

December 23, 2019

The Ottawa County Board of Commissioners held their regular scheduled meeting at 9:00 A.M. on December 23, 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 11:51 A.M., December 19, 2019. Commissioners' Meeting Agendas and Minutes can also be found online at ottawa.okcounties.org.

2. The Pledge of Allegiance was recited.

3. Motion by Earls, second by Furnas, to approve minutes of December 16, 2019. By vote: Masterson, aye; Earls, aye; Furnas, aye.

4. Motion by Earls, second by Furnas, to approve the following claims: 7 APAC-CENTRAL \$29,075.44 3 HAMBRICK-FERGUSEN \$1,345.00 23 YORK ELECTRONIC SYSTEMS \$839.00 17 CITY OF MIAMI \$197.06 18 CITY OF MIAMI \$236.59 19 CITY OF MIAMI \$240.13 7 MIAMI TROPHY \$154.00 8 WAL-MART \$33.20 4 WAL-MART \$417.64 5 POWER UP RENTAL \$17.00 1180 THOMSON REUTERS - WEST \$272.14 1166 LOCKE SUPPLY \$71.76 1167 COMDATA \$43.56 1168 AT&T \$994.72 1169 MIDWEST PRINTING CO OFFICE SUPPLIES \$142.00 1170 OK DEPT OF ENV \$251.21 1171 TELECOMP HOLDING \$2,283.20 1172 CRAIG CO REG DETENTION \$2,175.00 1173 MIAMI NEWS-RECORD \$244.95 1174 O'REILLY \$2.00 1193 WESTERN FIRE PROTECTION \$450.00 1195 ALERT 360 \$35.00 1196 H K ELECTRIC \$112.50 1194 LOWES \$932.27 1175 PIONEER PRINTING \$21.95 1176 SPARKLIGHT \$79.84 1177 WAL-MART \$62.30 1152 TURN KEY \$9.75 1153 TURN KEY HEALTH \$600.00 1154 FLEETCOR \$1,008.39 1155 AT&T \$262.57 1181 JUSTIN BERRY \$35.29 1182 BOB BARKER \$391.63 1183 CVS FOOD \$360.13 1184 FLOWERS BAKING \$314.04 1185 FOUR STATES MAINTENANCE \$736.39 1186 LAKELAND FINANCIAL \$209.79 1187 O'REILLY AUTOMOTIVE \$306.57 1188 WAL-MART \$366.86 1189 TURN KEY \$116.16 1190 KARNES PRO TIRE \$60.00 1191 SERVICE SOLUTIONS \$3,527.85 1159 TURN KEY \$11,644.14 1160 TURN KEY \$11,644.14 1156 CRAIG COUNTY \$2,216.00 1157 CRAIG COUNTY \$8,100.00 1158 CRAIG COUNTY \$3,969.00 1192 CANON FINANCIAL \$186.59 1178 COMDATA \$230.38 1179 ADMIRAL EXPRESS \$76.96 1162 OSU COOP EXT \$461.00 1163 KATHY ENYART \$979.43 1164 PARTNERS IN GRIME \$85.00 1165 LAKELAND FINANCIAL \$220.42 AT&T \$241.16 153 LANA BRINGARDNER \$220.80 147 VITAL RECORDS \$35.00 148 GREEN COUNTRY SHREDDING \$35.00 149 XEROX CORPORATION \$255.17 150 MIAMI NEWS-RECORD \$49.87 151 MARY PARKER \$364.00 152 QUILL CORPORATION \$147.97 154 MAYES COUNTY \$90.00 833 EMPIRE DISTRICT \$719.19 834 MISACO SIGN & SCREEN \$152.00 835 CHAD MASTERSON \$56.42 836 ACCO \$95.00 837 M&K \$35.58 838 UNIFIRST \$625.34 839 WAL-MART \$202.90 840 ACE \$12.96 841 CINTAS \$62.40 842 KATNER MILLS \$400.93 843 BEARING HEADQTRS \$56.42 844 SUMMIT TRUCK \$254.58 845 FRIENDSHIP HOUSE \$32.00 846 CHEROKEE COUNTY DISTRICT # 3 \$12,000.00 847 LAKELAND PETROLEUM \$620.00 848 KATNER MILLS \$610.61 849 HOMETOWN BOTTLED WATER \$6.25 850 WALLIS LUBRICANT \$668.98 851 ADMIRAL EXPRESS \$81.48 852 LAKELAND PETROLEUM \$2,085.25 853 MIAMI INDUSTRIAL \$14.40 854 MIAMI INDUSTRIAL \$330.00 855 KATNER MILLS \$463.95 856 DISH NETWORK \$53.34 857 EMPIRE DISTRICT \$277.92 858 RUSSELL EARLS \$117.44 859 RENAISSANCE TULSA \$248.38 860 B&B AUTO \$221.59 861 FABICK TRACTOR \$883.44 862 LAKELAND OFFICE \$63.12 863 KARNES PRO TIRE \$59.00 146 MIDWEST MINERAL \$6,246.23 147 MIDWEST MINERAL \$3,226.89 148 MIDWEST MINERAL \$7,561.34 149 MIDWEST MINERAL \$5,417.63 150 WALTER SPECIALTY \$1,225.00 151 TEETERS ASPHALT \$7,423.50 152 TEETERS PAVING \$4,831.90 153 KEMP STONE \$1,721.42 154 TEETERS ASPHALT \$343.77 155 TEETERS ASPHALT \$147.75 156 TEETERS ASPHALT \$5,291.60 157 KEMP STONE \$1,264.11 158 KEMP STONE \$249.38 159 KEMP STONE \$2,436.70 160 TEETERS ASPHALT \$19,408.21 161 KEMP STONE \$4,700.02 162 KEMP STONE \$1,742.17 163 SOUTHERN TIRE \$431.28

