

BOARD OF COUNTY COMMISSIONER'S Minutes

May 13, 2013

Jim Lawrence, representing Calvary Church led prayer and the Pledge of Allegiance.

The regularly scheduled meeting of the Board of County Commissioners was called to order at 1:00 p.m. this 13th day of May, 2013, in the meeting Room 200 of the Cleveland County Office Building by Chairman Rod Cleveland. Tammy Belinson, County Clerk/Secretary, called roll and those present were:

Rod Cleveland, Chairman
Rusty Sullivan, Vice Chairman
Darry Stacy, Member
Tammy Belinson, Secretary

Others present were: Jim Robertson, Assistant District Attorney, Jim Williams, Melinda Duke, Keri Lyles, Denise Ellison, Rhett Burnett, Valerie Mattheus, Gayla Sukenis, Jacob McHughes, George Mauldin, Joy Hampton, Linda Atkins, Peggy Laizure, Pud Wood, Richard Murnan, Daryl Covey, Buzz McDonald and Susan Moffat.

After the reading of the minutes of the meeting of May 6, 2013, and there being no additions or corrections, Darry Stacy moved, seconded by Rusty Sullivan, that the minutes be approved. The vote was: Darry Stacy, yes; Rod Cleveland, yes; Rusty Sullivan, yes.
Motion carried.

Bid Openings:

1. Upon the recommendation of Purchasing Agent Melinda Duke, Rod Cleveland moved, seconded by Rusty Sullivan, that the bids for Bid #COM3-1605 – Cleveland County District #3 Commissioner has a 2012, 140M2 Motor grader for Sale by Sealed Bid or trade for a 2011, or newer Gradall, be accepted and that the awarding and/or rejecting of the bids be tabled until a later date.

The vote was: Rod Cleveland, yes; Rusty Sullivan, yes; Darry Stacy, yes.
Motion carried.

2. Upon the recommendation of Assistant Purchasing Agent Keri Lyles, Rod Cleveland moved, second by Rusty Sullivan, that the bids for Bid #HWY-1606 – Four-Month (4) Non-Encumbered Contract to provide Materials and Installation of asphaltic concrete Base and Surface Coarse (Hot Mix/Hot Laid Asphalt) be accepted and that the awarding and/or rejecting of the bids be tabled until a later date. The bid term will be from June 10, 2013 through October 9, 2013.
 The vote was: Rusty Sullivan, yes; Darry Stacy, yes; Rod Cleveland, yes.
 Motion carried.

CLEVELAND COUNTY BID SUMMARY					
List of Individual Bidders					
	Haskell Lemon Construction Co.	Markwell Paving	Silver Star Construction Co., Inc.	T. J. Campbell Construction Co.	<i>Page 1</i>
BID: #HWY-1606					
DEPT: Co. Commissioners					
DATE OPENED: 5-13-13					
	1	2	3	4	
List of Individual Items					
ZONE 1:					
TYPE A:	\$56.90	\$70.50	\$54.27	\$53.40	
TYPE B:	\$59.90	\$77.40	\$58.35	\$58.40	
TYPE C:	\$59.90	\$79.66	\$62.00	\$60.40	
ZONE 2:					
TYPE A:	\$56.95	\$70.50	\$52.94	\$52.98	
TYPE B:	\$60.50	\$77.40	\$57.03	\$57.98	
TYPE C:	\$60.50	\$79.66	\$60.66	\$59.98	
ZONE 3:					
TYPE A:	\$56.55	\$70.50	\$53.31	\$52.59	
TYPE B:	\$60.30	\$77.40	\$57.40	\$57.59	
TYPE C:	\$60.30	\$79.66	\$61.04	\$59.59	
ZONE 4:					
TYPE A:	\$57.30	\$70.50	\$54.63	\$53.40	
TYPE B:	\$60.90	\$77.40	\$58.71	\$58.40	
TYPE C:	\$60.90	\$79.66	\$62.35	\$60.40	
ZONE 5:					
TYPE A:	\$57.75	\$70.50	\$55.75	\$54.10	
TYPE B:	\$61.75	\$77.40	\$59.85	\$59.10	
TYPE C:	\$61.75	\$79.66	\$63.49	\$61.10	
ZONE 6:					
TYPE A:	\$57.50	\$70.50	\$56.66	\$55.12	
TYPE B:	\$60.50	\$77.40	\$60.74	\$60.12	
TYPE C:	\$60.50	\$79.66	\$64.38	\$62.12	
ZONE 7:					
TYPE A:	\$57.30	\$70.50	\$55.56	\$54.61	
TYPE B:	\$60.30	\$77.40	\$59.64	\$59.61	
TYPE C:	\$60.30	\$79.66	\$63.28	\$61.61	
ZONE 8:					
TYPE A:	\$56.70	\$70.50	\$54.45	\$53.54	
TYPE B:	\$59.70	\$77.40	\$58.53	\$58.54	
TYPE C:	\$59.70	\$79.66	\$62.17	\$60.54	
ZONE 9:					
TYPE A:	\$56.90	\$70.50	\$53.69	\$53.68	
TYPE B:	\$59.90	\$77.40	\$57.78	\$58.68	
TYPE C:	\$59.90	\$79.66	\$61.42	\$60.68	
ZONE 10:					
TYPE A:	\$56.50	\$70.50	\$55.39	\$54.44	
TYPE B:	\$59.50	\$77.40	\$59.48	\$59.44	
TYPE C:	\$59.50	\$79.66	\$63.11	\$61.44	

