

November 12, 2019

The Ottawa County Board of Commissioners held their regular scheduled meeting at 9:00 A.M. on November 12, 2019, with the following members present: Chairman Chad Masterson, Commissioners Russell Earls, Mike Furnas, and County Clerk Robyn Mitchell. Kenny Wright, District Attorney, was also in attendance.

Notice of the meeting was posted at the south door of the Ottawa County Courthouse at 3:54 P.M., November 7, 2019. Commissioners' Meeting Agendas and Minutes can also be found online at [ottawa.okcounties.org](http://ottawa.okcounties.org).

2. The Pledge of Allegiance was recited.

3. Motion by Earls, second by Furnas, to approve minutes of November 12, 2019. By vote: Masterson, aye; Earls, aye; Furnas, aye.

4. Motion by Earls, second by Furnas, to approve the following claims: 1 MILLER PLUMBING \$800.00 18 BANCFIRST \$34,112.25 825 ACE HARDWARE \$14.30 837 SPARKLIGHT \$130.15 845 HOMETOWN BOTTLED WATER \$12.50 834 RENAISSANCE TULSA HOTEL \$290.46 826 GABRIEL HUFFMAN \$284.25 827 GABRIEL HUFFMAN \$227.57 828 SUPERIOR RUBBER STAMP \$15.50 829 WAL-MART \$99.00 830 CINDY MANGOLD \$2,200.00 831 LOCKE SUPPLY \$217.20 833 MILLER PLUMBING \$750.00 835 ACE \$237.52 836 CUMMINS SOUTHERN PLAINS \$1,873.49 840 AMERICAN NEWSPAPER \$387.60 841 MIAMI NEWS-RECORD \$131.40 844 M&D LUMBER \$10.80 832 ADMIRAL EXPRESS \$114.28 839 PITNEY BOWES \$251.07 801 FLOWERS BAKING \$1,477.51 802 FOUR STATES MAINTENANCE \$798.02 803 HOMETOWN BOTTLED WATER \$62.50 804 LAKELAND OFFICE \$81.67 805 LAKELAND OFFICE \$125.90 806 LAKELAND FINANCIAL \$209.79 807 OK DEPT OF PUBLIC SAFETY \$350.00 808 OK DEPT OF PUBLIC SAFETY \$350.00 809 CITY OF MIAMI \$50.00 810 MIAMI FIRE PROTECTION \$130.00 811 LANGSTON EXTERMINATING \$100.00 812 MILLER PLUMBING \$2,000.00 842 AT&T \$264.71 813 TURN KEY \$11,644.14 814 TURN KEY \$11,644.14 815 CANON FINANCIAL \$186.59 816 AADVANTAGE LAUNDRY \$179.00 817 AADVANTAGE LAUNDRY \$179.00 818 EASY ICE \$129.00 819 QUALITY FOOD \$81.50 822 HOMETOWN BOTTLED WATER \$21.50 823 SPARKLIGHT \$136.66 824 AT&T \$44.57 820 RENAISSANCE TULSA \$106.00 821 MIKE FURNAS \$126.57 838 SPARKLIGHT \$78.94 843 AT&T \$365.01 105 DEIDRA KILLION \$72.00 106 KEESHA BUNCH \$71.30 107 LACEY RUTZER \$97.80 108 MARSHA MOORE \$78.00 109 VERONICA LONG \$33.00 116 SARAH MACE \$127.85 110 STEPHANIE URIE \$800.00 111 SCOTTS LAWN CARE \$370.00 112 WAL-MART \$48.30 113 MARY PARKER \$390.00 114 TOUCHTONE \$8.54 115 HOMETOWN BOTTLED WATER \$39.25 117 MIAMI PUBLIC UTILITIES \$1,630.30 581 MIKE FURNAS \$97.91 582 HOMETOWN BOTTLED WATER \$31.25 583 IRON WORKS \$110.80 584 CHASSIDY SMITH \$45.00 585 LANGSTON EXTERMINATING \$65.00 586 TREASE WELDING \$25.90 587 YELLOWHOUSE MACHINERY \$146.52 588 FLEETPRIDE \$180.04 589 JOHNS TRACTOR \$315.17 590 HERITAGE \$37.76 591 WAL-MART \$430.72 592 CINTAS \$61.84 593 FABICK \$139.46 594 HARBOR FREIGHT \$122.95 595 JOPLIN FREIGHTLINER \$185.02 596 MIAMI INDUSTRIAL \$105.69 597 O'REILLY AUTOMOTIVE \$590.83 001465 000598 WAL-MART \$163.48 599 BO'S TIRE \$115.00 600 LANGSTON EXTERMINATING \$65.00 601 QUAPAW NATION \$54.00 602 ACE \$23.98 603 MIAMI AUTO SUPERCENTER \$89.00 604 ACE \$11.98 605 U S CELLULAR \$86.32 606 AT&T \$28.79 607 FABICK \$37.88 608 WAL-MART \$26.83 609 WELCH STATE BANK \$1,800.00 633 OK DEPT OF TRANSPORTATION \$2,144.76 634 OK DEPT OF TRANSPORTATION \$2,144.76 632 RUSSELL EARLS \$176.44 610 HUGHES LUMBER \$6.21 611 B&B AUTO SUPPLY \$536.43 612 AUTOMOTIVE OF FAIRLAND \$61.45 613 TEETERS ASPHALT \$49,978.96 614 TEETERS ASPHALT \$19,931.10 615 WAL-MART \$199.70 616 AFFORDABLE MOBILE \$1,648.10 617 ACCO \$95.00 618 ACCO \$35.00 619 FAIRLAND TIRE \$1,365.06 620 FAIRLAND TIRE \$3,783.12 621 AFFORDABLE MOBILE \$109.00 622 STEVES COUNTRY \$1,396.07 623 EMPIRE DISTRICT \$250.63 624 ACE \$34.28 625 FAIRLAND TIRE \$339.53 626 AFFORDABLE MOBILE \$760.98 627 U S CELLULAR \$157.20 628 AT&T \$197.95 629 WELCH STATE BANK \$900.00 630 WELCH

