

June 19, 2006

The scheduled meeting of the Cleveland County Budget Board was called to order this 19th day of June, 2006, in the conference room of the Cleveland County Fairgrounds, 605 E. Robinson, Norman, Oklahoma, by Chairman Leroy Krohmer. Roll was called by Dorinda Harvey, County Clerk/Secretary and those present were:

Leroy Krohmer, Chairman
Saundra DeSelms, Vice-Chairman
Dorinda Harvey, Secretary
Bill Graves, Member
Rhonda Hall, Member
Denise Heavner, Member
George Skinner, Member
Eddie Thomason, (Undersheriff, voting for F. DeWayne Beggs, Sheriff.)

Member F. DeWayne Beggs, was absent.

Others present were: Christine Brannon, Neil Vickers, Tammy Howard, Sid Stell, John Murrell, Susan Moffat, Mike McDanel, Sherry Robertson, and Diana Hartley.

Chairman Krohmer called for discussion, consideration, and/or action on Appropriating Funds to house prisoners at the Pottawatomie County Public Safety Center.

Chairman Krohmer stated the Sheriff's Office wants the County to put up the fund at the Pottawatomie County Public Safety Center but nothing has been said about the funds that the Sheriff's Office collects for the prisoners, the amount the cities pay and asked who got that money the Sheriff's Office or does it come back to the County?

Undersheriff Thomason stated that money goes into the Sheriff's Service Fee Account and it is used for other things, personnel, the Sheriff's Office is going to have to have additional personnel. Undersheriff Thomason stated what a lot of people don't realize is that the Sheriff's Office has other responsibilities other than just holding prisoners in the jail and the Sheriff's Office has to depend on those funds to cover a lot of those things.

Saundra DeSelms asked if the Undersheriff was saying that the Sheriff's Office needs the money for the end of this fiscal year or the new year?

Undersheriff Thomason stated the Sheriff's Office has already taken care of this year. It will be for next year.

Chairman Krohmer stated this didn't seem quite right if the County pays for putting a prisoner at Pottawatomie County and the money that the Sheriff's Office collects from the cities wouldn't go back into the County General Fund.

Denise Heavner asked if this wasn't like a reimbursement for part of the cost and was told yes.

Chairman Krohmer stated you don't get a refund for the ones in jail in Pottawatomie County and asked if he was right that the Sheriff's Office keeps that money to run the jail on, what

the cities pay and was told yes. If it is not costing the Sheriff's Office anything to keep the prisoners at Pottawatomie County Chairman Krohmer stated that did not add up to him. Sandra DeSelms stated the budget is already set for July 1st and that has been voted upon it will be redone in August or September when the final figures are obtained, at that point is when she thinks this needs to be looked into.

Chairman Krohmer stated the contract with Pottawatomie County ends June 30th and in the past we have paid it up front. Mike McDanel has been working on it and Chairman Krohmer presumes it is the same and asked Mr. McDanel about it.

Mr. McDanel stated he hasn't discussed doing it any differently.

Chairman Krohmer stated Mr. McDanel said Pottawatomie County agreed maybe to take up to 30 prisoners guarantee if that is what Cleveland County needed. Chairman Krohmer said that in the Commissioners Meeting this morning that Board approved an agreement with Grady County for \$33.00 per prisoner but that is as space is available. Pottawatomie County is cheaper and it is \$28.00. The Agreement with Grady County was done just in case Pottawatomie County couldn't take additional prisoners.

Denise Heavner, County Assessor, still didn't understand why the contract wouldn't be paid like normal from the Sheriff's budget and then deal with this when the Budget Board get down to the final budget and asked why it was different this year?

Undersheriff Thomason stated it was his understanding that the housing or making a facility available for housing of prisoners is the responsibility of the County Commissioners.

Chairman Krohmer stated or the Budget Board since Cleveland County is a Budget Board County.

George Skinner said he believes the monies the cities pay to the Sheriff's Department should come back to the County General Fund if the County pays this, if not then the prisoners can come back from Pottawatomie County and quit accepting city prisoners. Mr. Skinner stated the Sheriff's Department is asking for an \$800,000.00 increase in his budget plus the County paying the \$200,000.00 to keep the prisoners in Pottawatomie County and that is a million dollar increase and the County doesn't have it.

Undersheriff Thomason said if the Sheriff's Office had sufficient space to hold the inmates....

Mr. Skinner stated the Commissioners are working on that, they have a meeting with the architect in the morning and you just can't build a jail overnight. The Commissioners can't find a place to put a jail, as no one wants it.

