

November 13, 2018

1. The Ottawa County Board of Commissioners held their regular scheduled meeting at 9:00 AM, November 13, 2018, with the following members present: Chairman Chad Masterson, Commissioners Russell Earls and John Clarke. Assistant District Attorney Rogers Hughes and District Attorney Kenny Wright was also in attendance.

Notice of the meeting was posted at the south door of the Ottawa County Courthouse at 2:32 P.M. on November 8, 2018. 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 Clarke, to approve minutes of November 5, 2018. By vote: Earls, aye; Clarke, aye; Masterson, aye.

4. Motion by Earls, second by Clarke, to approve the following claims: 16 OK Natural Gas Co Utilities \$57.46 17 OK Natural Gas Co Utilities \$145.40 6 Miami Trophy & Screen Printing Uniforms \$32.98 888 AT&T Internet Service \$49.75 889 Cable One \$105.22 890 Hometown Bottled Water \$6.25 891 Cindy Mangold Office Cleaning \$75.00 892 Becky Smith Travel Expenses \$408.24 893 Comdata Fuel \$77.10 894 Cindy Mangold Janitorial Services \$2,200.00 895 Miami Pest Control LLC \$250.00 896 H K Electric LLC Repairs \$75.00 897 Ace Hardware Postage \$66.15 898 AT&T Mobility Cell Phone \$61.17 875 Lakeland Office Systems Maintenance Agreem \$116.98 876 Lakeland Office Systems Maintenance Agreem \$149.96 877 Wal-Mart Payments Repairs \$289.18 878 City of Miami Tower Rental \$50.00 879 Miami Fire Protection Inspections \$130.00 881 Fleetcor Technologies Fuel \$981.99 880 Easy Ice LLC Maintenance Agreem \$129.00 899 Comdata Fuel \$207.45 900 Stovers Carpet & Floor Carpet \$340.86 901 AT&T Mobility Cell Phone \$31.17 902 Summer Aldridge Reimbursal \$34.99 884 Jamie L Foster Travel Expenses \$468.81 885 Kathy Enyart Travel Expenses \$71.11 886 Courtney May Travel Expenses \$639.46 887 AT&T Phone Bill \$38.59 882 Cable One Internet Service \$78.94 001994 883 Hometown Bottled Water Bottled Water \$6.25 98 Lanna Bringardner Travel Expenses \$53.09 100 Veronica Long Travel Expenses \$19.74 102 Sarah Hubbard Travel Expenses \$226.06 94 Kira Luttrell Office Cleaning \$800.00 95 Orkin Extermination Co Inc \$48.63 96 Admiral Express Inc Office Supplies \$398.94 97 Sanofi Pasteur Inc Medical Supplies \$232.50 99 OK Natural Gas Co Utilities \$158.80 101 Crystal Williams Dot Services \$273.24 103 Miami Public Utilities \$1,419.43 571 OSU Agriculture Conferences Registration Fee \$110.00 573 Wal-Mart Payments Office Supplies \$37.15 574 General Machinery Inc Supplies \$48.32 575 Stribling Equipment LLC Parts For 94 Cat Grad \$330.73 576 Hughes Lumber Co Shop Supplies \$9.56 577 Custom Paving Maintenance Bridge Materials \$3,578.00 572 Dana Riley Travel Expenses \$284.65 Total: \$284.65 104 Custom Paving Maintenance Parts \$16,473.00 105 Neo Concrete & Materials Concrete \$225.00 106 Neo Concrete & Materials Concrete \$180.00 10 Jolene Hooper Office Cleaning \$100.00 3 First Natl Bank Of Miami Safety Deposit Box \$55.00 58 AT&T Phone Bill \$179.68 47 Bob Barker Co Inc Jail Supplies \$398.89 48 Integris BRHC Inmate Treatment \$1,983.70 60 Tiger Commissary Services Inc Commissary \$995.18 5 Sirchie Finger Print Labs Drug & Alcohol Testing \$64.27 130 Four States Maintenance Cleaning Supplies \$731.45 131 O Reilly Automotive Inc Vehicle Repair \$346.11 132 Miami Trophy & Screen Printing Uniforms \$11.00 133 Waneka Gering Deputy Badges \$9.00 134 Cable One Cable Service \$224.40 135 OK Natural Gas Co Utilities \$47.73 136 AT&T Phone Bill \$158.86 137 AT&T Phone Bill \$392.00 138 AT&T Phone Bill \$82.23. By vote: Earls, aye; Clarke, aye; Masterson, aye.