STATE BANK \$2,200.00 631 WELCH STATE BANK \$2,200.00 635 OK DEPT OF TRANSPORTATION \$2,144.76 103 WILLIAMS DIVERSIFIED \$2,861.03 104 MIDWEST MINERAL \$2,430.01 105 TEETERS ASPHALT \$6,747.40 106 TEETERS ASPHALT \$4,620.00 107 FENSCO \$1,548.80 108 FROST OIL \$573.10 109 KEMP STONE \$654.94 110 WALLIS LUBRICANT \$1,327.07 111 SOUTHERN TIRE \$1,295.04 112 LAKELAND PETROLEUM \$4,361.47 10 JOLENE HOOPER \$100.00 11 QUILL \$271.95 2 FIRST NATL BANK \$55.00 71 AT&T \$240.24 72 WELCH STATE BANK \$1,059.00 73 WELCH STATE BANK \$1,177.03 74 WELCH STATE BANK \$713.05 75 WELCH STATE BANK \$1,289.50 81 LAKELAND PETROLEUM \$61.75 82 AT&T \$222.79 76 WELCH STATE BANK \$1,435.69 77 WELCH STATE BANK \$453.06 78 WELCH STATE BANK \$1,865.25 79 WELCH STATE BANK \$476.59 80 WELCH STATE BANK \$1,386.58 111 MILLER PLUMBING \$225.00 112 FLEETCOR TECHNOLOGIES \$753.86 113 FLEETCOR TECHNOLOGIES \$1,087.90 114 MILLER PLUMBING \$450.00 115 MILLER PLUMBING \$1,000.00 116 FLEETCOR TECHNOLOGIES \$1,010.38 117 FLEETCOR TECHNOLOGIES \$686.25 118 MIAMI PUBLIC UTILITIES \$12,856.51 119 MIAMI PUBLIC UTILITIES \$71.77 120 CLEARWATER ENTERPRISE \$413.29 121 OK NATURAL GAS \$148.92 122 OK NATURAL GAS S \$40.51 123 TOUCHTONE COMMUNICATIONS \$103.12 124 SPARKLIGHT \$245.13 125 MILLER PLUMBING \$2,380.00. By vote: Masterson, aye; Earls, aye; Furnas, aye.

