

BOARD OF COUNTY COMMISSIONER'S

MINUTES

MONDAY, APRIL 24, 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 24th 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 Heather Darby, Linda Atkins, Melinda Duke, Susan Reese, Mona Nelson, Susan Burr, George Mauldin, John Roberts, Laura Smith, Bryan Jenkins, Rhiana Caldwell, Jane Canon and Todd Gibson.

After the reading of the minutes of the Regular Meeting of April 17, 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. Bid Openings:

1. Upon the recommendation of Purchasing Agent Melinda Duke, Harold Haralson moved, seconded by Darry Stacy, to accept the bids and to table the awarding and/or rejecting of the bids until a later date **Bid #HWY-1787 (CDBG)** – A 2" Asphalt Overlay on Cedar Lane road from 132nd Avenue to 156th Avenue, Project No. DR 4078-002.

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

The bids each accompanied by properly executed non-collusion form are as follows:

CLEVELAND COUNTY BID SUMMARY					
List of Individual Bidders					
	Haskell Lemon Construction Co.	Markwell Paving Company	Silverstar Construction Co., Inc.	TJ Campbell Construction Co.	
BID: #HWY-1787 (CDBG-DR)					
DEPT: Commissioners					Awarded To:
DATE OPENED: 4-24-17	1	2	3	4	Tabled on 4-24-17
List of Individual Items					
A 2" Asphalt Overlay on Cedar Lane Road from 132nd Avenue to 156th Avenue					
Approximate Starting Date:	June 19, 2017	June 15, 2017	Within 10 days of NTP	10 days from NTP	
Approximate Ending Date:	August 3, 2017	August 1, 2017	Within 45 Days of start of work	45 calendar days from begin construction	
BID PRICE:	\$285,919.85	\$996,787.00	\$375,000.00	\$469,211.00	
Bid Bond	YES	YES	YES	YES	
Exceptions:					
Contact Information:					
Name:	Tammy Robinson	Fred Foley	Craig Parker	Denver Saxton	
Title:					
Address:	PO Box 75608 Oklahoma City, OK 73147	PO Box 82005 Oklahoma City, OK 73148	2401 S Broadway Moore, OK 73160	PO Box 15129 Oklahoma City, OK 73155	
Telephone:	405-947-6069	405-634-5353	405-793-1725	405-672-6768	
Fax:	405-947-6068	405-634-8840	405-793-9989	405-672-9890	
Email:	<a href="mailto:trobinson@haskelllemo
n.com">trobinson@haskelllemo n.com	<a href="mailto:fred@markwellpaving.c
om">fred@markwellpaving.c om	<a href="mailto:receipt@silverstarconst.
com">receipt@silverstarconst. com	<a href="mailto:dsaxton@tjcampbell.co
m">dsaxton@tjcampbell.co m	
NON-COLLISION AFFIDAVIT:	YES	YES	YES	YES	

- Upon the recommendation of Purchasing Agent Melinda Duke, Harold Haralson moved, seconded by Darry Stacy, to accept the bids and to table the awarding and/or rejecting of the bids until a later date for **Bid #HWY -1788 (CDBG) – A 2" Asphalt Overlay on Post Oak Road from 144th Avenue to 156th Avenue, Project No DR 4078-003.**

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

The bids each accompanied by properly executed non-collusion form are as follows:

