



## DELAWARE COUNTY COMMISSIONER'S MEETING MINUTES

DECEMBER 29, 2020

The Board of County Commissioners of Delaware County met in Regular Session at 9:01 a.m. on December 29, 2020. The Agenda was posted December 28, 2020 at 8:38 a.m. and placed in the kiosk located on the courthouse lawn as well as the county website.

Members of the Board present were Commissioner David Poindexter-Chairman, Commissioner Russell Martin and Commissioner Martin Kirk-Member and County Clerk Barbara Barnes-Secretary. The Board of Delaware County Commissioners is hereby authorized to act on the following items:

**AGENDA #1-** A motion was made by Commissioner Kirk and seconded by Commissioner Martin to approve the minutes of the Regular Meeting dated December 22, 2020. Roll call: Commissioner Poindexter-yes, Commissioner Martin-yes, Commissioner Kirk- yes. Motion carried.

**AGENDA #2-**A motion was made by Commissioner Kirk and seconded by Commissioner Martin to approve payment of claims submitted by the County Clerk's Office. Roll call: Commissioner Poindexter-yes, Commissioner Martin-yes, Commissioner Kirk- yes. Motion carried. 2020-2021 General 1765, SOLTOW BUSINESS SUPPLY, 163.25, ENVELOPES1766, QUILL CORPORATION, 151.98, TONER1767, POSTAGE BY PHONE RESERVE ACCT, 1000.00, POSTAGE1768, THE AMERICAN, 403.90, PUBLICATIONS1769, B&B HEATING & AIR INC., 175.49, HEATER/AC UNIT1770, BUTLER BAPTIST CHURCH, 25.00, RENT1771, OPERS, 583.68, OPERS1772, CLAWSON, SCOTT, 173.65, TRAVEL1773, MERIDITH, PENNY, 171.58, TRAVEL1774, LAKELAND OFFICE SYSTEMS, 146.04, MONTHLY SERVICE1775, QUILL CORPORATION, 102.73, OFFICE SUPPLIES; Health 125, AT&T MOBILITY, 114.02, WIRELESS SERVICE126, XEROX CORPORATION, 485.21, LEASE127, TH ROGERS LUMBER CO., 93.97, MISC; Highway 941, POINDEXTER, DAVID C., 81.65, TRAVEL942, INTEGRIS HEALTH MEDICAL GROUP, 42.00, PHYSICAL943, LONGAN CONSTRUCTION, 1910.22, ROAD MATERIALS944, STRIBLING EQUIPMENT LLC, 379.08, PARTS945, WALTER SPECIALTY SERVICE, 1576.96, ROAD MATERIALS946, LAKELAND-CPP, 1635.33, FUEL947, WILLIAMS DIVERSIFIED MATERIALS, 19874.01, SALT948, LAKELAND-CPP, 1829.00, FUEL949, ROSE & MCCRARY PC, 500.00, PROF SERVICES; Mtg Cert 18, QUILL CORPORATION, 51.12, OFFICE SUPPLIES; Rural Fire-ST 588, BOLT FIBER OPTICS SERVICES, 49.99, INTERNET SERVICE589, REC/NE OKLA ELECTRIC COOP, 129.00, ELECTRIC SERVICE590, O-REILLY AUTOMOTIVE INC., 55.16, BLANKETS591, ULINE INC, 1880.04, OFFICE SUPPLIES592, FIRE STATION SOFTWARE LLC, 374.00, SUBSCRIPTION593, REC/NE OKLA ELECTRIC COOP, 129.00, ELECTRIC SERVICE594, OKLA STATE FIREFIGHTERS ASSOC., 1008.00, MEMBERSHIP595, SPEEDY S #4, 32.47, FUEL596, GRAND LAKE TELECOMMUNICATIONS, 35.00, INTERNET597, GRAND TELEPHONE CO., 85.57, TELEPHONE SERVICE598, BOLT FIBER OPTICS SERVICES, 49.99, MONTHLY SERVICE

