 2024

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### **Council Information / Action Requested**

Approval of the Schedule of Regular Meetings for the Durant City Utilities Authority for Calendar Year 2024

### **City Staff Information / Action Follow-up, if Council authorizes this action:**

### **ATTACHMENTS:**

1. 2024 City Council, DCUA, DAA, DDA

**Schedule of Regular Meetings for  
Durant City Council,  
The Durant City Utilities Authority (DCUA)  
Durant Airport Authority (DAA)  
\*Durant Development Authority (DDA)**

**Calendar Year 2024**

*Second Tuesday each month, unless otherwise noted*

| DATE         | TIME      | LOCATION                                      |
|--------------|-----------|-----------------------------------------------|
| *January 9   | 6:00 P.M. | Roscoe J. Hatfield Council Chambers, Room 110 |
| February 13  | 6:00 P.M. | Roscoe J. Hatfield Council Chambers, Room 110 |
| March 12     | 6:00 P.M. | Roscoe J. Hatfield Council Chambers, Room 110 |
| *April 9     | 6:00 P.M. | Roscoe J. Hatfield Council Chambers, Room 110 |
| May 14       | 6:00 P.M. | Roscoe J. Hatfield Council Chambers, Room 110 |
| June 11      | 6:00 P.M. | Roscoe J. Hatfield Council Chambers, Room 110 |
| *July 9      | 6:00 P.M. | Roscoe J. Hatfield Council Chambers, Room 110 |
| August 13    | 6:00 P.M. | Roscoe J. Hatfield Council Chambers, Room 110 |
| September 10 | 6:00 P.M. | Roscoe J. Hatfield Council Chambers, Room 110 |
| *October 8   | 6:00 P.M. | Roscoe J. Hatfield Council Chambers, Room 110 |
| November 12  | 6:00 P.M. | Roscoe J. Hatfield Council Chambers, Room 110 |
| December 10  | 6:00 P.M. | Roscoe J. Hatfield Council Chambers, Room 110 |

\* Durant Development Authority  
Meets on Quarterly Basis

Filed By:  
Rick Rumsey, Interim City Manager  
Durant City Hall  
P.O. Box 578  
Durant, OK 74702-0578  
(580) 931-6605

Filed in the office of the Durant City  
Clerk on November 14, 2023.

*Cynthia J. Price, City Clerk*  
Cynthia J. Price, City Clerk



# The City of Durant

## Memorandum

**Date:** 11/14/2023  
**To:** Mayor and City Council  
**From:**  
**Re:** Information Items

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**Council Information / Action Requested**

**City Staff Information / Action Follow-up, if Council authorizes this action:**

**ATTACHMENTS:**



# The City of Durant

## Memorandum

**Date:** 11/14/2023  
**To:** Mayor and City Council  
**From:**  
**Re:** Administration

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**Council Information / Action Requested**

**City Staff Information / Action Follow-up, if Council authorizes this action:**

**ATTACHMENTS:**



# The City of Durant

## Memorandum

**Date:** 11/14/2023  
**To:** Mayor and City Council  
**From:** Rick Rumsey, Interim City Manager  
**Re:** Consider and Take Action with Respect to a Resolution of the Durant City Utilities Authority (the "Borrower") Approving and Authorizing a Clean Water SRF Loan From the Oklahoma Water Resources Board in the Total Aggregate Principal Amount of \$23,000,000.00; Approving the Issuance of a Promissory Note in the Total Aggregate Principal Amount of \$23,000,000.00, Secured by a Pledge of Revenues and Authorizing Its Execution; Approving and Authorizing the Execution of a Loan Agreement for Clean Water SRF Loan; Designating a Local Trustee and Approving and Authorizing the Execution of a Trust Agreement; Approving and Authorizing the Execution of a Security Agreement; Ratifying and Confirming a Lease Agreement, as Amended; Ratifying, Confirming, and Approving a Sales Tax Agreement By and Between the City and the Borrower Pertaining to a Year-To-Year Pledge of Certain Sales Tax Revenue; Approving and Authorizing Application to the Oklahoma Water Resources Board; Approving Professional Services Agreements; Approving Various Covenants; Approving and Authorizing Payment of Fees and Expenses; and Containing Other Provisions Relating Thereto (R-2023-23)