- Upon the recommendation of Assistant Purchasing Agent Keri Lyles, Rod Cleveland moved, seconded by Darry Stacy, that the bids for Cleveland County Bid #HWY-1607 – Non-Encumbered contract for Road Oils, Emulsions and Sealants for the County Commissioners be accepted and that the awarding and/or rejecting of the bids be tabled until a later date. The bid term will be from June 7, 2013 through September 6, 2013. The vote was: Darry Stacy, yes; Rod Cleveland, yes; Rusty Sullivan, yes. Motion carried.

CLEVELAND COUNTY BID SUMMARY						
List of Individual Bidders						
	Coffeyville Resources	Asphalt & Fuel Supply	Paving Materials Inc.	Vance Bros.	Ergon Asphalt & Emulsions, Inc.	Lance Fischer Wright Asphalt Products Co.
BID: #HWY-1607	1	2	3	4	5	6
DEPT: Commissioner's						AWARDED TO:
DATE OPENED: 5-13-13						TABLED: 5-B-13
Non-encumbered Contract for Road Oils, Emulsions and Sealants for the County Commissioners	NO BID					
The bid term will be from June 7, 2013 through September 6, 2013.						
Contact Person:	Jeremy Alexander	Clint Hart	John Kling	Johnny Roe	Lane Fischer	
Title:	Sales	Plant Manager	Plant Manager	Area Sales Manager	Acct. Manager	
Address:	4200 E. Skelly Dr., Suite # 600 Tulsa, OK 74135	200 Industrial Blvd. Moore, OK 73160	9306 E. 11th St. S. Ste. A Tulsa, OK 74112	9301 S.W. Koch St. Lawton, OK 73505	730 S. Hazelnut, Sprfld. MO 65802	
Telephone Number:	918-488-1339	405-793-1725	405-426-1389	405-595-9073	417-343-7848	
Fax Number:	918-523-7089	405-793-9989	405-427-8446	580-536-0684	NA	
Cell Number:	918-808-6443	405-317-2607	405-620-3809	405-595-9073	417-343-7848	
NON-COLLISION AFFIDAVIT:		YES	YES	YES	YES	YES

Old Business:

1. Upon the recommendation of Assistant Purchasing Agent Keri Lyles, Rod Cleveland moved, seconded by Rusty Sullivan, that Bid #HWY-1604 – Non-Encumbered Contract for Bulk Oils, Lubricants & Antifreeze for the County Commissioners be awarded as per bid summary and where low bid is not awarded there is an explanation. The bid term will be from May 22, 2013 through September 21, 2013.
The vote was: Rod Cleveland, yes; Rusty Sullivan, yes; Darry Stacy, yes.
Motion carried.