Sandra DeSelms inquired again about the Sheriff getting reimbursed for the city prisoners that go over to Pottawatomie County and the Sheriff's Office has been paying that contract fee out of that money they get reimbursed.

Sherry Robertson, Fiscal Manager for the Sheriff's Office, stated the Sheriff's Office bills the cities and then that money goes into the Sheriff's Revolving Account, but it is not a reimbursement the cities are just billed for prisoners each month that the Sheriff houses.

Ms. Heavner stated but the cities don't give the Sheriff's Office money unless the Sheriff houses prisoners and she was told that was right.

Dorinda Harvey, County Clerk, inquired about the amount that was charged to the cities and was told \$35.00 per day and Pottawatomie County was only charging \$28.00 so the Sheriff's Office is making \$7.00.

Rhonda Hall, Court Clerk, asked how many municipal prisoners the Sheriff's Office had and Ms. Robertson didn't know.

Undersheriff Thomason said they tried to put a number on it (city prisoners) where they could guarantee 15 to 20 beds and they did an average of the inmates they were holding for the municipalities and it was below that. So it is not going to average 20 to 30 per day. Pottawatomie County is guaranteed 20 prisoners per day.

Undersheriff Thomason explained to the Board how the Sheriff's Office in Oklahoma County did a contract with the Cities to guarantee beds whether those beds were occupied or not and that is what he tried to do here but the figures didn't come out. Undersheriff Thomason said unless there is an increase in city prisoners it is not going to offset the cost in Pottawatomie County.

Ms. DeSelms asked if money was received for State prisoners and Undersheriff Thomason stated he didn't think they were holding any. Then asked about Federal prisoners and was told they didn't have any now but they have in the past.

Chairman Krohmer asked if the Lexington Prison Systems pays the Sheriff's Office so much a month for prisoners that are kept here.

Sherry Robertson replied yes.

Undersheriff Thomason stated with the new law that was passed that is probably going to help a little bit, because the Sheriff's Office can start charging now from the day they are sentenced.

Dorinda Harvey, County Clerk, stated the County gives the jail an average of fourteen to fifteen thousand dollars a month to house county prisoners.

Sherry Robertson stated that was for food.

Ms. Harvey, continued saying if the jail is housing county prisoners why can't that money be used to house them at Pottawatomie County and not reimburse the Sheriff's Office. The Sheriff's Office won't be housing them if they are not here, you won't be feeding them. Ms. Harvey asked Mr. McDanel if that could be done?

Mr. McDanel stated he didn't understand the question.

Ms. Harvey stated the county transfers from the general fund to the Sheriff's Board of Prisoners an average of fourteen to fifteen thousand dollars a month to house county prisoners (figures given by the Sheriff's Office, a headcount) and if the County pays Pottawatomie County out of the general fund could that money be used to pay Pottawatomie County instead of transferring it to the Sheriff's Office and Ms. Robertson said they used the money for food, and Ms. Harvey replied if it is being used to feed the prisoners and if its county prisoners they are being sent to Pottawatomie County then the jail would not have to feed them.

Mr. McDanel stated he guessed the answer to the question is what figures are being used, are we figuring feet on the ground in Cleveland County or are we including the 20 prisoners in Pottawatomie County when we're reimbursed. Mr. McDanel stated he guessed the question is should the county be paying the Sheriff for people who are housed in Pottawatomie County and he assumes (off the top of his head) that we are paying Pottawatomie County \$28.00 a day a prisoner so there food cost should be coming out of what we are paying Pottawatomie County.

Ms. Harvey asked if the prisoners in Pottawatomie County were on the list the Sheriff's Office sends to the County.

Ms. Robertson did know and stated that Cathy Suttle compiles that list.

Chairman Krohmer stated he thinks it does because the Sheriff's records show how many prisoners they are in charge of even if they are somewhere else.

It was asked if the 25 county prisoners are included on the fourteen thousand that is used to feed inmates and the answer was they are not, they are not fed if they are not here and that was actual food cost.

Ms. Harvey stated she was not talking about food, she is talking about the list the county gets every month from the Sheriff's Office as far as a head count of people who are housed in the jail for the county. Of those prisoners are those 20 that are in Pottawatomie County getting included in list that the county reimburses from.

Mr. Stell stated there should be two numbers on the list one includes them and one doesn't.

Chairman Krohmer stated he has a copy and it seems there are two different prices something about the statutes.

Ms. Harvey continued saying she feels like if the County is to pay for this (the housing of prisoners in Pottawatomie) then the County shouldn't have to reimbursement the Sheriff's Office for prisoners that are not here and if the County is going to pay for this the amount ought to come out of eight hundred and something thousand that the Sheriff wants in his budget.

