

BOARD OF COUNTY COMMISSIONER'S

MINUTES

MONDAY, APRIL 10, 2017

Darry Stacy led in **prayer** and the **pledge of allegiance**.

The regularly scheduled meeting of the Board of Cleveland County Commissioners was called to order this 10th day of April 2017 in the meeting Room 200 of the Cleveland County Office Building by Chairman Harold Haralson. Tammy Belinson, County Clerk/Secretary, called roll and those present were:

Harold Haralson, Chairman
Darry Stacy, Vice-Chairman
Rod Cleveland, Member
Tammy Belinson, Secretary

Others present were: Assistant District Attorney Jim Robertson, Assistant District Attorney Heather Darby, Assistant District Attorney Christine Chevis, Linda Atkins, Denise Ellison, Susan Burr, John Roberts, Bryan Jenkins, Brenda Hill, George Mauldin, Rhiana Caldwell, Melinda Duke, Susan Reese, Alison Vinson, Earl Cox, Todd Gibson, Sarita Scott, Laura Smith, Teresa Loving, Jane Canon, Blaine Nice and Joy Hampton.

After the reading of the minutes of the Regular Meeting of April 3, 2017 and there being no additions or corrections, Darry Stacy moved that the minutes be **approved**.

Rod Cleveland seconded the motion.

The vote was: Rod Cleveland, yes; Harold Haralson, yes; Darry Stacy, yes.

Motion carried.

A. Old Business:

1. Upon the recommendation of Purchasing Agent Melinda Duke, Harold Haralson moved, seconded by Rod Cleveland, to **table** discussion, consideration and/or action until a later date for **Bid #HWY-1794** – One-Year (1) Non-Encumbered Contract for Highway and Bridge materials for the County Commissioners. The bid term will be from May 5, 2017 and end on May 4, 2018.

The vote was: Harold Haralson, yes; Darry Stacy, yes; Rod Cleveland, yes.

Motion carried.

B. Items of Business:

1. A presentation on the **Pre Trial Services** was given by Teresa Loving.
2. Darry Stacy moved, seconded by Harold Haralson, to receive Notice of Audit Initiation Letter submitted by the State Auditor & Inspector for the Cleveland County Sheriff Audit in accordance with 19 O.S. § 171.

The vote was: Darry Stacy, yes; Rod Cleveland, yes; Harold Haralson, yes.

Motion carried.

3. Chairman Haralson moved to **strike** from the agenda the following:
Requisition 17-4290 to Republic Bank & Trust for reconciliation of Inmate Trust Account – Vendor Change Over in the amount of \$20,829.24.

Darry Stacy seconded the motion.

Chairman Haralson asked if a representative from the Sheriff's Department was in attendance.

Darry Stacy stated that he had several questions about this request and added that no one is here to answer his questions.

Chairman Haralson said that there are several things that he would like to comment on in general. The Inmate Trust Checking Fund (Account) is not funded by Ad Valorem Taxes from the General Fund. "As per Statute 19 O.S. § 531." The County Sheriff may write checks for the following two purposes: to the Sheriff's Commissary Account and for Purchases made by inmates during their incarceration and to the inmate for any unencumbered balances due to inmates upon their discharge. He read a portion of the State Constitution and stated that he is not sure if this is a legal transfer to take County Ad Valorem tax money to cover a prisoner funded account, which questions are the tax payers of Cleveland County liable for a Sheriff's account that the county itself has no oversight nor approval of the transactions involved with it. He said a failure to check this account since 2008 on multiple occasions was noted within those audits. The Sheriff has indicated that he will take measures to monitor this account and reconcile it monthly. However, at this time they are now finding there is a \$20,000.00 deficit. Since there is an audit going on, Chairman Haralson said he is hopeful that the auditor will tell the Board what is happening with this account. This is an ongoing problem spanning many years and multiple audits and now there is a \$20,000.00 deficit in the account and the same problem as outlined before. Rod Cleveland said, "One thing that I noticed that there was a letter written to the bank. It listed out a number of outstanding checks that amount to about \$1,600.00 and those checks went back to 2012. I don't know if it is a policy in the Sheriff's Department which would institute, or if there is something that limits this check from only being good for ninety days. They could close out some things. Also, the requisition made out to Republic Bank & Trust, so is this paying a debt off to Republic Bank? What was this requisition exactly for, do we know?"

Chairman Haralson said, "All good questions. I would say without a representative from the Sheriff's Department here to answer those questions, I am not sure we can speculate."

Darry Stacy said, "My concern as well, is the audit specifically states that they have been unable to obtain supporting documentation to support reconciliation of this account. And this has been going on again as you have pointed out for numerous years and the effect as stated by the state auditor is by failing to prepare and prove reconciliations. The risk of mis-statements and misappropriations and timely detection thereof increases. My question is, when did you note that this was not in balance and how long has this been going on?"

Chairman Haralson said, "Again, all good questions. I believe that there is also an OSBI investigation. This Board has not been provided a copy of that report other than through indirect communication of this requisition that there was one done. So again it is on the Sheriff's department to clarify what is going on."

