



DELAWARE COUNTY COMMISSIONER'S MEETING MINUTES

August 2, 2022

The Board of County Commissioners of Delaware County met in Regular Session at 9:00 a.m. on August 2, 2022. The agenda was posted August 1, 2022 at 7:45 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 Jake Callihan-Member, Commissioner David Beck-Member and County Clerk Barbara Barnes -Secretary. The Board of Delaware County Commissioners is hereby authorized to act on the following items:

The meeting was called to order by Chairman Poindexter followed by the flag salute and roll call. All members were present.

AGENDA #1 - A motion was made by Commissioner Callihan and seconded by Commissioner Beck to determine that notice of meeting and agenda for this meeting was properly posted in accordance with the Oklahoma Open Meeting Act. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Beck-yes. Motion carried.

AGENDA #2-A motion was made by Commissioner Callihan and seconded by Commissioner Beck to approve introductions and announcements. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Beck-yes. Motion carried. In addition to the commissioners and county clerk, Carolyn Boothe, Mike Major, District Attorney Kenny Wright, Undersheriff Nick O'Neal, Treasurer Susan Duncan, Human Resources Director Vicki Cossairt, Emergency Management Director Jeff Reeves and Commissioner Secretary Kathy Parker introduced themselves.

AGENDA #3- A motion was made by Commissioner Callihan and seconded by Commissioner Beck to approve the minutes for the regular meeting dated July 26, 2022. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Beck-yes. Motion carried.

AGENDA #4- A motion was made by Commissioner Callihan and seconded by Commissioner Beck to approve payment of claims submitted by the County Clerk. 2021-2022 Reserves: Donations 54, J & J AUTO SUPPLY, 329.68, ; General 3813, MISTIC INC, 7500.00, GUNS; Health 356, XEROX CORPORATION, 399.75, LEASE; Highway 2342, DELAWARE COUNTY HEALTH DEPT., 15.00, TB TEST2343, DELAWARE COUNTY HEALTH DEPT., 15.00, TB TEST2344, DELAWARE COUNTY HEALTH DEPT., 15.00, TB TEST2345, J & J AUTO SUPPLY, 699.59, MISC2346, HOMETOWN BOTTLED WATER SERVICE, 20.00, WATER/RENT2347, PARTS CITY LTE, 534.39, PARTS2348, RUSH TRUCK CENTERS, 1209.35, PARTS2349, DELAWARE COUNTY HEALTH DEPT., 15.00, TB TEST; Rural Fire-ST 1303, MAY, MICHAEL, 250.00, LAWN CARE; SH Svc Fee 676, J & J AUTO SUPPLY, 196.36, 677, GT DISTRIBUTORS, 4711.50, SUPPLIES678, J & J AUTO SUPPLY, 217.54, PARTS679, SUPERIOR FORD MERCURY INC., 1022.07, DCSO VEHICLE EQUIPMENT. 2022-2023: ARPA 2021 2, BERNICE WATER DEPT., 250000.00, ARPA FUNDS3, RURAL WATER DIST. #10, 250000.00, ARPA FUNDS; General 273, CAPITAL ONE/WAL-MART BUSINESS, 87.80, MISC274, QUILLCORPORATION, 159.80, OFFICE SUPPLIES275, GOINS, VINCENT G., 933.13, REVAL TRAVEL276, PRICE, JAY J., 511.25, REVAL TRAVEL277, THE AMERICAN, 452.80, PUBLICATIONS278, THE AMERICAN, 24.93, PUBLICATIONS279, MATCHELL LAWN CARE LLC, 130.00, LAWN MAINT280, ACCO-SIG, 435551.00, INSURANCE281, HOMETOWN BOTTLED WATER SERVICE, 15.00, WATER282, TURN KEY HEALTH CLINICS, 8221.20, MEDICAL SERVICES; Health 6, KILLION, DEIDRA, 83.75, TRAVEL7, PELZEL, DANICA, 260.50, TRAVEL8, MCARTHUR, MARSHA, 16.25, TRAVEL9, STATE PEST CONTROL, 45.00, EXTERMINATION; Highway 142, STRIBLING EQUIPMENT LLC, 2457.12, EQUIPMENT143, WE LUV TREES, 4000.00, TREE REMOVAL144, GRAND TRUE VALUE RENTAL, 180.00, ROAD EQUIP RENTAL145, AEP, PUBLIC SERVICE CO. OF OKLA., 195.49, ELECTRIC SERVICE146, CODA, 250.00, TRAVEL147, GREEN COUNTRY FARM & HOME, 62.00, SUPPLIES148, DELAWARE COUNTY HEALTH DEPT., 15.00, TB TEST149, TH ROGERS LUMBER CO., 675.00, 150, LAKELAND-CPP, 4239.00, FUEL151, WARREN CAT, 4180.90, GRADER BLADES152, P & K EQUIPMENT INC., 3010.70, PARTS153, YELLOWHOUSE MACHINERY, 430.07, WINDOWS154, WARREN CAT, 589.31, PARTS155, WELCH STATE BANK, 2080.93, LEASE PAYMENT156, GRAND SAVINGS BANK, 5407.86, LEASE PAYMENT157, CLINE EQUIPMENT REPAIR, 1042.54, SERVICE CALL158, LAKELAND-CPP, 4984.80, FUEL159, WARREN CAT, 411.38, PARTS; Rural Fire-ST 49, TIM S ELECTRIC INC., 1360.00, REPAIRS50, BANK OF GRAND LAKE, 895.00, LEASE/PUR51, WELCH STATE BANK, 1747.10, LEASE/PUR52, REC/NE OKLA ELECTRIC COOP, 159.59, MONTHLY SERVICE53, REC/NE OKLA ELECTRIC COOP, 298.00, MONTHLY SERVICE54, AFFORDABLE MOBILE SERVICE, 2141.88, REPAIRS55, HI-LAINE CORPORATION, 60000.00, LEASE

