

BOARD OF COUNTY COMMISSIONER'S

MINUTES

MONDAY, JUNE 26, 2017

Jacob McHughes led in **prayer** and Harold Haralson led the **pledge of allegiance**.

The regularly scheduled meeting of the Board of Cleveland County Commissioners was called to order at 1:00 P.M. this 26th day of June 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, Linda Atkins, Sheriff Joseph Lester, Melinda Duke, Susan Reese, Susan Burr, George Mauldin, John Roberts, Jacob McHughes, Laura Smith, Bryan Jenkins, Laurie Beth Marshall, Brenda Hill, Jane Cannon, Greg Castro, Alison Vinson, Marla Latham, Earl Cox, Joy Hampton and Todd Gibson.

Upon the recommendation of County Clerk Tammy Belinson, Harold Haralson moved, seconded by Rod Cleveland, to **table** until a later date the approving the minutes of the Regular Meeting of June 19, 2017.

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 Darry Stacy, to **award** as per bid summary and where low bidder is not awarded there is an explanation for **Bid #SHE-1804** – One-Year (1) Non –Encumbered Contract for Inmate & Detention Supplies for Cleveland County. The bid term will be from July 1, 2017 through June 30, 2018.
The vote was: Harold Haralson, yes; Darry Stacy, yes; Rod Cleveland, yes.
Motion carried.
2. Upon the recommendation of Purchasing Agent Melinda Duke, Harold Haralson moved, seconded by Rod Cleveland, to **award** as per bid summary and where low bidder is not awarded there is an explanation for **Bid #SHE-1805** – One- Year (1) Non-Encumbered Contract for Jail Supplies for Cleveland County. The bid term will be from July 1, 2017 through June 30, 2018.
The vote was: Darry Stacy, yes; Rod Cleveland, yes; Harold Haralson, yes.
Motion carried.

3. Upon the recommendation of Assistant Purchasing Agent Susan Reese, Harold Haralson moved, seconded by Darry Stacy, to **table** the awarding and/or rejecting of the bids until a later date for **Bid #HWY-1806** – Six (6) month Non-Encumbered Contract for Bulk Oils, Lubricants and Antifreeze for the County Commissioners. The bid term will be July 22, 2017 through January 21, 2018.
The vote was: Rod Cleveland, yes; Harold Haralson, yes; Darry Stacy, yes.
Motion carried.
4. Upon the recommendation of Purchasing Agent Melinda Duke, Harold Haralson moved, seconded by Rod Cleveland, to **award** to low bidder, Frizell's Services in the amount of \$14,475.00 for **Bid #FB-1808** – Set Forms, Leveling and Finishing of Concrete at the Cleveland County Fairgrounds.
The vote was: Harold Haralson, yes; Darry Stacy, yes; Rod Cleveland, yes.
Motion carried.

Darry Stacy moved, seconded by Rod Cleveland, to approve the following items:
(No. 5, No. 6 and No. 7)

5. **Contract** between Cleveland County Health Department and Joyce Clement to provide Direct Observed Therapy (DOT) and related services to tuberculosis (TB) from July 1, 2017 to June 30, 2018 at a rate of \$10.00 per visit and mileage in accordance with State Travel Reimbursement Act (STRA) which is currently \$.47 per mile for a maximum reimbursement of \$8,666.00.
6. **Contract** between Cleveland County Health Department and Stacey Clement to provide Direct Observed Therapy (DOT) and related services to tuberculosis (TB) from July 1, 2017 to June 30, 2018 at a rate of \$10.00 per visit and mileage in accordance with State Travel Reimbursement Act (STRA) which is currently \$.47 per mile for a maximum reimbursement of \$8,666.00.
7. **Contract** between Cleveland County Health Department and Vivian Gibson to provide Direct Observed Therapy (DOT) and related services to tuberculosis (TB) from July 1, 2017 to June 30, 2018 at a rate of \$10.00 per visit and mileage in accordance with State Travel Reimbursement Act (STRA) which is currently \$.47 per mile for a maximum reimbursement of \$8,666.00.

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

B. Items of Business:

1. Rod Cleveland moved, seconded by Darry Stacy, to **approve the Resolution** to Proclaim July 1, 2017 as "Grover Cleveland-StephenHarper-Canada Day" in Cleveland County Oklahoma.
The vote was: Rod Cleveland, yes; Harold Haralson, yes; Darry Stacy, yes.
Motion carried.
2. Due to not having a valid contract for services, Harold Haralson moved, seconded by Darry Stacy, to **strike** from the agenda the following **Purchase**

Order Number 2017-5077 to Summit Food Services, LLC in the amount of \$5,197.50 from the Sheriff Commissary M & O CFBC2 for Commissary Kiosk Fees.