**AGENDA #3-**Not needed.

**AGENDA #4-**A motion was made by Commissioner Kirk and seconded by Commissioner Martin for approval of the appointment of Office for Jake Callihan-District #2 Commissioner, Caroline Weaver-Court Clerk, Barbara Barnes-County Clerk and Mark Berry-Sheriff. Oath of Office to be administered on January, 4, 2021. Roll call: Commissioner Poindexter-yes, Commissioner Martin-yes, Commissioner Kirk- yes. Motion carried. Judge Littlefield will administer the oaths for the Officials at 8:30 a.m. on 1-4-2021 and referenced a reminder of the Commissioner's Meeting Room Capacity to remain compliant with the Social Distancing recommendations for that size of room.

**AGENDA#5-**A motion was made by Commissioner Kirk and seconded by Commissioner Martin to approve Hearing Human Resources Vicki Cossairt on current status regarding Families First Coronavirus. Roll Call: Commissioner Poindexter-yes, Commissioner Martin-yes, Commissioner Kirk- yes. Motion carried. Vicki Cossairt, HR Director, reported that there are 2815 diagnosed cases of COVID up 175 from last week; 44 deaths increase of 1 from last week; 2381 recovered up by 259 from last week; 390 active cases which was up by 85. Great improvement in the active cases going down, also keep in mind it has only been one week since Christmas so there may be a spike in approximately a week due to those gatherings as well as making it through the New Year celebrations. No vaccination information yet. Still no side effects reported from the people Vicki has been in contact with that have had the vaccine, other than slight soreness at the sight of the injection.

**AGENDA #6-** A motion was made by Commissioner Martin and seconded by Commissioner Poindexter for approval to discuss and review the County's Policies in relation to COVID-19 and take action to modify those policies as needed. Roll Call: Commissioner Poindexter-yes, Commissioner Martin-yes, Commissioner Kirk- yes. Motion carried. No other changes other than the EM Director Travis Beesley ordered Small Emitters for each Elected Officials department to have on hand for additional daily Sanitizing in each of those offices, but not sure if they have arrived yet to be distributed.

**AGENDA #7-A** motion was made by Commissioner Martin and seconded by Commissioner Kirk approval to receive and forward to the District Attorney's Office a Petition and Request to set Hearing Date by Danny Chronister and Beverly D. Callahan, Trustee of the Beverly D Callahan Trust Dated January 25, 2017, to Vacate Roadway location in a portion of the S 380 Ft of the N/2 SE/4 SW/4 of Sec. 13, Twp. 25 N., Rge. 22 E., Less that part taken by GRDA and the portion included in the Plat of Shady Acres, per request of Tommy Dyer. Roll Call: Commissioner Poindexter-yes, Commissioner Martin-yes, Commissioner Kirk- yes. Motion carried.

A motion was made by Commissioner Martin and seconded by Commissioner Kirk to set the date for the Hearing of The Petition to Vacate Roadway during the BOCC meeting on 1-26-2021 at 9:00 a.m. Roll Call: Commissioner Poindexter-yes, Commissioner Martin-yes, Commissioner Kirk- yes. Motion carried.

**AGENDA #8-** A motion was made by Commissioner Kirk and seconded by Commissioner Martin for approval to receive and file certificate of Liability insurance and current list of Officers for the Lakemont Shores Fire Department as follows: Joe Hill-Pres; John Greaves-VP; Kathy Schnarr-Sec/Treas; Clarence Ducummon and Jerry Swanson-Member; Richard Wright-Fire Chief; Jimmy Whited-Asst Chief; Richard Wright and Barbara Barnes-Requisitioning; Josh Rowe and Jimmy Whited-Receiving; Clarence Ducummon-Inventory. Roll Call: Commissioner Poindexter-yes, Commissioner Martin-yes, Commissioner Kirk- yes. Motion carried.

**AGENDA #9-** A motion was made by Commissioner Kirk and seconded by Commissioner Martin for approval to receive and file current Officers for the Sheriff's Office as follows: Sheriff Mark Berry and Katie Rothrock-Requisitioning; Undersheriff James Beck-Receiving and Inventory. Roll Call: Commissioner Poindexter-yes, Commissioner Martin-yes, Commissioner Kirk-yes. Motion carried.