CLEVELAND COUNTY BID SUMMARY					
List of Individual Bidders					
	Haskell Lemon Construction Co.	Markwell Paving Company	Silverstar Construction Co., Inc.	TJ Campbell Construction Co.	
BID: #HWY-1788 (CDBG-DR)					
DEPT: Commissioners					Awarded To:
DATE OPENED: 4-24-17	1	2	3	4	Tabled on 4-24-17
List of Individual Items					
A 2" Asphalt Overlay on Post Oak Road from 144th Avenue to 156th Avenue					
Approximate Starting Date:	June 5, 2017	June 15, 2017	within 10 days of NTP	10 days from NTP	
Approximate Ending Date:	July 20, 2017	August 1, 2017	Within 45 days of start of work	45 days from begin construction	
BID PRICE:	\$107,853.30	\$437,913.00	\$142,280.00	\$225,180.00	
Bid Bond	YES	YES	YES	YES	
Addendum Included:	YES	NO	YES	YES	
Exceptions:					
Contact Information:					
Name:	Tammy Robinson	Fred Foley	Craig Parker	Denver Saxton	
Title:					
Address:	PO Box 75608 Oklahoma City, OK 73147	PO Box 82005 OKC, OK 73148	2401 S Broadway Moore, OK 73160	PO Box 15129 Oklahoma City, OK 73155	
Telephone:	405-947-6069	405-634-5353	405-793-1725	405-672-6768	
Fax:	405-947-6068	405-634-8840	405-793-9989	405-672-9890	
Email:	trobinson@haskelllemo.com	fred@markwellpaving.com	recept@silverstarconst.com	dsaxton@tjcampbell.com	
NON-COLLISION AFFIDAVIT:	YES	YES	YES	YES	

B. Items of Business:

- Chairman Haralson called for discussion on **Request** by the Cleveland County Board of County Commissioners to the Cleveland County Sheriff to provide a copy of the report generated from Oklahoma State Bureau of Investigations inquiry of the Cleveland County Sheriff Inmate Trust Account. Commissioner Haralson said he received a letter from Sheriff Lester on Friday, April 21, 2017, informing him that he is unable to meet the request for an OSBI report due to the ongoing investigation of the Inmate Trust Account. Sheriff Lester stated that based on his conversations with the Director of the OSBI, the reports are confidential and cannot be disclosed at this time. The Sheriff said when the investigation is complete he will notify the Board of Cleveland County Commissioners.

Harold Haralson stated that the Sheriff claims that he is investigating the missing funds with the OSBI, but Jessica Brown at OSBI has flatly denied that. The fact is that the OSBI launched an inquiry on March 10, 2017 and closed the inquiry on March 29, 2017 without bumping it up to the level of a criminal investigation. Despite OSBI's statements, the Sheriff has told the press that a criminal investigation is ongoing and that they have a suspect. Chairman Haralson said he will continue to insist that the Sheriff be more transparent and honest with the Commissioners, the Budget Board and the taxpayers in this matter.

Rod Cleveland asked if the account is negative at the bank and wanted to know if the bank is charging a fee.

Darry Stacy said he hasn't checked with the bank recently, but understands the account is short \$21,000.00.

2. Chairman Haralson called for discussion of **Public Entrances and Exits** at Cleveland County Buildings. He said that the Sheriff has indicated that he wants to close the east entrance of the Courthouse that has remained open since 1933. He said no one consulted the Board of County Commissioners and no one knows if the Sheriff consulted with the Fire Marshal as to the safety concerns in locking these doors. Commissioner Haralson said the Sheriff is fully funded to provide Courthouse Security until the end of this fiscal year. He said that the Sheriff should meet with them to discuss security concerns and **moved** to keep the **east entrance open** and to **direct the Sheriff** to continue to staff the security entrances as he is fully funded to do so in that account for this fiscal year.

Darry Stacy **seconded the motion** and asked for the Board's approval to contact the Sheriff after the meeting to discuss this situation.

Chairman Haralson said that he has no objections.

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

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

FY16/17

General:

17-2688-B2A 17-3041-B2A

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

4. Darry Stacy moved, seconded by Rod Cleveland, to **approve** all Purchase Orders for Payment of Personal Services, Travel, Maintenance & Operations, and Capital Outlay with the exception of **Purchase Order No. 2017-3680** which the Board will discuss separately:

FY 16/17

a. General Fund	\$ 671,678.29**
b. Highway Fund	\$ 174,950.97
c. Health Fund	\$ 340,898.28
d. Sheriff Cleveland County Justice Center Fund	\$ 212,745.46
e. Sheriff Jail Fund	\$ 497.29
f. Treasurer Certification Fund	\$ 211.43
g. County Road and Bridge Improvement Fund	\$ 8,296.26
h. CDBG Grant Disaster Recovery Fund	\$ 13,547.96
i. County Clerk Preservation Fund	\$ 6,275.30
j. Early Settlement Central Cleveland Co. Fund	\$ 2,045.35
k. Fairgrounds Fund	\$ 1,654.80

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

**(Clerk's Note: Due to tabling Purchase Order No. 2017-3680 to Galls for \$2,571.18, the Warrant will be voided and the General Fund total will be adjusted to \$669,107.11.)