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### Council Information / Action Requested

### City Staff Information / Action Follow-up, if Council authorizes this action:

### ATTACHMENTS:

1. Resolution R-2023-23

PURSUANT TO THE LEGAL NOTICE AS IS REQUIRED BY THE OKLAHOMA OPEN MEETING ACT INCLUDING THE POSTING OF NOTICE AND AGENDA AS IS REQUIRED BY THE TERMS THEREOF, THE BOARD OF TRUSTEES OF THE DURANT CITY UTILITIES AUTHORITY, DURANT, OKLAHOMA, MET IN REGULAR SESSION IN THE ROSCOE J. HATFIELD COUNCIL CHAMBERS AT CITY HALL, 300 WEST EVERGREEN, DURANT, OKLAHOMA 74701, ON THE 14<sup>TH</sup> DAY OF NOVEMBER, 2023, AT 6:00 O'CLOCK P. M.

PRESENT:

ABSENT:

(OTHER PROCEEDINGS)

Thereupon, the Chairman introduced a Resolution which was read by the Secretary. Trustee \_\_\_\_\_ moved that the Resolution be adopted and Trustee \_\_\_\_\_ seconded the motion. The motion carrying with it the adoption of the Resolution prevailed by the following vote:

AYE:

NAY:

The Resolution so approved is as follows:

**RESOLUTION NO. R-2023-23**

A RESOLUTION OF THE DURANT CITY UTILITIES AUTHORITY (THE "BORROWER") APPROVING AND AUTHORIZING A CLEAN WATER SRF LOAN FROM THE OKLAHOMA WATER RESOURCES BOARD IN THE TOTAL AGGREGATE PRINCIPAL AMOUNT OF \$23,000,000.00; APPROVING THE ISSUANCE OF A PROMISSORY NOTE IN THE TOTAL AGGREGATE PRINCIPAL AMOUNT OF \$23,000,000.00, SECURED BY A PLEDGE OF REVENUES AND AUTHORIZING ITS EXECUTION; APPROVING AND AUTHORIZING THE EXECUTION OF A LOAN AGREEMENT FOR CLEAN WATER SRF LOAN; DESIGNATING A LOCAL TRUSTEE AND APPROVING AND AUTHORIZING THE EXECUTION OF A TRUST AGREEMENT; APPROVING AND AUTHORIZING THE EXECUTION OF A SECURITY AGREEMENT; RATIFYING AND CONFIRMING A LEASE AGREEMENT, AS AMENDED; RATIFYING, CONFIRMING, AND APPROVING A SALES TAX AGREEMENT BY AND BETWEEN THE CITY AND THE BORROWER PERTAINING TO A YEAR-TO-YEAR PLEDGE OF CERTAIN SALES TAX REVENUE; APPROVING AND AUTHORIZING APPLICATION TO THE OKLAHOMA WATER RESOURCES BOARD; APPROVING PROFESSIONAL SERVICES AGREEMENTS; APPROVING VARIOUS COVENANTS; APPROVING AND

AUTHORIZING PAYMENT OF FEES AND EXPENSES; AND CONTAINING  
OTHER PROVISIONS RELATING THERETO.

WHEREAS, The Durant City Utilities Authority, Bryan County, Oklahoma (the “Borrower”), was organized under Title 60, Oklahoma Statutes 2021, Sections 176-180.4, as amended, for the purpose of furthering the public functions of the City of Durant, Oklahoma (the “City”); and

WHEREAS, the Borrower is authorized and has determined to rehabilitate the existing wastewater treatment plant and related appurtenances (the “Project”) in order to better serve the customers of said Borrower and in payment of part of the cost thereof, to seek money in the form of a Clean Water SRF Loan from the Oklahoma Water Resources Board (the “Board”) in the amount of \$23,000,000.00; and