CLEVELAND COUNTY BID SUMMARY						
List of Individual Bidders						
	Fentress Oil Co. Inc.	Hooten Oil Co., Inc.	Jim Johnson Oil Co.	Penley Oil Company	Clark Oil Distributors, Inc.	
BID: #HWY-1604						
DEPT: Commissioner's						
DATE OPENED: 4-29-13						
	1	2	3	4	5	
Non-Encumbered						Awarded To:
Contract for Bulk Oils, Lubricants & Antifreeze for the County Commissioners.						Tabled 04-29-13 Tabled 05-06-13 Awarded 5-13-13 vendors
The bid term will be from May 22, 2013 thru September 21, 2013						
Contact Person:	Brett Johnson	Randy Ritter	John Andrade	Curtis Harris	Donna (or) Jack	
Title:	Sales	Inside Sales	Sales Manager	Acct. Manager	_____	
Address:	901 NW 71 Pl. Oklahoma City, OK 73116	12583 S. Hwy 99 Seminole, OK 74868	PO Box 66 El Reno, OK 73036	2627 W. Reno OKC, OK 73107	P. O. Box 970 Sapulpa, OK 74067	
Telephone Number:	405-843-1833	800-256-4590	405-262-1966	405-235-7553	918-224-3070	
Fax Number:	405-842-8086	405-382-5232	405-262-6368	405-235-7570	918-224-5633	
NON-COLLUSION AFFIDAVIT:	YES	YES	YES	YES	YES	

Items of Business:

1. Following a brief discussion of the Presentation of Retirement Plan Enhancement that was previously presented to the Budget Board on April 8, 2013, Rusty Sullivan moved, seconded by Darry Stacy, that the Deferred Compensation Plan Enhancement Offer for a supplemental Retirement Plan be approved.
The vote was: Rusty Sullivan, yes; Darry Stacy, yes; Rod Cleveland, yes.
Motion carried.

2. Chairman Daryl Covey and Vice-Chairman Richard Murnan of the Cleveland County Rural Water District appeared before the Board to update the Board as to the progress being made. They are working with the Rural Water District Attorneys, Terry Hawkins and Cheryl Clayton and are close to completion with that, but added there are still some remaining issues. Cheryl Clayton is working with the Department of Corrections, which is one of the key players with this project.
Rusty Sullivan asked, “Did we ever establish that it is the Department of Corrections who has the water rights or is it the Department of, what was it, Jim?”
Chairman Cleveland said, “It is Capital Assets.”
Jim Robertson asked, “Department of Commerce?”
Rusty Sullivan asked, “The Department of Commerce, who can assign those water rights?”
Daryl Covey said Capital Assets hold the title which includes the water rights and they are in the process of transferring that to Department of Corrections so they can negotiate a contract with the Rural Water District.
Rusty Sullivan said, “So today, as we are sitting here today, we don’t have a contract for the water rights from them?”
Richard Murnan said, “We do not.”
Rusty Sullivan asked, “Do we have a piece of paper that says that we can have the water if we put this in? Is there something signed that says we have that?”
Daryl Covey said, “Well, that also involves the Water Resources Board, those parties can’t unilaterally do that.”
Rusty Sullivan asked Mr. Robertson to direct his question again to Mr. Covey, in order to gain additional clarification.
Responding to a question asked by Jim Robertson, Assistant District Attorney, regarding the legal rights to the water, Daryl Covey said that they don’t have legal rights to the water at this time and is not sure when Capital Assets will transfer the water rights to the Department of Corrections.
Mr. Robertson said that they have been working on this thing for seven years.
Daryl Covey corrected Mr. Robertson by saying it has been twelve years.
Mr. Robertson said that he keeps hearing that this is the last extension on this item and wants to know if this is going to be resolved before the deadline, since there is not a contract in place at this time. He asked if they should continue pressing forward, in light of the fact that something might fall through in obtaining those water rights, and added that there has been a lot of time and expense spent on this project already.
Daryl Covey said that they have been told by USDA to press forward because the money has been set aside for this fiscal year which ends September 30, 2013. He added that the

money will be lost if they don't press forward. His recommendation was to not gamble on that happening, since they have spent twelve years on this effort.

Mr. Robertson reiterated that here it is in the twelfth year and there is still no contract in place.

Mr. Covey said that they did have a tentative purchase agreement that was signed by the Department of Corrections. However, since that time Capital Assets has received title and they must transfer that back and that happening is like a salmon swimming back upstream. In his opinion though, they are making progress.