5. There was no citizens' participation or public comments.

6. Motion by Earls, second by Furnas, to approve sale of County deed acquired at resale between Ottawa County Treasurer and David W. Walker in the amount of \$50.00. Legal description as follows: Lot 30, Block 125, City of Miami, Ottawa County, Oklahoma, according to the Original plat thereof. By vote: Masterson, aye; Earls, aye; Furnas, aye.

7. Motion by Earls, second by Furnas, to approve sale of County deed acquired at resale between Ottawa County Treasurer and Brian Tackett and Anna Durbin in the amount of \$200.00. Legal description as follows: Lots 10 and 11 situated in Tract "A", Red Banks Cove according to the original plat thereof located in Section 9, Township 26 North, Range 24 East of the Indian Meridian, Ottawa County, Oklahoma. By vote: Masterson, aye; Earls, aye; Furnas, aye.

8. Motion by Earls, second by Furnas, to approve sale of County deed acquired at resale between Ottawa County Treasurer and Marta Edgar in the amount of \$50.00. Legal description as follows: Lot 2, Block 33 Original Plat 1, in the City of Miami, Ottawa County, Oklahoma according to the original plat thereof. By vote: Masterson, aye; Earls, aye; Furnas, aye.

9. Motion by Earls, second by Furnas, to approve sale of County deed acquired at resale between Ottawa County Treasurer and Tanya Renee Kittler in the amount of \$50.00. Legal description as follows: Lot 4 Block 90 in the City of Miami, Ottawa County, Oklahoma, according to the recorded plat thereof. By vote: Masterson, aye; Earls, aye; Furnas, aye.

10. Motion by Furnas, second by Earls, to approve donation check #1030 from Susetta J. Trembl to Animal Cruelty Unit for \$100.00. By vote: Masterson, aye; Earls, aye; Furnas, aye.

11. Motion by Earls, second by Furnas, to approve soliciting for sealed bid for Road materials such as asphalt, bridge materials, concrete products, grader blades, pipe materials, ready-mix concrete, road materials, and road oil. Bids to be open December 16th at 9:05 A.M. or after. By vote: Masterson, aye; Earls, aye; Furnas, aye.

12. Motion by Earls, second by Furnas, to approve Project Number G04927-0160(1) G,S payment of \$225,563.95 for the Stateline Road project. This is a Bureau of Indian Affairs for District #2. By vote: Masterson, aye; Earls, aye; Furnas, aye.

13. Motion by Earls, second by Furnas, to approve the contract for housing Ottawa County prisoners in Tulsa County. Kenny Wright, District Attorney: This contract was sent to me by Tim Harris who is the General Council for the David L. Moss Correction Center. It is their standard contract. The most pertinent part is termination of the agreement by either party with 24 hours advanced written notice. It