5. During public comments, Jay Calan, a citizen of Ottawa County, stated that he is not here to be put on the agenda but if it goes further, he would like to ask to be put on the agenda. "I am not here to make enemies with anybody and it is known that I am friends with the Sheriff. He is like a son to me. I am here for the office of the Sheriff's department, which is a constitutional office, which being a former Sheriff, means a lot to me." Calan then handed a list of questions to the Board and the District Attorney stating he would like for them to review. He said that he used to sit with the former District Attorney

Eddie Wyant, and discuss the Sheriff's department and knew it was being run wrong, and not being run constitutionally. He also stated, "until we get a Sheriff that cares, there is nothing we can do." Calan said, "that he disagreed because it is the duty of the Commissioners and this board, to mandate what is right, and what is not right. The jail and the Sheriff's office are actually a constitutionally mandated function that take priorities over everything else that is in this County including road graders, raises, anything. The question is, how long has this been going on that monies were not used for the jail and such?" He also stated, "that our District Attorney understands what is happening here and understands the law. Attorney General Hunter along with the Supreme Court of the United States and the Oklahoma Supreme Court agrees with what I am stating here." Calan also questions what the County Clerk, and the County Treasures duties are by statute. They are not here to mandate anything except what their duties are. They cannot make a budget for the Sheriff. Why wasn't the Board of Prisoners Fund that was carried over from the prior year credited back to the Sheriff's department? I (Jay Calan) have an attorney on speed dial standing by depending on what is going to happen here today. "I am very fortunate to have a lot of attorneys who are friends of mine, some of which our District Attorney knows very well. Things need to happen, and they need to happen quick, because if not, I am going to get the Attorney General to come in here to investigate."

6. Motion by Earls, second by Clarke, to table BID 2018-2019.11 at the Sheriff's request for the roof project. The Sheriff said they are getting additional information, so hopefully, by the end of this week they will have a decision on what they are going to do. By vote: Earls, aye; Clarke, aye; Masterson, aye.

7. Motion by Clarke, second by Masterson, to approve supplemental and modification agreement between the Ottawa County Commissioners, and the Department of Transportation of the State of Oklahoma for County improvements for roads and bridges over Unnamed Trib to Horse Creek. Earls stated that this is an update for utilities for a project. By vote: Masterson, aye; Clarke, aye; Earls, aye.

8. Motion by Earls, second by Clarke, to approve standard bedding material between Ottawa County and Eastern Oklahoma Region-Department of Transportation. Masterson stated this is for State Line Road in his district. By vote: Earls, aye; Clarke, aye; Masterson, aye.

9. Motion by Earls, second by Clarke, to approve fence-style SWF 6 barbed wire, fence-style SWF 4 barbed wire and galvanized steel materials between Ottawa County and Eastern Oklahoma Region-Department of Transportation. Masterson stated that this is also for the State Line Road. By vote: Masterson, aye; Clarke, aye; Earls, aye.

10. Motion by Masterson, second by Earls to approve Aggregate Base Type A materials between Ottawa County and Eastern Oklahoma Region-Department of Transportation. This is also for State Line Road projects. By vote: Earls, aye; Clarke, aye; Masterson, aye.