Chairman Haralson said the Sheriff is asking the Commissioners to approve **Purchase Order No. 2017-3680** to equip a non-existing swat team with surplus funds to fund a whole new division within the Sheriff's Department. Commissioner Haralson thinks it is inappropriate for the Sheriff's operations to expand beyond their constitutional scope as he bemoans the lack of funding. He said the Sheriff is not here today or even a staff member to discuss the many issues on the agenda about the Sheriff's Department. Therefore, Harold Haralson **moved to table approval** of Purchase Order No. 2017-3680 so that the Sheriff may attend the next scheduled meeting to clarify the need.

Darry Stacy seconded the motion.

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

Chairman Haralson said that the following items **No. 5 through No. 19** are **Consent Items** and are routine in nature; therefore, Darry Stacy moved, seconded by Rod Cleveland, to approve:

5. **Proclamation** proclaiming the period commencing May 7, 2017 – May 13, 2017 as Oklahoma Home and Community Education Week.
6. **Adopt** the following Policy and Procedure for Cleveland County:
 - a. Cleveland County, Oklahoma CDBG-DR Code of Conduct
 - b. Cleveland County, Oklahoma CDBG-DR Fraud Policy
7. **Approve** to receive the Best Practices and Guidelines for the Preservation and Archiving of the Cleveland County Clerk Records.
8. **Change Order #1** from L.G. Construction Co., Inc. in the amount of \$685.00 per foundation plan revision dated 4/6/2017, for additional concrete to spread footing for Bid #COM3-1783 metal Building for District #3 Commissioner, Per Title 61, Section 121 A.

9. **Accept** the Notice to the Board of County Commissioners by Tammy Belinson, County Clerk, that the 2016 Mineral Interest Report has been received from the Office of the State Treasurer. The report is available for public viewing in the County Clerk’s Office as well as on the Clerk’s website.
10. **Invoice #38804** from EST, Inc. for Environmental Services and Engineering Services for CDBG Projects #2, #3, #9, and #9A in the amount of \$82,450.00.
11. **Invoice #16281-04** from CEC Corporation for services provided on CDBG Project #5 and #12 through April 19, 2017 in the amount of \$800.00.
12. **Invoice #CLC-0317** from IBTS for CDBG DR Program services during the month of March 2017 in the amount of \$66,549.35.
13. **Contract Agreement Renewal** for the District #3 Emergency and Transportation Revolving, ETR Fund, Project #ETRCB5-14-3(03)16 set to expire the 30th day of June 2017 to be renewed to the 30th day of June, 2018.
14. **Application for Permit** from Windstream/Valor Telecommunications of Texas, LLC to replace drop and boring Lewis Rd placing cable and pedestal. NE ¼, Section 16, Township 6N, Range 1W, Cleveland County District #3.
15. **Request** for Approval of Allocation of Alcoholic Beverage Tax in the amount of \$45,428.79.
16. **Accept** the March 2017 Monthly Reports of the following Officers:
 - a. Bryant Rains, Election Board
 - b. Tammy Belinson, County Clerk
 - c. Jim Reynolds, County Treasurer
 - d. David Tinsley, County Assessor
 - e. Marilyn Williams, County Court Clerk
 - f. Joe Lester, County Sheriff
 - g. Keith Reed, County Health Department
17. **Approve the following Cash Fund Appropriations:**