Rod Cleveland said that he understands from what the other Board members are saying that Ad Valorem money or appropriated county money is not used to supplement or to cover these types of debts.

Chairman Haralson said, "That would be my interpretation and we have our legal department here if they want to expound on it further. At least from my reading and investigation that would be my opinion."

Darry Stacy said, "I spoke specifically with the State Auditor that is here as well and their advice was that they would not use his budgeted money for operations to cover this account at this time either, based on those facts."

Chairman Haralson said, "I have been passed a note that we would need to direct that this not be made into a Purchase Order until this Board gets more information. Even if it is stricken?"

County Clerk Belinson said, "Yes, because I still need guidance since it is still an outstanding requisition to make it into a Purchase Order."

Chairman Haralson said, "I will modify my motion to direct the Clerk to not make this into a Purchase Order until we receive additional information."

Darry Stacy seconded the motion.

The vote was: Rod Cleveland, yes; Harold Haralson, yes; Darry Stacy, yes.
Motion carried.

4. Darry Stacy moved, seconded by Rod Cleveland, to approve the following **Blanket Purchase Orders** submitted for the Sheriff's Department:

17-4246-B2A TransUnion Risk and Alternative \$ 500.00

The vote was: Harold Haralson, yes; Darry Stacy, yes; Rod Cleveland, yes.
Motion carried.

5. Darry Stacy moved, seconded by Rod Cleveland, to approve **the Certificate of Requesting Officers on Blanket Purchase Order Numbers:**

FY16/17

General:

17-0349-CCJC2 17-2460-CCJC2 17-2464-B2A 17-2582-B2A
17-3467-CCJC2

Sheriff Service Fee:

17-3631-CFB2

The vote was: Darry Stacy, yes; Rod Cleveland, yes; Harold Haralson, yes.
Motion carried.

Chairman Harold Haralson said that the following Items No. 6 through No. 11 are **Consent Items** and are routine in nature with the exception of the following pulled for additional discussion: Purchase Order Number 2017-2468 and Purchase Order Number 2017-3900. Darry Stacy moved that the remaining consent items be **approved**. Rod Cleveland seconded the motion.

6. **Invoice #10025** from Rocking O Construction LLC for Demolition and Replace walls in the amount of \$2,500.00 at the Alan J. Couch Detention Center located at 1650 W. Tecumseh Rd., Norman OK per Title 61, Sec. 102 & 103.

7. **Declaration of Surplus** on the following items from the Cleveland County Health Department:

Chair, GS102.380 - GS102.379 - GS102.269 – 1337 - GS102.457 – GS102.571 - GS102.575 – GS102.555.

Storage Unit, 1081- 1036 – S1109.3 -

Exam Light, GS599.033 - GS599.018 – 01646 – 01645

Exam Table, GS110.027

Blood Pressure Machine, GS599.013 – GS599.035

Lamp, 1179

Scale, 0591

Cabinets, 1013 – 0990 – 1167 – 1168 – 01040 – 0996 – 0281 – 1062 – 1857

Lockers, 1424

Refrigerator, 1930

Freezer, 1576

Computer Dell Optiplex 755 Tower Only, 1939 – 1940 – 1947 – 1949 – 1950 – 1952 – 1954 – 1955 – 1956 – 1957 – 1958 – 1959 – 1960 – 1961 – 1963 – 1964 – 1966 – 1967 – 1968

Computer Dell Optiplex 760 Tower Only, 1976 – 1975 - 1997

8. **Resolution** determining maximum Monthly Highway Expenditures:

T1A	\$ 514,880.94
T1C	\$ 13,713.77
T2A	\$4,815,286.35
T2B	\$ 27,366.69
T3	\$2,764,284.62
TOTAL	\$8,135,532.37

9. **Approval of the following Blanket Purchase Orders** submitted for the following Departments:

District #1

17-4252-T2A D & D Truck Sales Inc. \$ 1,000.00

District #2:

17-4223-T2A Noble Hardware \$ 1,000.00

17-4224-T2A Weldon Parts Inc. \$ 1,500.00

17-4225-T2A Arrow-Magnolia International \$ 2,000.00

Commissioners:

17-4228-R2 Yeaman Signature Health Clinic \$ 24,000.00

17-4236-D2 Eureka Water Company \$ 100.00

Emergency MGT:

17-4189-X2 Stolz Telecom \$ 1,000.00

Health Dept:

17-4214-MD2 Automated Building Systems \$ 500.00

Human Services:

17-4193-PR2 Oklahoma Copier Solutions \$ 400.00

10. Approval of the Certificate of Requesting Officers on Blanket Purchase Order Numbers:

FY 16/17

General:

17-0047-K2 17-0259-SL2

Highway:

17-0126-T2A	17-0161-T2A	17-0530-T2A	17-1682-T2A
17-2060-T2A	17-2066-T2A	17-2656-T2A	17-2809-T2A
17-3164-T2A	17-3645-T2A		

Health Dept:

17-0305-MD2 17-0306-MD2 17-0439-MD2 17-3774-MD2

11. Review, Audit, and Approve Purchase Orders for Payment of Personal Services, Travel, Maintenance & Operations, and Capital Outlay from:

FY 16/17

a. General Fund	\$ 790,539.96
b. Highway Fund	\$ 177,751.67
c. Health Fund	\$ 22,192.12
d. Sheriff Commissary Fund	\$ 5,455.11
e. Sheriff Revolving Fund	\$ 697.07
f. Sheriff Justice Center Fund	\$ 64,881.01
g. County Clerk Preservation Fund	\$ 2,327.97
h. Treasurer Sales Tax Fund	\$ 655,167.88
i. Fairgrounds Fund	\$ 5,402.65

The vote was: Rod Cleveland, yes; Harold Haralson, yes; Darry Stacy, yes.
Motion carried.