11. Sheriff Floyd presented a Power Point presentation concerning his budget, as the Agenda item stated. He stated several Statutes and Laws. Also, as the Sheriff stated, to show what he is up against every day to maintain and operate the office. The biggest problem is the jail, because you never know what you are up against. It costs \$35 per day per inmate and the daily average per day is 154 inmates which is \$5390 per day. As far as feeding the inmates I am obligated by the constitution and statutes to make sure that not only do I have a duty to feed them but I also have to provide an adequate and safe environment to live their everyday function. I don't want to bring an indebtedness because of a wrong doing or liability that could have been prevented in the future. That, to me, is my goal to perform and act as we are supposed to. "As Sheriff I cannot continue to do my duty properly without informing you publicly and on the record of these important facts. It would be a better solution if we come to the table and find a common ground for the problem. I want you to understand what I am up against when it comes to and what I would be liable for if I don't do this and don't do that. It is important to me to make sure that not only the Sheriff's office operates and functions as it is supposed to by the constitution but to make sure that we act as we need to as the Sheriff's office and that the citizens of this County can be proud of. There must be an assessment of immediate needs of the jail and the funding required, and

then priority must be placed on making a speedy funding a reality. Even if it means a budget revision. There must be immediate funding for a contract of legal counsel through an outside law firm for the Sheriff's office approved by the County. This counsel should work with the Oklahoma Sheriff's Association for the development and implementation of best practices for our County department. Let's start with a candid assessment of the needs of the jail, and a budget correctly according to clearly established law and speak correctly about the "burn rate" of the budget. Just because something was paid for up front, it still only makes for an average monthly drain on the budget over the course of the year. Understand, not all amounts for the constitutionally required performance of duties can be reasonably foreseen. Let's build in some contingency planning from now on so that we can meet all our constitutional requirements. I took an Oath of Office, and I take that oath seriously. I want to do what it entitles me, and commands me to do. I just wanted to bring this to your attention and let you know what I am up against as far as what I have to do and what everyone will hold me accountable for if I don't do something. I want to do what is right for this county, and at the same time I want to do what is right by law, constitution and by statutes. I think if we can come to a happy medium agreement and what I need to do to report. I think ultimately that is going to have to be the goal and objective for us to move forward. The Sheriff then asked for questions. Earls asked if there is any consideration to the budget in what you have been showing, and how you are going to go forward with the rest of the fiscal year? The Sheriff stated that he has a budget idea, and has been tinkering with it to find what is the best budget for the county. But what I have to do to implement what has to be done. Right now, it is tough to find that happy medium because the budget is literally going to have to be revised in order to have a functioning office. The alarming expenses of 1.9 is what we are spending on the jail alone is not field or law enforcement duties. Commissioner John Clarke asked if those numbers are from current expenditures. The Sheriff said, that is just what they spend in the jail, that is not what we spend in the field. Clarke asked, if the jail includes personal services? Sheriff Floyd said that it is and that includes food and health. Clarke said those are figures he sees on a monthly basis and there are some figures in there that are way above and beyond what has been expenses in the past. Are those amounts mandatory? We have seen a shortfall in the previous year and I don't see anything that has changed that would help us help you. It has always been my intention to always work with the Sheriff's office so that we can have the best service that we can provide. But unfortunately, just like every other department, we have a set amount of funding that we have to divide up in some form or fashion so that we can make all of the departments work. We can't continue to obligate funds to departments that basically aren't trying to work with the whole county system to make this work. The Sheriff replied that we have jail standards that we have to follow, we have dispatch services which is part of the jail cost because they count as a head figure as far as the jail count. We are running what jail standards tells us to run. We don't have any overages when it come to having extra staff. We are trying what we can to go forward but at the same time we have to follow dietician food orders and health expenses. There is some additional cost for the liability that is absorbed within, especially with the medical side of things, because with the mental health and drug addiction that we are seeing across the board. Ultimately, I don't want to get sued for the medical situation. That cost right there is broke down and is what we are going to be charging inmates. Commissioner Masterson said that he doesn't think the feeding of the prisoners and the medications they are given has ever been an issue with the Board of County Commissioners. It was my understanding that we were going to see some facts and figures on numbers, either going forward or what has already been spent. The Sheriff said, "he could show number after number all day long in what we are spending as far as what we are up against. It's not so much an expenditure that I want but it is an expenditure I have to address. Everything across the board as far as food, what we are putting forth in the jail, and the cost associated with upkeep of the jail, that's dinged us so much. If you take away all of the problems associated with the jail that we are putting forth we probably wouldn't have a problem. But we have to address those problems and it is very costly."