is a retroactive contract going back to October 19, 2019 at \$69 per day. This is what they charge everybody. Masterson: There is no negotiation on this at all? Wright: Mr. Harris and I discussed this and he thought there could potentially be some leeway although he couldn't say for sure because the decision wouldn't be his. It is the Tulsa County Board of Commissioners. One of the things we talked about was the additional expense we are having of our jailers having to drive there and the additional overtime. The Sheriff's office is trying to get those numbers together for me. To a certain degree it is mute up to when Association of County Commissioners of Oklahoma intention was to stop paying last Friday so up to that point my understand was that ACCO was going to pay that \$69 per day. I will certainly enter into negotiations with ACCO to see if we can push that any further out. Possibly getting the courts involved, depending on how expensive this gets and how long it goes on before we can bring inmates back to our jail. That's a whole other subject getting the jail fixed up and how we are going to handle the financial side of it. Tim said if we can get him some numbers he would be happy to take it to his Board. My thought is their Board is not going to be amenable to negotiations. They probably just as soon our inmates came home sooner rather than later. On this document there is an attachment that deals with our responsibilities toward the inmates. It's basically just what the Sheriff and the Undersheriff have been having to deal with and that is that we have people on site to do counts, we are responsible for medical care, discipline, trying to make religious services available to them, arranging visitation. We are responsible pretty much just like they were here. We are just getting a building to put them in. We have searched the state for other opportunities or places where we might house these inmates. Outside of our 20 beds at Craig County, nobody has room in the state to house this many people. The Sheriff and I and a bunch of law enforcement representatives are meeting with the U.S. Attorney/s office today on some other issues but I'm going to see if there is any way we can get some federal help. Moving them out of the state is not an option for us. Earls: It's \$69 a day and we are providing everything except a bed? Wright: Pretty much. Sheriff: They assigned our inmates to their own pod and they are not mixing with the Tulsa County inmates. What they are projecting is a bunch of ICE detainees in the near future. That's where they are hitting us with their \$69 and they are putting them in their own pods. I've negotiated with them. It's their facility. Wright: If they don't normally have anyone in that pod, they aren't going to hire additional staff to take care of our prisoners on a temporary basis. We might still be able to negotiate this down a little bit, with them essentially requiring a 24 hour advanced notice to terminate the contract. At least it gets us with a solution today. Mr. Harris is working with us in good faith. I don't know their Board of County Commissioners. Earls: We can talk to them. I understand that they don't want to bulk up their staff to take care of us. Since they are supplying the bed and we are providing everything else it looks like there would be some room for negotiation. Wright: I agree. Natasha Mays, Purchasing Agent: Who is paying for this outside of ACCO. What budget do you plan on paying for the \$69 for 80 to 90 inmates? Sheriff: The count was 67 this morning in Tulsa. Earls: What is Craig charging us? Sheriff: \$28. Cook: We are trying to get them moved out. We have several here for arraignment this morning. I am trying to get them moved through the system and trying to keep that number down. Most of our incidents that happen there are deputies taking inmates to the hospital. They don't have medical there right now so we have to send a deputy to transport every time. Sheriff: I have had several throughout the state offers 5 – 10 beds but you get into a logistic nightmare. Cook: We have a decent system in place right now. However, the hours that these detention deputies are working is a concern. They are going to start leaving. We've already had one leave. Earls: We've all been working on this jail situation. We've had several conversations with different roofing contractors. Shannon Walker and I got on top of the roof trying to figure out how we can stop the bulk of the big leaks. The roof is in really bad shape. There are so many pipes and different things going through that membrane and they've all got problems. It's no wonder you can't identify where the water is coming