Mr. Robertson asked what will happen at the end of September and there is still no contract for the water rights.

Mr. Covey said that they will go with hat in hand and ask for another extension from USDA. He said that they have been very long suffering and added that there has been no control over many of the delays they have had.

Chairman Rod Cleveland said that he has a meeting set up to meet with Mr. Estes and Mr. Doerflinger at Capital Assets in hopes to help expedite matters. He said that word is they are not even close to transferring this to the Department of Corrections. Mr. Cleveland said that he is just trying to get to the bottom of this as well. Also, he asked Mr. Covey to tell him in what way USDA is handling the mortgage portion of the situation.

Mr. Covey said they will have a forty year mortgage on the system and will have full rights to take over the system if it goes bankrupt.

Mr. Cleveland asked if that is for the whole system and not just for the land.

Mr. Covey said that the only actual real property involved, specifically, is the locations of the wells on the prison property. Thus far, USDA is in full agreement with everything and they have it in writing regarding that.

Mr. Cleveland said, "That is what I wanted to clear up."

Mr. Covey said, "Going back to your earlier question, there is a preliminary purchase agreement signed between us and Corrections. There is actually something on paper."

Mr. Cleveland said, "I know that, but from what I understand, they are not recognizing that."

Mr. Covey said, "I can't answer that. We had other people working on that."

Rusty Sullivan said, "But, Corrections does not own the water rights at this point, is that right?"

Mr. Robertson said, "That is what I hear."

Mr. Covey said that they are being told that Capital Assets is in the process of transferring property rights to the Department of Corrections which includes the water rights.

Rusty Sullivan asked, "Who is saying that? May I have the person's name of who to contact?"

Mr. Covey said, "No."

Rusty Sullivan asked, "Do you know who you are talking to?"

Mr. Covey said, "I know absolutely who I am talking to."

Rusty Sullivan asked, "How can we contact that person? That is what I am asking."

Mr. Covey said that he preferred not giving him that information in a public meeting and added that they have people working on this.

Chairman Cleveland said, "I am going to meet with them tomorrow, so I would like to have that."

Rusty Sullivan asked if it was with the USDA.

Mr. Covey said, “No, at the State level.”

Rusty Sullivan said, “Okay, State Assets, you don’t want to tell us who at State Assets you are talking to so we can visit with them?”

Mr. Covey said, “You have all the names already, I believe. I think one of you said earlier that you have talked to the people at Capital Assets or were about to, those are the people that we are working with.”

Chairman Cleveland said, “I am just trying to help you guys out and everything and see if I can get the same kind of answer.”

Mr. Covey said, “And we truly appreciate that.”

Mr. Murnan said when they went into the water purchase proposal two years ago, it is non-binding, but they worked with prison systems, Justin Jones and Company and Ed Evans, who is their operation’s manager. He said they worked with them for over a year to come up with some type of proposal that would be agreeable and got it signed and from there moved on to the USDA . At that point, it was postponed for about a year because of more changes that they had internally and then the project got held down in Alabama for a while. Eventually, it was pitched up to headquarters where it was approved. In the meantime, Capital Assets came in as a third party, which they were not aware of until last December. So, this third party came in after working with the Department of Corrections. If they are successful in getting the title moved back to the Department of Corrections, it will all be worked out, because they still have the same people involved.

Chairman Cleveland said, “Unfortunately, I don’t think that will happen because that was the move that the State Legislature was doing by Jay Nelson, was to move all land and title into one entity, which they created that. I do know that maybe earlier in session, we may be able to do legislative work to facilitate this, but you all are speaking to John Sparks and trying to do this. As I said, I am just going to meet with him to find out where it is at, and what kind of options we have and make sure that you guys are getting the same story that we are. Because from what I understand, at the Department of Corrections, I think they extended the agreement out and we all thought that was fine, but they didn’t have the right or the authority and they got it pulled out from under them and then you weren’t able to get that agreement. So, we are just trying to get this straightened out. On that first part, once we can get some kind of answer or commitment, maybe it would take the next legislative session, would that be something that you think you could take to USDA?”

Mr. Murnan said that they are at the point that they must have the contracts and once that is complete everything else will fall into place like a row of dominoes.