Commissioner Clarke disagrees because once again, during my 17 years as County Commissioner, I have yet to see the first deputy make the same salary as the elected official in the department. I have nobody on my staff that I see on a daily basis that will come close to that. I realize that we are in a county that we have multiple police agencies that we have to compete with, but that is the beast that we have to deal within our County. It wasn't a secret when you ran for this office that we have multiple agencies here and to be competitive to retain qualified people to do the job that is required is a tough choice. The Sheriff said, "the salary that the undersheriff makes is something that was brought over from the previous year. That is something I did not implement." Clarke said, "No that he (Clarke) signs those payroll claims every month and that is something that didn't happen until a certain point." Sheriff Floyd said that the undersheriff does not make what he makes. Clarke excused himself, briefly. There were no other questions.

15. Motion by Earls, second by Masterson, to approve the following check for deposit: #707858 from Cherokee Nation, \$50.00. By vote: Masterson, aye; Earls, aye.

16. Monthly reports submitted: District 2: Recently installed drain tiles. Yesterday they were salting and sanding roads due to the weather. District 3: Also, salting and sanding roads.

17. Motion by Earls, second by Masterson, to approve easements authorizing encroachment on properties. By vote: Earls, aye, Masterson, aye.

18. Commissioners activity report were communicated in item 16.

21. Motion by Masterson, second by Earls to approve blanket purchase orders:

**1102-6-4200-2005**

002043 CITY OF MIAMI	\$600.00	11/08/2018
002044 KATNER MILLS	\$1,000.00	11/08/2018
002045 WAL-MART PAYMENTS	\$300.00	11/08/2018
<b>Total for 1102-6-4200-2005</b>	<b>\$1,900.00</b>	

**1222-2-0400-2005**

002033 FLOWERS BAKING CO	\$1,500.00	11/08/2018
002034 FOUR STATES MAINTENANCE	\$800.00	11/08/2018
002038 QUALITY FOOD CORP	\$2,000.00	11/08/2018
<b>Total for 1222-2-0400-2005</b>	<b>\$4,300.00</b>	

**1226-2-0400-2005**

002025 BOB BARKER CO INC	\$400.00	11/08/2018
002026 CVS FOOD	\$500.00	11/08/2018
002027 DIAMOND PHARMACY	\$1,000.00	11/08/2018
002028 FLEETCOR TECHNOLOGY	\$1,200.00	11/08/2018
002029 FLEETCOR TECHNOLOGY	\$1,200.00	11/08/2018
002030 FLEETCOR TECHNOLOGY	\$1,200.00	11/08/2018
002031 FLEETCOR TECHNOLOGY	\$1,200.00	11/08/2018
002032 FLEETCOR TECHNOLOGY	\$1,200.00	11/08/2018
002035 GRAVES MENU MAKER	\$6,000.00	11/08/2018
002036 LAKELAND FINANCIAL	\$209.79	11/08/2018
002037 O REILLY AUTOMOTIVE	\$400.00	11/08/2018
002039 SERVICE SOLUTIONS INC	\$2,000.00	11/08/2018
002040 SERVICE SOLUTIONS INC	\$11,227.00	11/08/2018
002042 WANEGA GERING	\$40.00	11/08/2018
<b>Total for 1226-2-0400-2005</b>	<b>\$27,776.79</b>	

**1313-6-4200-2005**

002047 WALTER SPECIALTY SE \$2,000.00 11/08/2018

**Total for 1313-6-4200-2005 \$2,000.00**

By vote: Earls, aye, Masterson, aye.

Commissioner Clarke returned to meeting.

22. Motion by Masterson, second by Earls to adjourn. By vote: Masterson, aye; Earls, aye; Clarke, aye.

Robyn Mitchell, Ottawa County Clerk  
Miami News Record

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Chairman, Chad Masterson