15 JOLENE HOOPER \$100.00 16 WAL-MART PAYMENTS \$115.49 99 NE OK ELECTRIC \$77.22 20
SPRINGFIELD GROCER \$1,862.36 28 CITY TELE COIN \$19.55 1 KARNES PRO \$55.00 156 LUBE N GO
\$289.65 157 FLEETCOR \$950.62 158 OK STATE SURPLUS \$1,502.01 159 SPARKLIGHT \$515.28 160 AT&T
\$168.76 161 AT&T \$297.36 163 LOCKE \$162.35 164 OK CORRECTIONAL \$414.00 165 FLEETCOR
TECHNOLOGIES \$738.79 166 OK SECRETARY OF STATE \$20.00 167 OK SECRETARY OF STATE \$10.00 168
STATE FARM INSURANCE \$35.00 169 TOUCHTONE COMMUNICATIONS \$222.24 162 HORIZON ROOFING
\$7,500.00. By vote: Masterson, aye; Earls, aye; Furnas, aye.

5. There was no participation under Citizens Participation or Public Comments.

6. Bids, received until 9:05 AM on 12-MO Courthouse Janitorial 2019-2020.19 for January 1, 2020 thru December 31, 2020, were opened and read aloud. Motion by Earls, second by Furnas, to table bid until the next meeting. By vote: Masterson, aye; Earls, aye; Furnas, aye.

7. Bids, received until 9:05 AM on 12-MO Ballot Printing 2019-2020.20 for January 1, 2020 thru December 31, 2020, were opened and read aloud. Motion by Earls, second by Furnas, upon recommendation by Verna Ferris, Election Board Secretary, to accept and award the bid to Midwest Printing due to past performance. By vote: Masterson, aye; Earls, aye; Furnas, aye.

8. Motion by Earls, second by Furnas, to approve State-Local Agreement for Oklahoma Department of Emergency Management for Disaster 4453 and Disaster 4438. By vote: Masterson, aye; Earls, aye; Furnas, aye.

9. Motion by Earls, second by Furnas, to approve National Association of Counties annual County membership dues for \$637.00. By vote: Masterson, aye; Earls, aye; Furnas, aye.

