

December 27, 2005

The regularly scheduled meeting of the Cleveland County Budget Board was called to order this 27th day of December, 2005, in the conference room of the Cleveland County Fairgrounds, 605 E. Robinson, Norman, Oklahoma, by Chairman George Skinner. Roll was called by Dorinda Harvey, County Clerk/Secretary and those present were:

George Skinner, Chairman
Dorinda Harvey, Secretary
F. DeWayne Beggs, Member
Saundra DeSelms, Member
Leroy Krohmer, Member

Vice-Chairman Denise Heavner, Members Bill Graves and Rhonda Hall, were absent.

Others present were: Christine Brannon, Mike McDanel, Jim Helm, and Donna Roberts.

After the reading of the minutes of the regular meeting of December 12, 2005, and there being no additions or corrections, F. DeWayne Beggs moved that the minutes be approved. Saundra DeSelms seconded the motion.

The vote was: George Skinner, yes; Dorinda Harvey, yes; F. DeWayne Beggs, yes; Saundra DeSelms, yes; Leroy Krohmer, yes.

Motion carried.

Leroy Krohmer moved, seconded by Dorinda Harvey, to approve the following Transfers of Appropriations:

- a. From General Government Maintenance & Operations, R2, \$15,586.00, to Sheriff's Board of Prisoners, B2B.

The vote was: George Skinner, yes; Dorinda Harvey, yes; F. DeWayne Beggs, yes; Saundra DeSelms, yes; Leroy Krohmer, yes.

Motion carried.

Chairman Skinner called for presentation from Mike McDanel or David Batton (Assistant District Attorney's) as to their decision on First Deputies voting for Elected Officials in their absence at an open meeting.

Mr. McDanel stated he didn't think this applied to Cleveland County's Open Meeting situation he thinks it came from a situation that happened in another county and in that county the appointed first deputy of the Commissioners' are not their road foremen. Mr. McDanel thinks there has probably been sometime when that County's Commissioners have been accusation of having these deputies who are in fact not road workers' or foremen but administrative assistance meet and talk about situations and some accusation probably have been made that some decision making is made there by these people. Clearly under the open meeting act if a meeting, a regular meeting, a properly called special meeting or emergency meeting with proper notice given and with a proper agenda posted, which sets forth the

business to be discussed and conducted by the Board (Commissioners) or by the Excise Board (Mr. McDanel stated later in the meeting that he meant to say the Budget Board) clear enough that the public can read and ascertain what the Board is going to be working on that day there is no violation of the open meetings act if one of the people who can act in the place of the elected official in their absence takes their place at that board meeting. Mr. McDanel has no question that those people can come and speak for the elected official at a Budget Board Meeting or at a Commissioners Meeting and vote and it would not be a violation of the open meetings act. If a commissioner's foreman had to be here because a commissioner was unavailable Mr. McDanel has no doubt that the foreman could speak for that commissioner on the Board of Commissioners. If two commissioners was out of commission that doesn't mean that county business is shut down there are people who could act in their behalf.

Leroy Krohmer asked if the Attorney General had been asked about an opinion.

Mr. McDanel stated if he asked for an A.G.'s Opinion he would be told to do his own opinion. Attorney General's do not give District Attorney's Opinions.

Saundra DeSelms, County Treasurer, asked Mr. McDanel if he was saying you can but you don't have to have someone here in your place.

Mr. McDanel stated you can leave your place vacant and he supposes you could direct your first deputy not to attend the meeting or if they attend not to vote, they are still your employee, but he is saying that if your first deputy attends the Budget Board Meeting in your place and is authorized by you to vote by law to act in your stead that is not an open meetings act problem.

Ms. DeSelms asked if they had to have a proxy?

Dorinda Harvey, County Clerk, stated there was a statute that says the first deputy is the acting official if the official is absent and Mr. McDanel agreed there was.

Leroy Krohmer asked if the commissioners had to have a proxy?

Mr. McDanel stated the commissioners didn't have to have a proxy, but they had to have a written appointment of one person (filed in the County Clerk's Office), it isn't automatically a road foreman, it is anyone the commissioner appoints.

Saundra DeSelms, County Treasurer, stated that her office would be open Saturday, December 31, 2005.

Chairman Skinner stated that a commissioner in Oklahoma County was trying to get home rule passed again. Chairman Skinner has a letter from Ken King at ACCO, stating that the commissioners are very much against it. Mr. King provided a sample letter that all officials could sign if they wanted to and it will be sent to representatives and senators.

Leroy Krohmer asked if this needed to be an agenda item?

Chairman Skinner asked if this could be done and ratified at the next Budget Board Meeting, instead of waiting two (2) weeks.

Mr. McDanel stated he thinks it could be passed around and signatures gotten.

Mr. Krohmer asked if this could be brought up at the next Budget Board Meeting and Mr. McDanel stated he didn't see a problem with that.

Chairman Skinner stated that Mike Hughes, OSU CLGT, was pushing home rule, also, and that Mr. Hughes had talked to senators and representatives. Chairman Skinner stated ACCO authorized Ken King to send OSU a letter saying that the Commissioners disagree (do not

want home rule) and they can either appoint someone else to take over local government technology or they will go to another university.

Saundra DeSelms told the Board about an ad hoc committee meeting she attended and Mike Hughes' boss was there and told the committee he would not fire Mr. Hughes and they would talk about moving the training over to the extension part of the university.

There being no further business to come before, Dorinda Harvey moved that the meeting be adjourned. Leroy Krohmer seconded the motion.

The vote was: George Skinner, yes; Dorinda Harvey, yes; F. DeWayne Beggs, yes; Saundra DeSelms, yes; Leroy Krohmer, yes.

Motion carried.