



## BOARD OF COUNTY COMMISSIONERS

TUESDAY, FEBRUARY 18, 2020

Undersheriff Blake Green led in prayer and the Pledge of Allegiance.

Chairman Harold Haralson called to order the regularly scheduled meeting of the Board of Cleveland County Commissioners at 1:00 P.M. this 18th day of February 2020, in Meeting Room 200 of the Cleveland County Office Building. Tammy Belinson, County Clerk/Secretary, called the roll and those present were:

Harold Haralson, Chairman  
Paul Meyer, District #2 Foreman, represented Darry Stacy, Vice-Chairman  
Rod Cleveland, Member  
Tammy Belinson, Secretary

Darry Stacy, Vice-Chairman, was absent.

(Clerk's Note: A Proxy is on file in the County Clerk's Office for Paul Meyer.)

**Others present were:** Assistant District Attorney Nat Hale, Linda Atkins, Undersheriff Blake Green, Brenda Hill, Brian Wint, Bryan Jenkins, Daniel Thatcher, Denise Ellison, Earl Cox, Carrie Davis, John Roberts, Joy Hampton, Laura Smith, Melinda Duke, Susan Burr, Susan Reese, Sheriff Todd Gibson, and Melissa Nies.

After the reading of the minutes of the Regular Meeting of February 10, 2020, and there being no additions or corrections, Rod Cleveland moved, seconded by Paul Meyer, that the minutes be **approved** as read.

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

### A. Bid Openings:

Susan Reese publicly opened and named each bidder. Harold Haralson moved, seconded by Rod Cleveland, to **accept** the bids and instructed the Purchasing Department to qualify, tabulate and prepare a report for each bid and make recommendations to the Board of County Commissioners on the following:

1. **Bid #HWY-1942** - Six month (6) Non-Encumbered Contract to provide 15% (PG64-22) S3, S4 & S5 Asphalt Material. The bid term will be from bid award date through August 10, 2020.

<p><b>Bid #HWY-1942 Asphalt Materials</b> CLEVELAND COUNTY BID SUMMARY</p>
--

**Bid Term will be from bid award date through August 10, 2020**

**List of Individual Bidders**

**Haskell Lemon  
Construction Co.**

**Paving Materials  
Inc.**

**T.J.  
Campbell  
Const. Co.**

**Page 1**

BID: #HWY-1942  
DEPT: Co. Commissioners  
DATE OPENED: 2-18-20

**Awarded to:  
Tabled on  
2/18/2020**

**List of Individual Items:**

Six-Months (6)  
Non-Encumbered  
Contract for Asphalt Materials for the County  
Commissioners

The Bid Term will be from bid award date through August 10, 2020.

Contact Person:	Roy Counts	Greg Kalicki	Arlon Halvorson
Title:	Sales Manager		
Address:	PO Box 75608 Oklahoma City, OK 73147	2401 S. Broadway Moore, OK 73160	PO Box 3788 Edmond, OK 73083
Telephone Number:	(405) 947-6069	(405) 793-1725	(405) 672-6768
Fax Number:	(405) 947-6068	(405) 793-9989	(405) 513-6786
Email Address:	<a href="mailto: bids@haskellemon.com">bids@haskellemon.com</a>	<a href="mailto: estimating@silverstarconst.com">estimating@silverstarconst.com</a>	<a href="mailto: tjcestimating@ticampbell.com">tjcestimating@ticampbell.com</a>
NON-COLLUSION AFFIDAVIT:	YES	YES	YES

The vote was: Harold Haralson, yes; Paul Meyer, yes; Rod Cleveland, yes.  
Motion carried.

**B. Old Business:**

1. Upon the recommendation of Susan Reese, Harold Haralson moved, seconded by Rod Cleveland, to **award** as per bid summary and where low bid was not awarded there is an explanation for **Bid #HWY-1935** – Six month (6) Non-Encumbered Contract for Tires and Tubes. The bid term will be from March 5, 2020 through September 4, 2020.  
The vote was: Paul Meyer, yes; Rod Cleveland, yes; Harold Haralson, yes.  
Motion carried.
2. Upon the recommendation of the Purchasing Department, Harold Haralson moved, seconded by Rod Cleveland, to **table** until a later date for **Bid #HWY-1936** – Six month (6) Non-Encumbered Contract for Road Oils, Emulsions and Sealants for the County Commissioners. The bid term will be from March 7, 2020 through September 6, 2020.  
The vote was: Rod Cleveland, yes; Harold Haralson, yes; Paul Meyer, yes.  
Motion carried.

3. Upon the recommendation of Melinda Duke, Harold Haralson moved, seconded by Rod Cleveland, to **award** to Premier Truck Group OKC in the amount of \$53,950.00 each for Truck #1 and #2 for **Bid #COM3-1941 – Purchase of two (2), 2015 or newer Model Semi-Tractor Trucks for Cleveland County District #3 Commissioner.**  
The vote was: Harold Haralson, yes; Paul Meyer, yes; Rod Cleveland, yes.  
Motion carried.

**C. Items of Business:**

1. Presentation was made by Carrie Davis on **Pre-Trial.**

Chairman Haralson said that the following Items, \*No. 2 through No. 8 are **Consent Items** and are routine in nature: Rod Cleveland moved to **approve** the Consent Items with the exception of No. 2; action is taken separately at the end of the consent agenda. Harold Haralson seconded the motion.