Saundra DeSelms stated the Officials don't even know if the Sheriff is going to get that amount since we don't know what the figures are yet and we don't know what anyone is going to get. Ms. DeSelms added she doesn't know how the Board can make a logical decision without knowing what the final figures are going to be.

Ms. Harvey asked Neal Vickers if the county had a list of the prisoners that are in Pottawatomie County.

Mr. Vickers stated that changes because they do have to bring them back for court dates, but said that the Sheriff's Office has that.

Ms. Harvey wanted to know if there was a way a copy could be obtained to make sure those people aren't included in the list that the County is getting.

Saundra DeSelms asked if they were county people or city people.

Mr. Vickers stated they are all county prisoners because they are held for longer periods of time and economically for transport purposes the Sheriff's Office put those longer-term prisoner in Pottawatomie County.

Mr. Stell agreed with Mr. Vickers and added that every week they have to be changed out because some people have to come back for court and some bond out.

Ms. Harvey stated the Sheriff's Office needed to be commended for doing that.

Mr. Stell said again as far as separating them out there should be two numbers on the list as far as names because the names change every week. Mr. Stell could tell the Board the names of the people there today and we could compare it with the list of names that is for here.

Ms. DeSelms asked if a list is kept everyday of the number of county or city prisoners and was told yes and wondered if we could go by those figures.

Chairman Krohmer stated to clear up the Pottawatomie deal we guaranteed Pottawatomie County that we would have 20 prisoners even if we only had 10 but he imagines we have had 20 all along and since we guaranteed 20 that is what we have to pay.

Mr. Vickers stated the Sheriff's Office keeps a running total of how many city prisoners are brought in, because the Sheriff's Office bills the cities on a monthly basis.

Denise Heavner said this may be valid but she just doesn't see how the Board can do anything until it get the final budget figures.

Dorinda Harvey stated something has to be done prior to July 1st.

Saundra DeSelms stated the Sheriff needs to pay it and then the Board will figure it out when the Board does the final budget.

Dorinda Harvey asked Undersheriff Thomason if this hasn't been paid quarterly and he replied it had.

Ms. DeSelms stated so the Sheriff would only be out one quarter and Ms. Heavner asked the Undersheriff if that could be done because by the time the next quarter becomes due we would have our budget?

Bill Graves asked if the Sheriff's Office has 20 prisoners in Pottawatomie County is the Sheriff collecting a daily pay from some city for them?

Undersheriff Thomason stated not necessarily.

George Skinner stated not for them but for others.

Undersheriff Thomason stated the only ones collected from are the municipal prisoners right now and that varies.

Bill Graves stated that if he pays for the Pottawatomie County arrangement then if money is collected because those prisoners are over there and because he paid it he should get that money. He thinks that is what this boils down to.

Undersheriff Thomason replied but what if you don't have enough money.

Mr. Graves stated that if the Sheriff pays it then he get the money back, but if the County pays it, and the Sheriff gets the money back and that is not right. The way it should happen is whomever pays it is the one who get the money if there is money paid back.

Undersheriff Thomason was asked if a person is picked up out of the city limits does that person pay jail time? A county prisoner not a city prisoner is he charged jail time?

Rhonda Hall stated he could be. The Judge can assess incarceration fees, just because the Judge assesses incarceration fees does not mean we will get the money.

The Undersheriff said you have to get the Judge to order it and how do you collect it?

Chairman Krohmer wanted to know how often that happened?

Mike McDanel, Assistant District Attorney, stated that his observation is that routinely the Judges assess some part of it not all of it. Most of the people are indigent and often the fees are waived or there is some smaller figure. It is Mr. McDanel's understanding that those are just tacked along with the court costs and he assumes are collected about the same rate as court costs and he knows that the Judges are pretty strict in trying to get those people back in to try to collect those.

Dorinda Harvey, asked Ms. Hall, Court Clerk, if she would then give the money back to the Sheriff's Office through one of the cash accounts.

Mr. Vickers asked if there was any annual figure on that?

Ms. Hall stated she would have to look, we have done that before and she thinks there are a couple of accounts in the same code that she can use, but she would have to check. She just upgraded her system and there maybe a way now to figure what has actually been paid, in the past she could only get what was assessed.

Dorinda Harvey said with what she is hearing and it is only her opinion is that the Sheriff should probably pay the first quarter until the budget is finalized and then if he doesn't and the County pays it, then the money that the Sheriff's Office gets from the cities and towns should come to the County instead of the Sheriff.