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

3. Darry Stacy moved, seconded by Rod Cleveland, to **strike** from the agenda the following **Purchase Order** Number 2017-5042 to Republic bank & Trust in the amount of \$20,591.69 from the Sheriff Commissary M & O CFBC2 for Reconciliation of Inmate Trust Account –Funds to Cover Outstanding Total. Darry Stacy said that he has researched this issue and the state laws that relate to this specific account. He found that State Statutes very clearly state what these funds shall be expended upon. Title 19.6A, section 180.43, paragraph D of the Oklahoma Statutes states that the Sheriff shall be permitted to expend the surplus in the Sheriff's Commissary Account for administering expenses; for training equipment; and travel or for Capital expenditures. The claims for expenses shall be filed with and allowed by the Board of County Commissioners in the same manner as other claims. He said it very clearly does not give the authority to expend these funds on fraudulent reimbursement to a private Trust account, as well as other expenses due to mismanagement of the account; including a portion of money that cannot be accounted for. As a steward of tax payers' money, he believes that any expense should pass a three-prong test as follows: 1. Is it lawful? 2. Is it within county policy? 3. Is it moral?

He believes this expenditure fails the test and for that reason is voting to strike. Commissioner Stacy's recommendation is to close the previous Inmate Trust account and combine the two as allowed by law, therefore, leaving the remaining account with a positive cash balance.

Rod Cleveland discussed §19.531, the Sheriff may create an Inmate Trust and it says that it is to be managed by the Sheriff separately from regular county funds. He wants to know when the Sheriff received notifications that the account was overdrawn and what kind of immediate action did the Sheriff take to rectify the situation.

Chairman Haralson said this is the fiduciary duty of the Sheriff and not the responsibility of this Board or the Budget Board or the citizens of this County to deal with the problem created in this account.

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

Chairman Harold Haralson said that the following Items No. 4 through No. 30 are **Consent Items** and are routine in nature; therefore, Rod Cleveland moved, seconded by Darry Stacy, to **approve** the following items:

4. **Request** for Approval of Financial Statement Resale Property Fund.
5. **Contract** between Cleveland County Board of County Commissioners and Sun Construction Services for renovation of the Fitness Center as outlined in BID#COM-1802.

6. **Contract** between Cleveland County and Wiley D. Harwell, D. Min., LPC for the period July 1 2017 through June 30, 2018 in the amount of 8,520.00 per year.
7. **Equipment Maintenance Agreement** between Cleveland County Fairgrounds and OneSource for service on a Konica Minolta Bizhub C364 to include all parts, labor, drum and supplies. All B/W copies are billed at \$.0071 each and all color copies are billed at \$.049 each. The agreement is for July 1, 2017 through June 30, 2018.
8. **Annual Maintenance Agreement Renewal** between the Cleveland County Fairgrounds and Eureka Water Company for Water Delivery at \$6.20 per 5 gallon bottle of water effective July 1, 2017 through June 30, 2018.
9. **Monthly Service Agreement** between Cleveland County Fairgrounds and Del Nero Communications Management for a 4 Mbps Plan at an annual rate of \$900.00 effective July 1, 2017 through June 30, 2018.
10. **Commercial Service Agreement** between Cleveland County Fairgrounds and Schendel Pest Services for monthly pest control at a rate of 42.00 a month for the period July 1, 2017 through June 30, 2018.
11. **Service Agreement Renewal** between Cleveland County District #1 and Waste Management of Oklahoma to provide solid waste pickup in the amount of \$81.73 per month for the period July 1, 2017 through June 30, 2018.
12. **Lease Agreement** between the Cleveland County Sheriff's Department and Pitney Bowes for the rental of a DM125 Digital Mailing System in the amount of \$55.00 per month for the period July 1, 2017 through June 30, 2018.
13. **Maintenance Agreement** between the Cleveland County Sheriff's Department and Standley Systems for service on a Savin Copier, Model MPC306SPF for July 1, 2017 to June 30, 2018. The monthly rate is \$13.50 and includes 1,000 B/W pages and overage rates are billed at \$0.0135 per copy.
14. **Agreement Renewal** between the Cleveland County Sheriff's Department and TransUnion Risk and Alternative Data Solutions, Inc. (TLO, LLC) for 500 monthly transactions to do searches and receive reports for a monthly fee of \$150.00. Any transactional overage pricing shall be in addition to the monthly fee at \$0.30 per transaction. The period for this agreement is July 1, 2017 through June 30, 2018.
15. **Contract** between Cleveland County Health Department and Christy Emig to provide facilitation and coordination services while implementing the Cleveland County Health Improvement Plan. Christy will be paid \$25.00/hour plus reimbursement for travel per the State Travel Reimbursement Act (STRA) which is currently \$.47 per mile for a maximum reimbursement of \$5,000.00. This agreement is for (4) four months from July 1, 2017 through October 31, 2017.