from. We are going to try to get the bulk of it stopped. He should be here today or tomorrow. Cook: We did have another company come in Friday and they do this membrane where they actually shrink wrap the top of the roof. They asked to speak to the BOCC at the next meeting just to show you what they do. I don't know the cost or anything. Earls: Shannon and I looked at those parapet walls, and even those look compromised. My view is a pitched roof is the only thing that is going to fix this and fix it right. But that brings complications as well. I've talked to a couple of engineers that design jails, they tell me that it's mandatory that they have a certain amount of sunlight and fresh air and so we can't just cover everything. The next question is that if we put a pitched roof on there, that will dump more water into those recreation yards, how much could those drains handle? We need to work through those questions before we continue on that path. It's not a simple solution but to me it's the only solution that's going to solve that problem long term. We will continue working on it. How are we on the plumbing issues? Cook: I've asked for a couple of purchase orders. It has to be approved through you as to where the money is coming from. The actual board is up and running by Johnson Controls. It's a temporary set up but they want to run 2 days of diagnostics to get all of the kinks worked out of it and that's a \$2600 purchase order. They said one power surge will knock that power out again. It's a temporary fix right now. Earls: What did that cost? Cook: \$532. Earls: That's a long way from \$31,000. Cook: The diagnostic they are running will tell us what is actually wrong with it. I don't know if we want to spend the \$2600. They tell us the board is old and its junk. The other company said it's done. That just controls the fire alarms. The fire alarms are working because when I walked out of the building they went off because the heater kicked on. There are a lot of faults in there they say they have to work out. That does not include the money for an estimated cost for the sprinklers and smoke detectors. Earls: The sprinklers have how many heads? Cook: 37 heads for \$27,000 to have green tag sprinkler systems and smoke detectors. Earls: What are wrong with these heads? Cook: They are missing oxidize. The inmates just pull them off. Earls: How do we keep that from happening? Cook: Put some sort of cage around them. They are way up there and they still get to them. Earls: We've got to stop that from happening. Earls: On the invoices, especially like the plumbing, we need more detail. Tell them we need a good break down so we can track what has happened in the past and see what we need to do going forward. Kenny: Getting back to Mrs. Mays question. I think this qualifies for new business. If I understand what's happening, you've got things that need to be fixed to get the jail up and running but there's not enough money in your accounts for Natasha to issue a purchase order. Mays: They have no money in their cash funds, and nothing left in general other than enough for their payroll. We barely have enough to get by in County general. Earls: I don't know what we can do at this point. We will just have to take a look at what we can do. Furnas: Will these repairs be permanent? Cook: These are things that need to be done to get the inmates back in the jail. The suppression, the smoke detectors, fire alarms. In good faith, we can work on the other stuff. The way the numbers are right now, I would have a free pod open, at any given time for us to maintenance that pod, get it to standard, and move those people back in there, then we would work on the next one. Furnas: So 67 detainees at \$69 for 30 day you are looking at \$135,000 for the next 30 days. Earls: We need to try to get them back as soon as possible. That would drain us trying to house them. Furnas: It sounds like you have a solution to reduce some of that problem so we can get at least some of the detainees back. Cook: They know it has to be fixed and we know it. They know there are things wrong with it, but can they fix it. So that's \$2600 we need for a purchase order to get the diagnostic. They got it running within an hour. It's functioning, however, it's not functioning the sprinklers or smoke detectors. We have got to get green tagged so the state inspector will come back down and give us a good thumbs up. Earls: If we jump in here and make it happen, how long will it take for the inspector to get here? Cook: I think he will just come down. Earls: Dan, what else are you looking at as far as plumbing? Cook: As long as I have one shower working in each pod for every 20, I'm fine, and

one toilet. Per state, that's all I have to have. Earls: Are they doing anything to keep those shower drains from being plugged? Cook: Putting plates over them. Kathy Bowling, Treasurer: We transferred \$600,000 from the Highway department to the general, not counting the \$332,000 in general. That's until December. Earls: Did we do an estimate? Is that how we came to the \$600,000? Bowling: Yes. Our balance right now is \$934,000. Earls: And we need to pay the \$600,000 by the end of the fiscal year. Bowling: We do have the tax roll. We are working to get those out and we should start getting the money coming in. Earls: You missed part of the conversation but we are trying to get some stuff taken care of over there, in order to keep from wasting \$135,000 in Tulsa County jail. Wright: Does the \$900,000 include the capital outlay account? Bowling: Yes, it is money that we hope to collect. It's anticipated revenue. It looks good on paper but it isn't in the bank. Earls: Year after year we operate on anticipated revenue. Bowling: But I am talking about the actual bank balance. Earls: The actual bank balance is \$934,000? Bowling: Yes. The \$600,000 is included in that. This has to be paid back by the end of the fiscal year. Last year we had it paid back in January because December is our big tax collection year and that's when we get some general fund money. But you have to remember that most of the money we collect goes to the schools. The general fund only gets 10.24 percent of that. In order to make sure that we pay it back in the fiscal year, I always do it in January and then we maybe have to go from month to month, January to June. Because it's against statute to not pay that back within that fiscal year that ends June 30<sup>th</sup>. Furnas: Do we have a goal of how many days we can get this done? 10 days? Sheriff: It all depends on what's approved and get the state inspector here. Earls: Is the kitchen stove fully functional? Cook: It needs some maintenance. Mitchell: So our office needs direction on how we are going to give them purchase orders? Is it going to come out of the general fund? Earls: It will have to if they don't have any money. Mitchell: So if they call with a purchase order it will directly come out of the general fund, we will not do a transfer? Earls: I would like for either Chad, Mike or myself to know when a purchase order is coming in, what is it for and what we are doing. Sheriff: We can email bids or estimates to one of you three. Then you can call Robyn and say we can get the purchase order. Earls: that would be fine. By vote: Masterson, aye; Earls, aye; Furnas, aye.