3. Rusty Sullivan moved, seconded by Darry Stacy, that the Renewal of maintenance agreement between the Cleveland County Assessor and ESRI, Environmental Systems Research Institute at \$10,400.00 per year be approved. The contract period is July 1, 2013 to June 30, 2014.

The vote was: Darry Stacy, yes; Rod Cleveland, yes; Rusty Sullivan, yes.

Motion carried.

4. Darry Stacy moved, seconded by Rusty Sullivan, that the Renewal of maintenance agreement between the Cleveland County Assessor and Syncsort for computer data backup at a remote site for the period from June 30, 2013 through June 30, 2014 in the amount of \$2,616.00 be approved.
The vote was: Rod Cleveland, yes; Rusty Sullivan, yes; Darry Stacy, yes.
Motion carried.
5. Rusty Sullivan moved, seconded Darry Stacy, that the Renewal of maintenance and support services agreement between the Cleveland County Assessor and Total Assessment Solutions Corp. on oil and gas maintenance at \$20,000.00 for July 1, 2013 through June 30, 2014 be approved.
The vote was: Rusty Sullivan, yes; Darry Stacy, yes; Rod Cleveland, yes.
Motion carried.
6. Darry Stacy moved, seconded by Rusty Sullivan, that the Notice appointing Joseph Lester and Rhett Burnett as Requesting Officers for access to all Sheriff's Office Accounts currently listed with the addition of account CFBRE2-300 be approved.
The vote was: Darry Stacy, yes; Rod Cleveland, yes; Rusty Sullivan, yes.
Motion carried.
7. Rusty Sullivan moved, seconded by Darry Stacy, that the Notice appointing Valerie Matheus and Gayla Sukenis as Receiving Officers for access to all Sheriff's Office Accounts currently listed with the addition of account CFBRE2-300 be approved.
The vote was: Rod Cleveland, yes; Rusty Sullivan, yes; Darry Stacy, yes.
Motion carried.
8. Darry Stacy moved, seconded by Rusty Sullivan, that the Resolution to dispose of Unit #D301-165 2007 Chevrolet 4x4 pick-up for Cleveland County District #2 be approved. This unit was stolen in November 2012.
The vote was: Rusty Sullivan, yes; Darry Stacy, yes; Rod Cleveland, yes.
Motion carried.
9. Rusty Sullivan moved, seconded by Darry Stacy, that the Renewal of Agreement Letter between the Cleveland County Sheriff's Office and Leads Online to utilize their electronic search database from July 1, 2013 through June 30, 2014 for an annual subscription fee of \$2,988.00 be approved. The agreement term of one (1) year will automatically renew for consecutive one (1) year terms.
The vote was: Darry Stacy, yes; Rod Cleveland, yes; Rusty Sullivan, yes.
Motion carried.

10. Darry Stacy moved, seconded by Rusty Sullivan, that the Renewal of the service agreement between the Cleveland County Sheriff’s Office and PropertyRoom.com, Inc. for pickup and transport at no cost to the Sheriff’s Office be approved. The items are available for sale to the public on the Internet. The agreement term of one (1) year will automatically renew for consecutive one (1) year terms.

The vote was: Rod Cleveland, yes; Rusty Sullivan, yes; Darry Stacy, yes.
Motion carried.

11. Rusty Sullivan moved, seconded by Darry Stacy, that the Renewal of Software Maintenance and Technical Support agreement between the Cleveland County Sheriff’s Department and The Percs Index Inc. to provide support services in the amount of \$500.00 per year be approved. The agreement term of one (1) year will automatically renew for consecutive one (1) year terms.

The vote was: Rusty Sullivan, yes; Darry Stacy, yes; Rod Cleveland, yes.
Motion carried.

12. Darry Stacy moved, seconded by Rusty Sullivan, that the Resolution Determining Maximum Monthly Highway Expenditures be approved as follows:

TIA	\$	766,079.46
T1C		1,684.12
T2A		4,816,696.78
T2B		27,980.01
T3		1,185,268.50
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Total Unrestricted	\$	6,797,708.87

The vote was: Darry Stacy, yes; Rod Cleveland, yes; Rusty Sullivan, yes.
Motion carried.