16. **Agreement** between Cleveland County Health Department and NorthHaven Church to provide a location and support services for the Early Foundation Replication Project. The agreement is to be effective July 1, 2017 until June 30, 2018 not to exceed \$2,806.00.
17. **Resolution** to dispose of Canon Copier IR5065 CHV03586 from the Court Clerk's Office. This copier is leased state equipment and is being returned.
18. **Resolution** to dispose of Canon Copier HRM03959 from the Court Clerk's Office. This copier is leased state equipment and is being returned.
19. **Maintenance and Support Agreement** between Cleveland County Sheriff's Department and MorphoTrak to provide software support to LiveScan equipment located in the F.DeWayne Beggs Detention Center for July 1, 2017 to June 30, 2018 in the amount of \$4,764.00 to be paid quarterly @ \$1,191.00 per quarter.
20. **One Year Renewal of County Bid #HD-1732** – Social Marketing Services for the Cleveland County Health Department. All terms and conditions will remain the same. The renewal period will be from July 1, 2017 through June 30, 2018 with the option to renew for (2) additional one-year contract periods.
21. **Appoint Todd Gibson** for a three year term as the Cleveland County Representative to the Pioneer Library System Board of Trustees. The term is from July 1, 2017 through June 30, 2020.
22. **Appoint Harold Haralson** as the Cleveland County Representative to serve on the Review Committee of the Proposed Norman Center City Project Plan and Tax Increment Financing District.
23. **Accept Quote** from Worlund Collision in the amount of \$962.16 to repair damage to a vehicle caused by the gate at the north entrance of the employee parking lot.
24. **Renewal/Purchase** of Property Liability Insurance with OneBeacon insurance Group and other carriers for FY 2017-2018.
25. **Agreement** between Cleveland County and Cox Business for service July 1, 2017 through June 30, 2018 in the amount of \$245.77.
26. **Application for Permit** placing cable under road for new customer, road bore required ¾ mile south of HWY 39 and 108th in Cleveland County District #3.
27. **Lease Agreement** between Cleveland County and Del Nero Communications for space leased on the tower owned by Cleveland County for 10% of the monthly fee for the period July 1 2017 through June 30, 2018.
28. **Approval of the following Cash Fund Appropriations:**

a. Assessor Revolving Fund	\$	36.00
b. Bridge Capital Improvement Fund	\$	127.37

c.	CDBG Grant Disaster Recovery Fund	\$ 191,853.48
d.	Child Abuse Prevention Fund	\$ 159.39
e.	County Bridge and Road Improvement Fund	\$ 29,637.37
f.	Commissioner Building Fund	\$ 290.83
g.	County Clerk Lien Fee Fund	\$ 3,112.65
h.	County Clerk Preservation Fee Fund	\$ 30,438.68
i.	Court Clerk Revolving Fund	\$ 11,363.10
j.	Drug Court Revolving Fund Adult Fund	\$ 1,785.09
k.	Early Settlement Central Cleveland County Fund	\$ 5,753.94
l.	Fairgrounds Fund	\$ 31,112.66
m.	First Choice Recovery Fund	\$ 1,000.00
n.	Health Fund	\$ 10,641.19
o.	Highway Unrestricted Fund	\$ 485,277.97
p.	Juvenile Drug Court Revolving Fund	\$ 100.00
q.	S.T.O.P. Violence Against Women Grant Fund	\$ 2,552.80
r.	Sales Tax Fund	\$ 721,160.29
s.	Sheriff Commissary Fund	\$ 117,342.20
t.	Sheriff Federal Share Revenue Fund	\$ 6.87
u.	Treasurer Certification Fee Fund	\$ 5,100.00

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

FY 16/17

General:

17-0247-F2	17-1476-SL2	17-2649-B2A
17-3042-B2A	17-3367-X2	17-3558-CCJC2
17-3602-K2	17-3879-R3BS2A	

Highway:

17-0085-T2A	17-0207-T2A	17-0528-T2A	17-0744-T2A
17-1566-T2A	17-2230-T2A	17-2800-T2A	17-2988-T2A
17-3316-T2A	17-3568-T2A	17-3954-T2A	17-3970-T2A
17-4375-T2A	17-4523-T2A	17-4600-T2A	

Health:

17-0437-MD2

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

FY 16/17

a.	General Fund	\$ 955,927.47
b.	Highway Fund	\$ 160,302.64
c.	Health Fund	\$ 825,705.31
d.	Sheriff Service Fee Fund	\$ 63,235.53
e.	Sheriff Federal Share Revenue Fund	\$ 634.36
f.	Sheriff Cleve. Co. Justice Center Fund	\$ 165,975.88

g. Sheriff Jail Fund	\$	428.53
h. Sheriff Revolving Fund	\$	64,866.03
i. Drug Court Revolving Fund	\$	1,070.00
j. Early Settlement Central Cleveand Co Fund	\$	2,573.22
k. County Clerk Preservation Fund	\$	490.00
l. Fairgrounds Fund	\$	1,587.36

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

END OF CONSENT DOCKET.