16. Motion by Earls, second by Furnas, to approve the following transfer(s) of appropriation: \$915.84 from Resale Property to County General. By vote: Masterson, aye; Earls, aye; Furnas, aye.

18. Kathy Bowling submitted a monthly report. Bowling: I would like to elaborate on the monthly report. We are having to do special apportionments each month. I don't want the \$900,000 that we have in the bank right now make you think that we have the money to spend. I feel like after this we are going to have to do special apportionments just to keep a small balance in the general fund the rest of the year to keep the regular payroll happening and the things that come out of general fund. So once a month we get the OTC money, which goes into general for around \$150,000 a month and then we put that on as soon as we can and then we spend it. It's an in and out basically. I just wanted to explain that a little further. Because there is not a surplus of money and there is not going to be this year. Even though we are getting the taxes, and we estimate how much we are supposed to get, it's our budgets that are already being spent through our budgets. It's not like we have \$900,000 to spend, it's already spent basically. Cassie Key, Court Clerk: Some of that money in general is allocated for each office. Every office and entity has money that is in that general account. Bowling: That goes with our budget. And when I say December is our big tax month, the county general only gets that small portion. The rest of the money goes to schools, the health department, the other entities. The general fund only gets that 10.24 percent. Which is not a lot. Mays: We've already budgeted that tax money. It's not like it's just extra money we have in there. Bowling: It's just to help us pay what has already been budgeted. Earls: Like I said earlier we will sit down and see what we can do and what we are capable of doing.

20. Commissioners activity reports: District #1: We were prepared for the ice and snow which we got very little of. We are working on various projects to try to maintain roads that are in the reclamation by the Quapaw Nation. Reminder that on the 14<sup>th</sup> Tar Creek bridge road over Cardin will be closed for the 120 day resurfacing project. District #2: Been putting in a lot of drainage culverts trying to help the drainage across a lot of the county roads that have a problem with flooding. It would really help to get the water to drain under and beside the road rather than over the road. A couple of weeks ago, along with District 1 and 3, we helped Neece concrete pour the basketball court at the Boys and Girls club. Routine maintenance. District #3: We salted and sanded the bridges, hills and curves in anticipation of ice or snow. We will be doing maintenance on equipment and starting doing maintenance on roads starting on the 13<sup>th</sup>.

23. Motion by Earls, second by Furnas, to approve the following blanket purchase orders:

**1102-6-4100-2005**

002078 CINTAS CORPORATION \$200.00  
002079 JOPLIN FREIGHTLINER \$1,000.00  
002080 QUAPAW NATION UTILI \$54.00  
002083 BO S TIRE & WELDING \$1,000.00  
002084 LANGSTON EXTERMIN \$100.00  
002085 U S CELLULAR \$200.00  
002086 WAL-MART PAYMENTS \$500.00

**Total for 1102-6-4100-2005 \$3,054.00**

**1102-6-4200-2005**

002087 CINTAS CORPORATION \$100.00  
002088 SAFETY KLEEN SYSTE \$325.00  
002089 KATNER MILLS \$1,000.00  
002090 KATNER MILLS \$1,000.00  
002091 CITY OF MIAMI \$1,700.00

**Total for 1102-6-4200-2005 \$4,125.00**

**1313-6-4100-2005**

002081 TEETERS ASPHALT \$10,000.00  
002082 WILLIAMS DIVERSIFIED \$5,000.00

**Total for 1313-6-4100-2005 \$15,000.00**

**1313-6-4200-2005**

002092 KEMP STONE CO INC \$2,500.00

**Total for 1313-6-4200-2005 \$2,500.00**

By vote: Masterson, aye; Earls, aye; Furnas, aye.

24. Motion by Earls, second by Furnas, to adjourn. By vote: Masterson, aye; Earls, aye; Furnas, aye.

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Chad Masterson, Chairman

Robyn Mitchell, Ottawa County Clerk  
The American