**AGENDA #10-A** motion was made by Commissioner Kirk and seconded by Commissioner Martin for approval for Oklahoma State Auditor & Inspector Turnover Audit Engagement for the Delaware County Sheriff's Office. Roll call: Commissioner Poindexter-yes, Commissioner Martin-yes, Commissioner Kirk- yes. Motion carried. Some of the items listed on the request to be audited are: Equipment, Evidence Room and Weapons.

**AGENDA #11-A** motion was made by Commissioner Martin and seconded by Commissioner Kirk TO GO INTO EXECUTIVE SESSION PURSUANT TO TITLE 25 OKLAHOMA STATUTE 307B.4 CONCERNING COMMUNICATIONS BETWEEN A PUBLIC BODY AND ITS ATTORNEY CONCERNING A PENDING INVESTIGATION, CLAIM, OR ACTION IF THE PUBLIC BODY, WITH THE ADVICE OF ITS ATTORNEY, DETERMINES THAT DISCLOSURE WILL SERIOUSLY IMPAIR THE ABILITY OF THE PUBLIC BODY TO PROCESS THE CLAIM OR CONDUCT A PENDING INVESTIGATION, LITIGATION, OR PRECEDING IN THE PUBLIC INTEREST; RE: THE BANK OF NEW YORK MELLON V. HAROLD COLE, COUNTY TREASURER OF DELAWARE COUNTY AND BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, CASE NO. CV-2019-04.  
Roll call: Commissioner Poindexter-yes, Commissioner Martin-yes, Commissioner Kirk- yes Motion carried

CONFIDENTIALITY WAS INADVERTANTLY ELECTRONICALLY BREACHED MAKING INFORMATION PUBLIC AS FOLLOWS: NICK LELECAS, ADA, ADVISED THE BOARD OF COMMISSIONERS THAT HAROLD COLE WILL PAY MELLON BANK \$190,000 AND IN EXCHANGE THE BANK WILL GIVE A QUITCLAIM DEED TO COLE ON THE FIVE LOTS AND OTHER ADDITIONAL PROPERTY. THE CASE WILL BE DISMISSED WITH PREJUDICE TO PRECLUDE ANY RE-FILING. THERE IS A CONFIDENTIALITY AGREEMENT TO BE EXECUTED, HOWEVER IT IS MISSING SOME IMPORTANT FACTS. THE SUGGESTION WOULD BE TO COMMUNICATE WITH THE ATTORNEY TO ADD CLARITY TO THE AGREEMENT WITH ADDITIONAL DETAILS.


A motion was made by Commissioner Martin and seconded by Commissioner Kirk to table this agenda item until the BOCC meeting of January 5, 2021.  
Roll call: Commissioner Poindexter-yes, Commissioner Martin-yes, Commissioner Kirk- yes Motion carried

**AGENDA #12-Not needed**

**AGENDA #13- A motion was made by Kirk and seconded by Commissioner Martin for approval to open the floor for public comments. Roll Call: Commissioner Poindexter-yes, Commissioner Martin-yes, Commissioner Kirk- yes. Motion carried. Mike Major indicated the passcode was case sensitive on the Zoom Meeting access and did not work. Mike also thanked Commissioner Martin for his service and assistance with a project that was long delayed in completion in District #2 and wished all a Happy New Year.**

**AGENDA #14- A motion was made by Commissioner Kirk and seconded by Commissioner Martin to open the floor for new business. Roll Call: Commissioner Poindexter – yes, Commissioner Kirk - yes. Motion carried. No new business.**

**AGENDA #15-A motion was made by Commissioner Martin and seconded by Commissioner Kirk to adjourn at 9:35 a.m. Roll Call: Commissioner Poindexter-yes, Commissioner Martin-yes, Commissioner Kirk- yes. Motion carried.**

  
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David Poindexter, Chairman

  
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Russell Martin, Member

  
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Martin Kirk, Member

  
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Barbara Barnes, County Clerk

**Attest: Barbara Barnes, County Clerk**