10. Motion by Earls, second by Furnas, to enter into executive session for the purpose of confidential communications for Jack L. Dalrymple v. Board of County Commissioners of the County of Ottawa, District Court of Ottawa County, Case No. CJ-2018-3. This is an Executive Session for the purpose of confidential communications between the Board of County Commissioners of the County of Ottawa and its attorney concerning the lawsuit previously referenced. Public disclosure of these confidential communications would seriously impair the ability of the Board and its attorney to properly process and defend this litigation. As such, the communications in this Executive Session are confidential. Authority: Title 25 Okla. Statue, § 307(B)(4). By vote: Masterson, aye; Earls, aye; Furnas, aye.

WHEREUPON, the Commissioners' meeting room was cleared except for participants of the Executive Session. Attorney Michael Carr, Commissioner's Mike Furnas, Russell Earls, Chad Masterson, Robyn Mitchell and Kenny Wright, District Attorney.

WHEREUPON, spectators were allowed to re-enter the regular scheduled meeting.

11. Motion by Earls, second by Masterson, to enter into open session of the meeting with no action taken and that we agree to the terms of the settlement agreement. By vote: Masterson, aye; Earls, aye; Furnas, aye.

14. Motion by Earls, second by Furnas, to approve the following transfer(s) of appropriation: \$22,177.86 from account number 0001-2-0400-4110 to 0001-2-0400-2005. By vote: Masterson, aye; Earls, aye; Furnas, aye.

15. Motion by Earls, second by Furnas, to approve the following checks (s) for deposit: #G032911 from Association of County Commissioners in the amount of \$581.41. By vote: Masterson, aye; Earls, aye; Furnas, aye.

18. Commissioners activity reports: District #1: Continuing to work on FEMA. Routine maintenance. District #2: Spreading rock. Bridge on 128 road is coming along very well. Walls are poured and beams are up as of last week. District #3: Routine maintenance.

19. Mike Furnas asked if it was appropriate to discuss the charges from Turn Key since the inmates have not been in Ottawa County to provide services. Wright: Yes, it would be appropriate to talk to Dan or the Sheriff about this and ask them to see if they would want to talk to Turn Key about giving us some credit towards their diminished level of service. Based on the contract they are not going to be required to. But it would be worth talking to them. Furnas: If it is applicable that the other Counties already have the same service themselves, it seems like we were double dipping. Wright: Except the Rogers County contract is only going to cover Rogers County inmates. We are getting some benefit out of it. Also, in new business: Earls: The Sheriff has at least 2 employees over his limit of the restricted amount outlined for him in his estimate of needs, and is sending a 3rd person over to the Clerk's office to sign up for payroll which would put him at 29. Mitchell: The Sheriff's office called this morning to let us know they will be sending another new employee over for enrollment. Natasha Mays: We did one on Friday and now he is requesting another one today. That would put him at 4 over. Earls: In the estimate of needs 25 ½ is what was approved. He doesn't have the money to pay for additional employees. Wright: What positions are these? Mays: The one on Friday was a jailer. I don't know about the other ones. Earls: There are no status sheets? Mitchell: Not on all. Earls: Without status sheets and without him here I think we are negligent to approve this. He is over budget for starters. Over what he has even asked for and we aren't getting any information or communication from the Sheriff or even status sheets. I think we are at \$77,000. Gatewood: Yes. Earls: That is what was approved but we are up to \$86,000? Gatewood: If you take the \$77,000 plus the excess of \$6,000 you are at \$83,000. And the balance of \$980,000, I just recall in our budget meeting telling the Sheriff he was at \$77,000 a month for payroll. The Excise Board wishes not to come back every month to revise. A budget is a budget. I firmly believe that we have to stay there. A big concern is the fact that we have, with your approval I will continue. We have burned through \$50,000 in comp time in 6 months. And I have great concern of the two ladies which caused the most part of that, that we have dispatchers, because they were having to work 12 hour shifts. Once 480 hours have incurred we have a liability. I think we are being very prudent in stopping it. We have to stop. We can't continue. We are using, thank goodness, these funds that are left from the roof. I've got 6 months and we are out of money? His maintenance and operation, here we are at 6 more months to go. He needs help, he's got to have help with somebody with allocation of employees, status classification maybe is the better term, of where they need to be placed. As our duty, you as elected, Excise as appointed, it's still fiduciary. I think that is where we have to stand. Earls: A couple of problems. With the comp time, we know there is going to be more. And we are going to have to be prepared for it. The roof is patched well enough it is not leaking. That cost about \$7,500. But for several years we are going to have to re-coat the entire roof and that's going to be around \$50,000. Basically, we are not getting a new roof, but we are getting a product that will last between 5 to 10 years, which in my mind is acceptable. We continue to have wrecked cars, no matter whose fault it is. It's always a \$10,000 deductible. And we don't know what maintenance items we have going into the future. And if we don't bank some money, we are going to be back to square one and the well is just about dry. Wright: Larry and Russell, when you guys talked to the Sheriff, what is his plan, or do you know? Earls: The only plan that I've ever heard is when we set the budget. We'd all agreed to give him an additional 1 ½ field deputies. His plan, as you remember, was laid out so he would not incur all of this comp time by the way he was going to structure it. But that didn't happen and it still hasn't happened. We've got to be prepared for it. We just can't exhaust all of the revenue we have and be able to make it into the next fiscal year. We are going to have to hold him at his estimate of needs, what he requested which is 25 ½ employees. Actually, he requested 23 and we gave him 1 ½ more than that. Wright: How many does he have now? Mays: If you do the special payroll, there are 28. There are 2 people he doesn't have the money to pay, unless they approve it. Wright: He's had 2 new hires? Mays: Since payroll, yes.