a. Assessor Revolving Fund	\$ 2.00
b. Bridge Capital Improvement Fund	\$ 52.90
c. CDB Grant Disaster Recovery Fund	\$1,146,038.09
d. Child Abuse Prevention Fund	\$ 82.78
e. County Bridge & Road Improvement Fund	\$ 34,627.88
f. Commissioners Building Fund	\$ 133.43
g. County Clerk Lien Fee Fund	\$ 4,091.25
h. County Clerk Preservation Fee Fund	\$ 27,678.99
i. Court Clerk Revolving Fund	\$ 14,002.48
j. DA Incarcerations Costs Fund	\$ 435.88
k. Drug Court Revolving Adult Fund	\$ 776.90
l. Early Settlement Central Cleveland County Fund	\$ 4,602.75
m. Fairgrounds Fund	\$ 26,200.42
n. Health Fund	\$ 5,808.00
o. Highway Unrestricted Fund	\$ 465,492.94

p. Juvenile Drug Court Revolving Fund	\$	52.34
q. S.T.O.P. Violence Against Women Grant Fund	\$	2,552.80
r. Sales Tax Fund	\$	712,410.17
s. Sheriff Courthouse Security Service Fee Fund	\$	5,854.55
t. Sheriff Environmental Reward Fund	\$	97.50
u. Sheriff Federal Share Revenue Fund	\$	6.20
v. Sheriff Jail Fund	\$	6,221.21
w. Sheriff Property Forfeiture Fund	\$	1,367.09
x. Sheriff Revolving Fund	\$	251,352.09
y. Sheriff Service Fees Fund	\$	57,098.10
z. Treasurer Certification Fee Fund	\$	4,255.00

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

District #1:

17-4327-T2A	Chickasaw Personal Communications	\$	600.00
17-4330-T2A	KSM Exchange, LLC	\$	2,000.00
17-4331-T2A	Barton Bolt & Supply	\$	1,000.00

District #3:

17-4344-T2A	Bruckner's Truck Sales	\$	3,000.00
17-4347-T2A	Hi-Line Electric Co., Inc.	\$	1,500.00
17-4348-T2A	Pearson Lumber	\$	500.00
17-4356-T2A	Ty-Lind Auto Parts	\$	1,500.00

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

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Highway:

17-0233-T2A	17-0518-T2A	17-0557-T2A	17-1627-T2A
17-2434-T2A	17-3246-T2A	17-3335-T2A	

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

END OF CONSENT DOCKET.

C. There was no **new business** to present at this time.

D. During **Commissioner's** discussions about **County Business**, Rod Cleveland discussed the rumors of the legislators again taking away their money and thought he would do a lay out of year by year of where the entire county/state apportionments are coming from as opposed to where they were at ten years ago and where the County would be the most vulnerable. A copy of the report was given to each Board member.

Chairman Haralson said that it is the infrastructure that attracts businesses and allows employees to get to their jobs in a timely and safe fashion. The primary concern of the County is to provide safe roads and without proper funding the County could return to being structurally deficient.

Discussion was had on the potential for extreme weather moving in later this week by the Board and George Mauldin, Emergency Management.

E. No Comments from the Public were made.

- F. Harold Haralson said the attorney is not here today and moved to strike going 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.

Rod Cleveland asked that they go into executive session so he can give an update on their meeting on Thursday, April 20, 2017.

At 1:25 PM, Harold Haralson said to **disregard** his motion to strike and **moved** to go into executive session. Darry Stacy seconded the motion.

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

Motion carried.

- G. At 1:45 PM, Rod Cleveland **moved** to reconvene. Darry Stacy seconded the motion.

The vote was: Cleveland, yes; Haralson, yes; Stacy, yes.

Motion carried.

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

Rod Cleveland mentioned discussing over the weekend with Wes Brannon about doing a complete overview and assessment of the jail within the next ninety days.

Darry Stacy said that would be an item for discussion with the Justice Authority.

Chairman Haralson said he will ask that this item be on the next agenda for the Justice Authority meeting.

- H. There being no further business to come before the Board, Rod Cleveland moved, seconded by Darry Stacy, that the meeting be adjourned at 1:49 pm.

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

Motion carried.

(Clerk's Note: The agenda was posted on April 21, 2017 @ 12:05 PM.)

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

Harold Haralson
Harold Haralson, Chairman

ATTEST:

Tammy Belinson
Tammy Belinson, County Clerk and Secretary to the Board

Minutes Prepared by: *Linda Atkins*
Deputy County Clerk