- C.** Under **new business**, Darry Stacy moved, seconded by Rod Cleveland, to **approve** a Parking Study Consulting Agreement Amendment No. 1, by and between Cleveland County, Oklahoma and the City of Norman and consultant Kimley-Horn and Associates.

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

- D.** During Commissioner's discussions regarding County Business, Rod Cleveland congratulated Deputy Lieutenant Kenny Madden for his promotion and stated that he appreciates his service. He said that the Sheriff has left the meeting without having had the opportunity to ask him for a response to statement made on June 12th, 2017, when he asked the Sheriff about the K-9. A letter was written on June 7th, 2017, asking the Sheriff if the dog was removed from service; which is only for his own benefit because of potential liability. Commissioner Cleveland was told a couple of days later that the dog remains in service, because the dog was seen with the deputy. He said that the Sheriff should provide proof to the Board of County Commissioners that the dog is no longer in service.

Chairman Harold Haralson said that last week they received a request to pay the Sheriff's legal fees, which did not make it on this agenda. However, it is his understanding there is a letter from the Attorney General's office that any legal fees incurred by the Sheriff prior to the day of that letter last week were not subject to payment by the County, but any fees after the letter are subject to payment. So as a point of information, any further legal fees after the day of the letter incurred by the Sheriff in his action against the Board of County Commissioners and the County Budget Board is covered.

Darry Stacy said, "I assume that there will be contract forthcoming on that."

Chairman Harold Haralson said, "If we do get a new contract from his attorney, I would request that it not be redacted."

Chairman Harold Haralson asked Todd Gibson to step forward. The Board of County Commissioners expressed its sincere thanks and gratitude in recognition of his dedication to worthy causes and willingness to serve as Trustee of the Pioneer Library System.

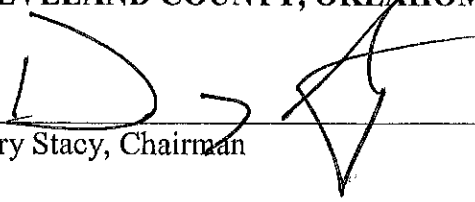
Chairman Harold Haralson asked retiring County Assessor David Tinsley to come forward to receive a certificate of the Board of County Commissioners' appreciation

for thirty-seven years of dedicated service. Mr. Tinsley's wisdom and service has inspired all for many years to come.

- E. There were no **public comments** at this time; however, County Clerk Tammy Belinson stated for the record that she received an invoice from the State Auditor's office for the Sheriff's audit that they will process a purchase order in the amount of \$55,275.34 to be paid after the BOCC's approval next week, due to it being the last days of the fiscal year it needs expediting for payment. She said this is the second bill received on the Sheriff's Audit.
- F. **At 1:25 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 (Robert Lafferrandre) Pierce Couch Hendrickson regarding ongoing litigation.
The vote was: Rod Cleveland, yes; Harold Haralson, yes; Darry Stacy, yes.
Motion carried.
- G. **At 1:45 PM**, Rod Cleveland moved, seconded by Darry Stacy, 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. **At 1:47 PM**, Harold Haralson 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: Darry Stacy, yes; Rod Cleveland, yes; Harold Haralson, yes.
Motion carried.
- I. **At 2:30 PM**, Darry Stacy moved, seconded by Rod Cleveland, to **reconvene from Executive Session** on the following:
Pursuant to 25 O.S. 307.B.4, 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.
- During such time the Board of County Commissioners only discussed what was on the agenda and took no action or votes.
- J. There being no further business to come before the Board, Darry Stacy moved, seconded by Rod Cleveland, that the meeting be **adjourned** at 2:31P.M.
The vote was: Harold Haralson, yes; Darry Stacy, yes; Rod Cleveland, yes.
Motion carried.

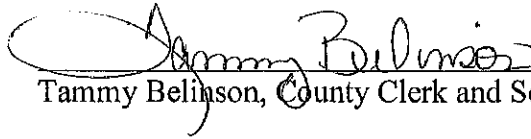
(Clerk's Note: Agenda was posted on June 23, 2017 @ 9:44 A.M.)

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



Darryl Stacy, Chairman

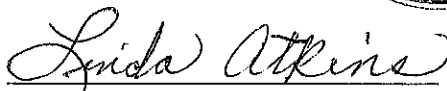
ATTEST:



Tammy Belinson, County Clerk and Secretary to the Board



Minutes Prepared by:



Deputy County Clerk