He hired one on Friday and one today. Mitchell: He has two employees that have worked a month that need to be paid on a special payroll, if you approve it. But then again, he's gone over. Wright: What did you do with the one from Friday? Mitchell: He was enrolled. It is up to each elected official to know whether they can fund another employee. Earls: My recommendation is that we stay at 26 and not go over his estimate of needs which is 25 ½. Wright: I wouldn't enroll the one today. Send them back to the Sheriff's office and tell him he is way over his budget. There's no money to pay you and we can't put you on. Earls: That's my recommendation. As well as the one on Friday. We need to get back down to 26. Wright: Or we need to know from him if he has some alternative funding, which I don't think he does. Mays: He has nothing in his cash accounts and with having no inmates, they are not bringing in any money because they won't do any DOC inmates. If they don't have any revenue, how are they going to pay more people? Earls: If it happens today, it will be 30 days before you see anything off of commissary. Mays: They don't make that much on Commissary like they used to. Earls: My recommendation would be to get back down to 26 employees no matter how he chooses to do it. Mitchell: We (our office) need the required status sheets to do our job efficiently. Earls: Or, if he was bringing those 2 in for training and 2 were leaving, whatever his plan is, he needs to be at 26. Wright: He needs to know that he can't hire someone if there is no room in the budget. Masterson: He knew that in July. Mitchell: I've discussed this with the Commissioner's. It is not up to my office to send someone away when they are sent over by the Sheriff to be signed up for employment. They agreed. It is up to the elected official who is hiring to know where they stand. Wright: No, but I can. He's exceeded his budget for us to agree to allow him to exceed his budget, we can't do that. If he has some plan, he needs to communicate that to the Board. If he doesn't have a plan and continues sending people to be hired, that isn't going to work. Mays: You still have to look at the dollar figure, though. Even at 26 people, and he wants to pay out \$4,000 in comp time, that puts him over the \$77,000. You just can't look at the people. He has no accounts available now for comp. Earls: We can't make good sound decisions if we don't have information. If he was here and telling us here's what I'm doing and here's what I am going to do, we are certainly open to reasonable explanations. Mitchell: The Sheriff's payroll clerk and my office work together on the amount that is needed and the amount available for payroll. She will report to the Sheriff if the funds are not there. She also keeps track of comp/vacation time. Earls: Going forward at this point, we need to be at the most 26. His budget was 25 ½. As you put it and I agree, it really doesn't matter on the numbers if it hits on the dollars. And it hasn't for some time. Masterson: He actually needs to take the 26 down to 22 or 23 to make everything work. Earls: If he is going to continue to have comp, and he's going to pay comp, and again, as we set budget, he had a plan going forward, as he explained how he was going to eliminate comp time or the majority of it. Wright: He has made no request for supplemental appropriations, correct? Earls: That's correct. Wright: I have encouraged him time and time again to do so. If he feels that his budgetary allocation is not sufficient for his needs to operate, then that's the mechanism to make that complaint, present that information to the Excise Board, and to this Board as well. There is a process that needs to be followed. I have talked to him about it ad nauseum. Wright: One of the options the Board has is to consider and discuss the idea of making a finding that those are illegal encumbrances because they exceed his budget and he is personally responsible for them. We were in this position a year ago. We are discussing this under new business because here we are, he's sending people over so the situation has changed even in the last 24 hours. It is completely appropriate for you to take action on it now. Where is the Sheriff? Earls: I'm fine with taking action on that Mr. Chairman. Masterson: Let's take action. Earls: I make a motion that the Sheriff is personally liable for those encumbrances over his budget on payroll and I will not sign those today. Masterson: Second. By vote: Masterson, aye; Earls, aye; Furnas, aye.