13. Rusty Sullivan moved, seconded by Darry Stacy, that the following Blanket Purchase Orders submitted for the following Departments be approved:

a. District #1 Warehouse:

13-5201 – T2A	Perfection Equipment	\$	1,000.00
13-5237 - T2A	Mid-West Hose & Spec.		1,200.00

b. District #2 Warehouse:

13-5270 - T2A	Chickasaw Personal Comm.		750.00
13-5271 - T2A	Certified Laboratories		2,000.00
13-5272 - T2A	Forest Lumber		500.00

c. District #3 Warehouse:

13-5200 – T2A	O’Reilly Automotive		1,500.00
13-5256 – T2A	Interstate Battery of S.W. OK		1,500.00
13-5267 - T2A	Warren Cat		2,500.00
13-5269 - T2A	KSM Exchange, LLC		2,500.00

d. County Commissioners Office:

13-5244 - D2	Eureka Water Co.		100.00
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e. Fair Board

13-5204 - FF2	Oklahoma Elec. Coop		200.00
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	13-5215 - FF2	UniFirst	350.00
f.	<u>Sheriff's Office:</u>		
	13-5258 - CFBRE2	US Fleet Tracking	1,200.00
	13-5262 - CFBRE2	Aramark Corr. Serv. LLC	38,000.00
	13-5263 - CFBC2	Aramark Corr. Serv. LLC	25,000.00
g.	<u>Purchasing Dept.:</u>		
	13-5239 - SP2	Oklahoma Office Systems	150.00
h.	<u>Health Department:</u>		
	13-5151 - MD2	Copelin's Office Center	4,000.00
	13-5242 - MD2	Julie Brown	1, 913.00

The vote was: Rod Cleveland, yes; Rusty Sullivan, yes; Darry Stacy, yes.
Motion carried.

14. Darry Stacy moved, seconded by Rusty Sullivan, that the Certificate of Requesting Officers on Blanket Purchase Order Numbers be approved as follows:

<u>General Fund</u>		<u>Highway Fund</u>	
13-0263	B2A	13-0112	T2A
13-0770	CCJC2	13-0626	T2A
13-1758	R3BS2A	13-1452	T2A
		13-1454	T2A
		13-1968	T2A
		13-3325	T2A
		13-3723	T2A
		13-3977	T2A
		13-4004	T2A
		13-4131	T2A
		13-4173	T2A
		13-4501	T2A
		13-4511	T2A
<u>Fair Board</u>			
13-0135	FF2		

The vote was: Rusty Sullivan, yes; Darry Stacy, yes; Rod Cleveland, yes.
Motion carried.

15. Rusty Sullivan moved, seconded by Darry Stacy, that the Purchase Orders for Payment of Personal services, Travel, Maintenance & Operation and Capital Outlay from the following be approved:

FY 12/13

a.	General Fund	\$	19,450.51
b.	Highway Fund		24,556.64
c.	Health Fund		8,532.09
d.	Sheriff Service Fee Fund		2,240.28
e.	Sheriff Commissary Fund		4,144.24
f.	Sheriff Revolving Fund		101,682.01
g.	Treasurer Certification Fee Fund		1,808.17
h.	Treasurer Sales Tax Cash Fund		629,884.93

i. County Clerk Lien Fee Fund	2,782.72
j. County Clerk Preservation Fund	5,013.12
k. Fair Board Fund	7,902.25

The vote was: Darry Stacy, yes; Rod Cleveland, yes; Rusty Sullivan, yes.

Motion carried.

No new business was discussed.

Chairman Rod Cleveland called for Commissioner's discussions regarding County Business.

Mr. Cleveland requested that the Board contact their representatives in support of the judgeship being moved from Seminole County to Cleveland County.

Rusty Sullivan said that he would like to express thanks to the Sheriff's Department for watching out for the road crews and being responsive since it is road season.

No Public Comments were made.

There being no further business to come before the Board, Rod Cleveland moved that the meeting be adjourned. The motion was seconded by Rusty Sullivan.

The vote was: Rod Cleveland, yes; Rusty Sullivan, yes; Darry Stacy, yes.

Motion carried.

(Clerk's Note: Agenda was posted on May 9, 2013 @ 2:55 PM)