END OF CONSENT DOCKET.

Chairman Haralson said the two Purchase Orders pulled are from the Cleveland County Sheriff's office. One is for 100 Embroidered SRT Patches and the other Purchase Order is to paint a vehicle. He questions the need for these items since the Sheriff is in the midst of a budget crisis. Chairman Haralson said it reveals that his spending behavior is not modified to reflect the seriousness of the situation that the Sheriff states that he is in. Further, without a member of the Sheriff Department here it is difficult to get a response to that.

Darry Stacy asked to see the Purchase Orders.

Rod Cleveland questioned the events that made it necessary to repaint doors on K-9 Unit #11-542.

Chairman Haralson said that without anyone here from the Sheriff's Department it is hard to know.

Darry Stacy said the SRT Patch is for the Special Response Team.

Chairman Haralson said without anyone here from the Sheriff's Department it is hard to answer that. He does have a lot of AR15's in his inventory.

Darry Stacy said, "From my prior experience you could use a rifle in patrol as well. A SRT Patch would be for a Special Response Team. I don't know what else it could be."

Following a brief discussion about the Special Response Team, Chairman Haralson moved to **approve** Purchase Order Number 2017-2468 and Purchase Order Number 2017-3900. He said that the Board, based on State Law, cannot deny these items since it is in the Sheriff's budget and he can dispense the funds as he feels is right. Rod Cleveland seconded the motion.

The vote was: Harold Haralson, yes; Darry Stacy, yes; Rod Cleveland, yes. Motion carried.

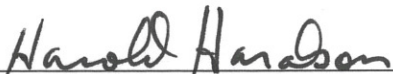
- C. Under **New Business**, Chairman Haralson said that he has a last-minute plan that needs to go to ODOT for funding approval by this coming Wednesday, April 12, 2017 and added that the plans received last week came after the posting of the Commissioner's agenda, therefore, he **moved** to **accept** the **plan** on York Road, ODOT Project 24618-04 Bridge Project STP114D (204CD), District No. 3. Darry Stacy **seconded** his motion. The vote was: Darry Stacy, yes; Rod Cleveland, yes; Harold Haralson, yes. Motion carried.
- D. During **Commissioner's** discussions regarding **County Business**, Rod Cleveland gave a legislative update about HB1104, which is the Bill that Representative Bobby Cleveland and Senator Dahm are working on. He said it is going to the Senate floor. Darry Stacy said that he appreciates the work done in conjunction with District #1 on Banner Road and said that his prayers go out to Commissioner Cleveland's foreman that recently had surgery.
- E. There were no **comments** made by the Public.
- F. **At 1:24 PM**, Darry Stacy **moved**, seconded by Rod Cleveland, to **go** into Executive Session for the purpose of discussing the following: Pursuant to 25 O.S. 307.B.4, Discussion with Counsel regarding pending litigation, Joseph K. Lester V. Board of Cleveland County Commissioners, Case No. CJ-17-368. The vote was: Rod Cleveland, yes; Harold Haralson, yes; Darry Stacy, yes. Motion carried.
- G. **At 2:01 PM**, Darry Stacy **moved**, seconded by Rod Cleveland, to **reconvene** from **Executive Session**. The vote was: Harold Haralson, yes; Darry Stacy, yes; Rod Cleveland, yes. Motion carried.

During such time the Board of County Commissioners only discussed what was on the agenda and took no action or votes.

- H. There being no further business to come before the Board, Rod Cleveland moved that the meeting be **adjourned** at 2:02 pm. Darry Stacy seconded the motion. The vote was: Darry Stacy, yes, Rod Cleveland, yes; Harold Haralson, yes. Motion carried.

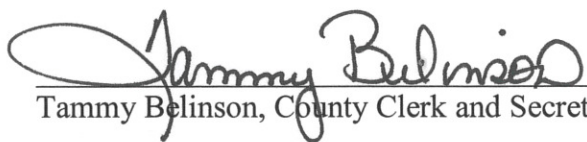
(Clerk's Note: The agenda was posted on April 7, 2017 at 11:17 am.)

**BOARD OF COUNTY COMMISSIONERS
CLEVELAND COUNTY, OKLAHOMA**



Harold Haralson, Chairman

ATTEST:



Tammy Belinson, County Clerk and Secretary to the Board



Minutes Prepared by: 

Deputy County Clerk