Furnas: Just for clarity, how much of that is due to the unusual circumstances that we've had with travel time and things like that. What I am understanding is that if these employees continue. understanding that there is more comp time because of this situation, what I'm understanding is that we are hiring more people and that's certainly not going to help and will put us over. Wright: Here's what I'm trying to communicate to the Sheriff at this point. It doesn't appear he has enough money for 2 new employees, one from Friday and one that is supposed to come up today. I'm telling him that hiring has been declined due to lack of funding. And also inform him that the Board voted him personally liable for budget overages moving forward. Furnas: I was just trying to make a distinction between what the unusual circumstances have been and where we are at on the budget. But then to complicate that it seems like it is getting worse he keeps hiring. Wright: If the money is not there, I don't want him enrolled in our benefits package. I want them told that their hiring has been declined, go back to the Sheriff, you can't work for the County. The Sheriff needs to take that up with the Board.

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

0001-2-0400-2005

002610 ACE HARDWARE	\$85.00
002611 DIAMOND PHARMACY	\$1,200.00
002612 DIAMOND PHARMACY	\$1,200.00
002613 FLOWERS BAKING CO	\$1,500.00
002614 FOUR STATES MAINT	\$800.00
002615 GRAVES MENU MAKER	\$8,000.00
002616 O REILLY AUTOMOTIVE	\$400.00
002617 WAL-MART PAYMENTS	\$400.00
002618 KARNES PRO TIRE	\$125.00
002619 SPRINGFIELD GROCER	\$2,000.00
002620 FLEETCOR TECHNOLO	\$1,200.00
002621 FLEETCOR TECHNOLO	\$1,200.00
002624 WAL-MART PAYMENTS	\$75.00

Total for 0001-2-0400-2005 \$18,185.00

1102-6-4100-2005

002598 FABICK TRACTOR CO	\$2,000.00
002599 O REILLY AUTOMOTIVE	\$2,000.00
002600 TOMO DRUG TESTING	\$500.00
002601 WAL-MART PAYMENTS	\$500.00
002604 BERNICE SANITATION L	\$50.00
002605 LANGSTON EXTERMIN	\$100.00
002606 EMPIRE DISTRICT ELE	\$1,000.00
002607 QUAPAW NATION UTILI	\$54.00
002608 U S CELLULAR	\$200.00
002609 MIAMI INDUSTRIAL SU	\$500.00

Total for 1102-6-4100-2005 \$6,904.00

1313-6-4100-2005

002602 MIDWEST MINERAL IN	\$10,000.00
002603 TEETERS ASPHALT	\$10,000.00

Total for 1313-6-4100-2005 \$20,000.00

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

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

Robyn Mitchell, Ottawa County Clerk
Miami News-Record

Chad Masterson, Chairman