Bill Graves and George Skinner stated that was right absolutely.

Chairman Krohmer stated what this meeting was about is to get Pottawatomie County taken care of this week and have a place for prisoners, the County can't afford to get caught and no place to go with them.

Denise Heavner stated if we do the quarterly thing that would give us some time to figure out what the final budget is going to be.

Chairman Krohmer stated before we paid in advance and Mr. McDanel can work on this and see if there is anything different.

Chairman Krohmer asked what was the pleasure of the Board and Ms. Hall stated we have already set the budget starting July 1st to go back to what we originally had and she doesn't think we can do anything until we get the final figures and then calculate the budget at that point.

Ms. DeSelms thinks the Sheriff should pay until and Ms. Heavner finished her sentence by saying pay a quarter and that Ms. Harvey has basically said that.

Ms. Harvey stated she didn't mind making that in the form of a motion.

Undersheriff Thomason asked about transferring the funds from the city prisoners to Commissioners account and let them take over.

Dorinda Harvey stated the money comes in as a cash fund and you can't transfer between a cash fund and the general fund.

Chairman Krohmer stated that road funds can't be mixed with general fund either.

Ms. Harvey stated a check can be written from the cash fund and it can be deposited into the general fund. Then the money would have to be appropriated.

Dorinda Harvey moved to make the agreement with Pottawatomie County and have Mike McDanel, Assistant District Attorney, do whatever he needs to do, the Sheriff's Office to pay the first quarter, since the budget has been set, until we get the budgets finalized, if the Sheriff's Office does not pay the first quarter then the County pay it, but then the County gets all the money from the cities and towns for the housing of prisoners to be put into the general fund and the county money into the general fund. In other words the cities, towns and county would pay the county itself or just not transfer the money to the Sheriff's Office if the Sheriff doesn't want to pay for the first quarter until this is worked out and the budgets are finalized. Sandra DeSelms thinks it would be easier for the Sheriff to pay it and then the Board look at it when the budget comes along rather than to figure out how to pay it any other way.

Ms. Harvey stated it is up to the Sheriff's Office if they want to pay it or not. The motion can be made that way but the Board has to have an alternative if the Sheriff's Office doesn't want to pay it.

Chairman Krohmer said the Sheriff's Office probably doesn't have this in their budget, but he doesn't know about their cash funds.

Ms. DeSelms stated we are starting a brand new budget.

Chairman Krohmer stated he is speaking about right now and the Board needs to see what Mr. McDanel can get worked out with Pottawatomie County if we are going to have to ask for 30 or just 20 prisoners.

Mr. McDanel stated that was just a statement that was made by Mr. Rod Bottoms, Administrator of the Pottawatomie County Public Safety Center if we wanted more beds. Right now the Commissioners have a contract in place for 20 prisoners and if the County wants to do that again and enter into the same contract for another year that is fine under the same conditions. If the Commissioners want it to go to 30 prisoners Pottawatomie County said they could do that. Mr. McDanel stated that was not his decision to make.

Chairman Krohmer stated that Grady County cost more but we don't have to guarantee them anything, but that is as space is available and Grady County is full right now.

Mr. McDanel said the better decision is to have a certainty of the 20 places for prisoners, although the Commissioners might be able to talk to Pottawatomie County and see if extra prisoners could be sent.

Ms. Harvey stated if the Sheriff refuses to pay or doesn't want to pay and the county sends prisoners to Pottawatomie County whether they are city prisoners or county prisoners, whatever, the county still gets the money, so if the all the city prisoners are kept here and they don't get sent to Pottawatomie County then the Sheriff's Office still get the money and that isn't fair either.

Mr. McDanel suggested that the Board concentrate on what is important right now and that is doing a contract with Pottawatomie County for 20 prisoners. If the Sheriff will pay that's fine if that is a problem right now for the Sheriff we have to pay it and take it back up at a later time, but not necessarily resolve that contingency today.

Chairman Krohmer stated the County doesn't have the funds.

Ms. Harvey told Mr. McDanel the only way the County could pay this today, because there is no money in any of the funds, would be out of the Capital Improvement Fund.

Mr. McDanel stated the contract would be effective July 1st so he would think that the County would have another ten days to stew about it and talk with Mr. Bottoms.

Ms. Harvey explained to Mr. McDanel that last year we had to pay it prior to July 1st.

Mr. McDanel stated Pottawatomie County has had a year of good experience now and several Board Members stated they might take a Purchase Order.

George Skinner asked Undersheriff Thomason if the Sheriff's Office could make the payment for the first quarter.