WHEREAS, the Board has under consideration a loan application of the Borrower and the Borrower has determined to borrow money from the Board to accomplish the Project and to evidence such loan by the issuance of the Borrower’s Clean Water SRF Promissory Note to Oklahoma Water Resources Board in the original principal amount of \$23,000,000.00 (the “Note”), said Note being secured by a lien on the revenues derived from the water and sanitary sewer systems (hereinafter collectively, the “System”) and a lien on the proceeds of a three percent (3.0%) sales tax (referred to herein as the “Sales Tax Revenue”); provided, said pledge and lien shall be on a parity in all respects with the Borrower’s (i) Utility System and Sales Tax Revenue Note, Series 2007 dated August 28, 2007, issued in the original principal amount of \$5,610,000.00; (ii) Utility System and Sales Tax Revenue Note, Series 2009A dated September 14, 2009, issued in the original principal amount of \$6,000,000.00; (iii) Utility System and Sales Tax Revenue Note, Series 2009B dated September 30, 2009, issued in the original principal amount of \$2,000,000.00; (iv) Utility System and Sales Tax Revenue Note, Series 2010 dated November 17, 2010, issued in the original principal amount of \$6,000,000.00; (v) Series 2019 Clean Water SRF Promissory Note to Oklahoma Water Resources Board dated June 25, 2019, issued in the original principal amount of \$4,000,000.00; (vi) Utility System and Sales Tax Revenue Note, Series 2020 dated April 23, 2020, issued in the original principal amount of \$13,280,000.00; and (vii) Series 2020 Clean Water SRF Promissory Note to Oklahoma Water Resources Board dated June 17, 2020, issued in the original principal amount of \$12,935,000.00 (collectively, the “Existing Indebtedness”); and

WHEREAS, it is the desire of the Borrower to authorize the execution and delivery of any and all documents necessary or attendant to the issuance of the Note.

NOW, THEREFORE, BE IT RESOLVED BY THE TRUSTEES OF THE DURANT CITY UTILITIES AUTHORITY, BRYAN COUNTY, OKLAHOMA:

Section 1. Issuance of Note. The Borrower is hereby authorized to accept said loan and issue its Note payable to the Board and secured by a pledge of revenue derived from the operation of the System and the Sales Tax Revenue. The officers of the Borrower are hereby authorized and directed to execute said Note and to do any and all lawful things to effect said loan and secure said loan from the Board, provided that the principal amount of the Note shall be \$23,000,000.00, and the rate of interest on the Note shall be a fixed rate of interest of not to exceed five percent (5.00%) per annum inclusive of administrative fees of one half of one percent (1/2%), with the term of the

Note to be approximately thirty (30) years following completion of the Project. The rate of interest, preliminary amortization, and maturity date shall be established per a Certificate of Determination to be executed by the Chairman or Vice Chairman of the Borrower.

Section 2. Execution of Loan Agreement for Clean Water SRF Loan. The Loan Agreement for Clean Water SRF Loan by and between the Borrower and the Board (the “Loan Agreement”) is hereby approved and the Chairman or Vice Chairman and Secretary or Assistant Secretary of the Borrower are hereby authorized to execute same for and on behalf of the Borrower, and to do all other lawful things to carry out the terms and conditions of said Loan Agreement.

Section 3. Designation of Local Trustee and Execution of Trust Agreement. The Borrower hereby designates First United Bank and Trust Company, Durant, Oklahoma, to serve as local trustee (the “Local Trustee”) of certain funds in relation to the Note. The Trust Agreement by and between the Borrower and the Local Trustee, pertaining to the Note (the “Trust Agreement”) is hereby approved and the Chairman or Vice Chairman and Secretary or Assistant Secretary are hereby authorized to execute same for and on behalf of the Borrower, and to do all other lawful things to carry out the terms and conditions of said Trust Agreement.

Section 4. Execution of Security Agreement. The Security Agreement by the Borrower in favor of the Board (the “Security Agreement”), whereby the Borrower gives a lien on the revenues of the System to the Board to secure payment of the Note is hereby approved and the Chairman or Vice Chairman and Secretary or Assistant Secretary are hereby authorized to execute same for and on behalf of the Borrower, and do all other lawful things to carry out the terms and conditions of said Security Agreement.

Section 5. Lease Agreement. The Lease dated May 21, 1956, but to be effective as of May 10, 1956, as amended by the Supplement to Lease dated August 29, 1966, but to be effective as of June 14, 1966, and as further amended by the Second Supplement to Lease dated March 20, 1991, all by and between the City and the Borrower (collectively, the “Lease Agreement”), whereby the City leases unto the Borrower its water, sanitary sewer, and garbage systems, is hereby ratified and confirmed, and the term of said Lease shall extend until the Note is paid.