2. **(This item was taken separately at the end of the consent agenda.)**
3. **Resolution for Disposal** for the following item from Cleveland County Sheriff. This item was transferred.
  - a. 2008 Chevrolet Silverado Pickup Unit 08-700, S/N 1GCHK23K08F195869
4. **Resolution for Disposal** for the following item from Cleveland County Sheriff's Office. This item was junked.
  - a. Stalker Radar Unit, B650-0014
5. **Designation of Purchase Cardholders** to Tammy Richards, total card limit \$5,000.00.
6. **Approve the January 2020 Monthly Reports** of the following Officers:
  - a. Bryant Rains, County Election Board Secretary
  - b. Tammy Belinson, County Clerk
  - c. Jim Reynolds, County Treasurer
  - d. Douglas Warr, County Assessor
  - e. Marilyn Williams, Court Clerk
  - f. Todd Gibson, County Sheriff
  - g. Jackie Kanak, Health Department
7. **Review, Audit, and Approve or Disallow Blanket Purchase Orders** submitted. A report will be available for distribution at the meeting or may be obtained from the County Clerk.
8. **Review, Audit, and Approve or Disallow claims for Payment of Personal Services, Travel, Maintenance & Operations, and Capital Outlay.** A report will be available for distribution at the meeting or may be obtained from the County Clerk.

The vote was: Paul Meyer, yes; Rod Cleveland, yes; Harold Haralson, yes.  
Motion carried.

**END OF CONSENT DOCKET.**

2. Rod Cleveland moved to **table** until a later date the **Appointment** of Harold Haralson, M.D. to Cleveland County Board of Health, per O.S. 63 sec. 1-201 (d).

**Motion died for lack of second.**

Harold Haralson moved, seconded by Paul Meyer, to **approve** the appointment of Harold Haralson, M.D. to Cleveland County Board of Health, per O.S. 63 sec. 1-201 (d).

The vote was: Rod Cleveland, no; Harold Haralson, yes; Paul Meyer, yes.

Motion carried.

**D.** There was no **new business** to come before the Board for discussion.

**E. During Commissioner's discussions regarding County Business,** Commissioner Cleveland stated, concerning the Appointment of Harold Haralson, M.D. to Cleveland County Board of Health that he prepared a letter and sent it to the District Attorney's Office and will possibly forward it to the State. He read the letter into the minutes as follows: "There is a possibility of frequent conflicts of interest or the appearance of conflicts that may arise because of two County Commissioners sitting on the Cleveland County Board of Health (Commissioners Harold Haralson and Darry Stacy). Commissioner Darry Stacy was appointed by the Board of Commissioners when he was first elected County Commissioner. Harold Haralson started attending the Cleveland County Board of Health in the fall of 2019 but was never appointed by the Board of County Commissioners (63 O.S. § 1-201). There is a concern that stems from the statutory admonition that it shall be unlawful for any member of the Board 'to use his or her position as a board member to further his or her own interest.' 68 O.S. 2011 §3005.1 (B). While the Cleveland County Board of Health is a public body and is subject to the 'open meetings act,' two County Commissioners would be partaking in a public meeting with issues and discussions that would be presented to the Board of County Commissioners.

63 O.S. §1-208(b) states: The Commissioner may enter into agreements with county boards of health, and with city-county boards of health, whereby state funds will be used in conjunction with county funds for the operation of county, district, cooperative and city-county departments of health. The Commissioner may pay such funds on a reimbursement or percentage of budgetary expenditures basis, or other basis; and if directed to do so by the Commissioner, the county clerk shall add the amount of any such funds or specified items of appropriation, and no further action or appropriation by the county excise board shall be required to make such funds available for expenditure. This statute would be the first of many examples of conflicts of interest and open meetings violations.

There is a potential of incestuous involvement between the Board of Health and the Board of County Commissioners. There are several new positions created under the Board of County Commissioners that have Health Department responsibilities. The Cleveland County Health Department reimburses County General Fund for the salaries and benefits of these employees. There is a building project that is using County General Fund paid employees to manage the project but using County Health

Department ad valorem funds. While this may be a legal use of public money the intertwining of public officials should raise red flags of conflicts of interest.

The Board of County Commissioners approves all of the County Health Department ad valorem general fund expenditures, appropriations and contracts. The Board of Health prepares an estimate of needs to submit to the County Excise Board annually.

While I support the Cleveland County Health Department and its services, there are concerns with its current make-up of the Board of Health.”

Rod Cleveland  
County Commissioner

Commissioner Haralson addressed Commissioner Cleveland’s issue by saying that this was approved by Assistant District Attorney Jim Robertson before being accomplished and suggested that if he had more issues then he should take it up with Assistant District Attorney Jim Robertson and the District Attorney, as their office approved this before it went forward.

Commissioner Cleveland asked, “When was that?”

Commissioner Haralson said that it was last year sometime in October or November.

Commissioner Cleveland asked, “Did he give you anything in writing?”

Commissioner Haralson said, “He did not, no. This was verbal.”

Commissioner Cleveland said, “All right, thank you.”

Chairman Haralson pointed out that Rod Cleveland sends messages via his cell phone to the other Board members that violate the open meetings act as well. He said, “So, if we are going to be pointing fingers they come back to you as well.”

Commissioner Cleveland asked him to provide examples.

Harold Haralson said that he had lots of examples.

Commissioner Cleveland asked, “Like what?”

Commissioner Haralson retrieved the messages on his phone left by Rod Cleveland and began to read some of the messages. He said that his phone has a year’s worth of messages from him and it is his understanding that Assistant District Attorney Jim Robertson has talked to him verbally about that as well.

**F. There were no comments made by the Public.**

**G.** There being no further business to come before the Board, Rod Cleveland moved, seconded by Paul Meyer, that the meeting is **adjourned** at 1:15 P.M.

The vote was: Paul Meyer, yes; Rod Cleveland, yes; Harold Haralson, yes.

Motion carried.

**(Clerk’s Note: Agenda was posted on February 14, 2020, @ 8:18 A.M.)**

**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: Lynida Atkins  
Deputy County Clerk