Undersheriff Thomason said can we, yes we probably could but the Sheriff's Office has other things that need to be addressed as well. The Sheriff's Office is short on personnel, (detention personnel) the Commissioners saw the mandate from the Commissioner (State) and the Sheriff's Office has to deal with that and yes the Sheriff's Office could make it but they have other things they needs to

George Skinner wanted to know how long the Sheriff's Office has been short 10 jailers?

Sid Stell stated just the past 2 months.

Chairman Krohmer stated he thought Mr. Stell said a while back they had been short since August.

Mr. Stell stated they have been 5 people short since August, but not 10.

Chairman Krohmer stated then there ought to be....after those 5 that you aren't paying.

Undersheriff Thomason stated they have been recruiting people, they have had people in, they have people leaving because of the situation up there and they are having difficulty recruiting people because of the situations up there.

Rhonda Hall wanted to know the situations up where.

Ms. DeSelms thinks what Chairman Krohmer is saying is you are not paying those people right now and they were apparently in the budget because you were paying them before, where is that money that you were paying them with.

Ms. Heavner stated it should still be there.

Mr. Stell asked Sherry Robertson, Fiscal Manager for the Sheriff Office, if that was the money going to pay leave and Ms. Robertson replied no.

Ms. Robertson said she didn't understand Ms. DeSelms question.

Rhonda Hall said what she is saying is you have a hundred thousand dollars for 30 employees and you are only paying 25 employees you still have the money that you would of paid 5 employees if you didn't hire anyone to take their place, so you still have their payroll in your budget.

Ms. Robertson stated that in the budget they have never quite had enough every year if the Sheriff's Office was full staff. They have always been lucky with the money they have had budgeted to cover what they have because they never seem to be full staff. Ms. Robertson stated the cash accounts they have been using to pay people for accrued time to keep from having to use the Sheriff's general fund money. That is what has been done all this last year. There wasn't enough money in the Sheriff's general fund money to people for their accrued time.

Ms. Heavner asked about the Sheriff's cash accounts and Ms. Robertson stated they do use their cash accounts to take care of some of the jail expenses that there is not enough money in the Sheriff's general fund for.

Ms. Heavner wanted to know if payroll could be taken out of the Sheriff's cash accounts and Ms. Robertson replied yes if she appropriated it in there.

Ms. Robertson stated she had an account for that, the biggest majority of the account always goes into maintenance and operations. She would have to transfer it.

Ms. DeSelms stated Ms. Robertson could have her office do it when the money is appropriated.

Ms. Robertson stated she can do that she just tries to keep it in maintenance and operations most of the time and transfers it when needed.

Chairman Krohmer asked Mike McDanel if he could make a meeting tomorrow at 9:00 A.M. at the architects to talk to Rod Bottoms and discuss what the Board has talked about.

Mr. McDanel thinks all he needs to discuss with Mr. Bottoms is to tell him to go ahead and execute the contract, change the dates and send it to us for our approval and that it is our intent to enter into the same contract for the next fiscal year and ask him if he is going to shoot us if we pay the first installment a few days late because of our own budgetary situation.

Dorinda Harvey told Mr. McDanel that the first payment would not be able to be made until July 10th.

Mr. McDanel stated he would call Mr. Bottoms this afternoon.

Chairman Krohmer stated and see if we might add 10 to the contract if needed or as needed.

Mr. McDanel said we could probably do that at any point and time during the year if we wanted to increase that number to 30, assuming Pottawatomie County was still able to do it. George Skinner stated that the Undersheriff said they could pay it for the first quarter.

Dorinda Harvey withdrew her motion.

George Skinner moved, seconded by Dorinda Harvey, that Cleveland County go ahead and contract with Pottawatomie County and if they want the payment up front for the first quarter the Sheriff's Department will make it then it will be looked at at budget time. The Budget Board will look at it at budget time.

The vote was: Leroy Krohmer, yes; Sandra DeSelms, yes; Dorinda Harvey, yes; Bill Graves, yes; Rhonda Hall, yes; Denise Heavner, yes; George Skinner, yes; Eddie Thomason, no.

Motion carried.

Ms. DeSelms asked if the Commissioners had heard anything on the building renovations and Chairman Krohmer stated they were meeting with them at 1:00 P.M. today, and they don't know a date to move in as the contractor still is a long way from being finished.

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

The vote was: Leroy Krohmer, yes; Sandra DeSelms, yes; Dorinda Harvey, yes; Bill Graves, yes; Rhonda Hall, yes; Denise Heavner, yes; George Skinner, yes; Eddie Thomason, yes.

Motion carried.