Section 6. Sales Tax Agreement. The Sales Tax Agreement dated as of April 1, 2020, by and between the City and the Borrower (the “Sales Tax Agreement”), which Sales Tax Agreement pertains to a year-to-year pledge of certain Sales Tax revenue as security for the Note, is hereby ratified and confirmed.

Section 7. Application. The Borrower shall file an Application(s) with the Oklahoma Water Resources Board seeking financial assistance through the OWRB Clean Water State Revolving Fund Loan Program (CWSRF); and the Chairman or Vice Chairman and Secretary or Assistant Secretary of the Borrower are hereby authorized to execute said Application(s) for and on behalf of the Borrower. The Borrower is further authorized to advance to the Oklahoma Water Resources Board the necessary application fees in connection with the referenced Application(s).

Section 8. Professional Services Agreements. The Borrower is authorized to enter into professional services agreements with The Public Finance Law Group PLLC, as the Borrower’s Bond Counsel, and with BOK Financial Securities, Inc., as the Borrower’s Financial Advisor.

Section 9. Covenants of Borrower Until payment in full of the Note and performance of all obligations owing to the Board under the Loan Agreement and the instruments executed pursuant hereto, unless the Board shall otherwise consent in writing, the Borrower hereby represents its intent to abide by and carry out the covenants contained in the Loan Agreement, which covenants are incorporated herein in their entirety.

Section 10. Project Costs Disbursement Account; Fees and Expenses. The Borrower is authorized to establish an account or accounts as necessary to serve as the Project Costs Disbursement Account described in the Loan Agreement. Upon closing of the referenced loan, the officers of the Borrower are hereby authorized to disburse (from loan proceeds or other available funds of the Borrower) those fees and expenses set forth on Exhibit "A" hereto, together with such other fees and expenses as will be set forth on the Borrower's Closing Order to be executed in connection with the closing of the financing referenced herein.

Section 11. Necessary Action. The Chairman or Vice Chairman and Secretary or Assistant Secretary of the Borrower are hereby further authorized on behalf of the Borrower to accept, receive, execute, attest, seal and deliver the above mentioned documents and all additional documentation, certifications and instruments and to take such further actions as may be required in connection with the transactions contemplated hereby, and are further authorized to approve and make any changes to the documents approved by this Resolution, for and on behalf of the Borrower, the execution and delivery of such documents being conclusive as to the approval of any terms contained therein.

[Remainder of Page Left Blank Intentionally]

ADOPTED AND APPROVED THIS 14<sup>TH</sup> DAY OF NOVEMBER, 2023.

THE DURANT CITY UTILITIES AUTHORITY

(SEAL)

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Chairman

ATTEST:

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Secretary

STATE OF OKLAHOMA     )  
                                          )SS  
COUNTY OF BRYAN        )

I, the undersigned, Secretary of The Durant City Utilities Authority, Bryan County, Oklahoma, an Oklahoma public trust, do hereby certify that the above and foregoing is a true, full and correct copy of an excerpt from the minutes of a meeting of the Board of Trustees of said public trust held on the date above stated, all as recorded in the official minutes of such meeting. I further certify that the “Open Meeting Law” was complied with for such meeting.

GIVEN UNDER MY HAND THIS 14<sup>TH</sup> DAY OF NOVEMBER, 2023.

(SEAL)

\_\_\_\_\_  
Secretary

EXHIBIT "A"

Fees and Expenses Paid at Closing

|                                         |                                                                |
|-----------------------------------------|----------------------------------------------------------------|
| The Public Finance Law Group PLLC       |                                                                |
| Legal Fee and Reimbursement of Expenses | 1.0% of the principal amount of the Note plus \$2,500 expenses |
| BOK Financial Securities, Inc.          |                                                                |
| Financial Advisory Fee and Expenses     | 1.0% of the principal amount of the Note plus \$2,500 expenses |
| First United Bank and Trust Company,    |                                                                |
| Trustee Bank Acceptance Fee             | \$500.00                                                       |