PAYMENT56, BROWN'S AUTO REPAIR, 1129.50, REPAIR57, CASCO INDUSTRIES INC., 2510.00, FIRE DEPT BUNKER GEAR58, REC/NE OKLA ELECTRIC COOP, 273.00, MONTHLY SERVICE59, ADT SECURITY SERVICES INC, 450.28, SECURITYSYSTEM/REPAIR; SH Commissary 2, GRAVES MENU MAKER, 2959.76, VENDOR SERVICES3, GRAVES MENU MAKER, 169.34, VENDOR SERVICES4, GRAVES MENU MAKER, 2451.80, VENDOR SERVICES5, GRAVES MENU MAKER, 2523.74, VENDOR SERVICES6,LOWESBUSINESS ACCT/SYNCB, 3169.58, 7, GRAVES MENU MAKER, 2798.28, VENDOR SERVICES8, GRAVES MENU MAKER, 108.73, NON-FOOD; SH Forf 1, MISTIC INC, 4200.00, GUNS; SH Svc Fee 18, LAKELAND FINANCIAL SRVS, 265.75, LEASE19, AAVCOR, 38.00, DRUG TESTING20, BARTON, CANDACE, 295.00, REPAIR21, SUPERIOR FORD MERCURY INC., 313.91, PARTS22, AAVCOR, 38.00, DRUG TESTING23, AAVCOR, 38.00, DRUG TESTING24, AAVCOR, 38.00, DRUG TESTING25, EUCHA TIRE SHOP, 80.00, TIRE REPAIRS26, INUENDOS, 84.00, SHIRTS27, MONITOR TECHNOLOGY LLC., 2483.00, SUBSCRIPTION. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Beck-yes. Motion carried.

AGENDA #5- A motion was made by Commissioner Callihan and seconded by Commissioner Beck to approve all monthly reports submitted by officers. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Beck-yes. Motion carried. Reports were submitted by the Assessor, Health Department, Sheriff and County Clerk.

AGENDA #6 - A motion was made by Commissioner Callihan and seconded by Commissioner Beck for approval of citizen's participation or comments. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

Mike Major asked about the two agenda items concerning partial settlement from the county's opioid lawsuit. "I will try to condense this as much as I can," District Attorney Kenny Wright said. This lawsuit has been going on for several years. Wright said most of the counties in Oklahoma filed individual lawsuits as well as joining the class action one. "We hired a partner in a Tulsa firm and a New York City firm handled the bigger lawsuit," Wright said. "All the lawsuits were consolidated in Ohio. Oklahoma, through the Attorney General's office must approve the settlements individually." Major asked which counties did not join the lawsuit and Wright said he would have to look that up. Major asked if the amounts were private and Wright said they are private.

AGENDA #7 - A motion was made by Commissioner Callihan and seconded by Commissioner Beck to approve report by Human Resources Vicki Cossairt. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

Cossairt said she has been busy in human resources. One new detention officer started work last week, one will begin this week and one declined an offer. A patrol deputy candidate has given two weeks' notice at his present job and intends to take a job with Delaware County. Interviews are in progress for positions in the court clerk and assessor's offices. She said she attended a ceremony in Tahlequah where the county received a plaque for Employer of the Year for the summer work program for students.

Cossairt asked the commissioners' permission to add a blank for applicants' email on the county's application. The commissioners agreed.

Cossairt said Delaware County continues to rate medium for the risk of Covid infection while the surrounding counties are high risk. She encouraged everyone to continue precautions and sanitation to prevent infection.

Cossairt said she has completed 60 hours of school to renew her credentials, which are good for three years.

AGENDA #8- A motion was made by Commissioner Callihan and seconded by Commissioner Beck to advertise for sealed bids on road materials for the county highway departments for six months. Persons interested in submitting a bid are to contact Michael Baker, P. A., located in the Delaware County Clerk's Office; Jay, OK. Bids will be opened and reviewed in meeting dated Aug. 23, 2022, at 9 a.m. Bids will be received no later than 2 p.m. in the County Clerk's Office; Jay, OK, on Aug. 19, 2022. Board reserves the right to accept/reject any and all bids and the right to re-advertise. Co. Bid #22-23/01. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

AGENDA #9-A motion was made by Commissioner Callihan and seconded by Commissioner Beck to accept a services agreement for hydraulic sizing for Bridge #110 in District #3 per Commissioner David Beck. Beck said this is a bridge on Kenwood Road. The project was begun before he took office, Beck said, so it must be finished by January. He said the bridge won't handle the water flow. He is meeting with engineers to determine the best construction method. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

AGENDA #10- A motion was made by Commissioner Callihan and seconded by Commissioner Beck to accept a bid from Nicholas O'Neal for real estate not sold at resale, Fiesta Beach 2, Lot 7, Block 2, in the amount of \$20. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

AGENDA #11- A motion was made by Commissioner Poindexter and seconded by Commissioner Callihan to receive and forward to the District Attorney court case #CS-2022-162 styled Flint Ridge Property Owners' Association, Inc. vs Nathan M. Shively Et Al. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

AGENDA #12- A motion was made by Commissioner Callihan and seconded by Commissioner Beck to approve discussion with possible concerning the burn ban ending at 11 a.m. Aug. 2. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

Emergency Management Director Jeff Reeves said he has polled most of the county fire chiefs and they want to keep the burn ban in place. Poindexter agreed that the rain that has fallen is not a drought breaker. Callihan made a motion to extend the burn ban 14 days. The motion was seconded by Beck. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

AGENDA #13- A motion was made by Commissioner Callihan and seconded by Commissioner Beck to receive and file copy of Certificate Of Liability Insurance and current list of Board Of Directors and Officers for the Flint Ridge Volunteer Fire Department as follows: Lew Story - President, Fred Johnson – Secretary, Donita Hope-Treasurer, Pete Hall-Member, Mike Hope-Member, Mike Hope-Interim Chief, Open-Asst. Chief, Mike Hope, Barbara Barnes –Requisitioning Officers, Lew Story, Fred Johnson -Receiving Officers, Michael May, Pete Hall – Inventory Officers.. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

AGENDA #14- A motion was made by Commissioner Callihan and seconded by Commissioner Beck to approve an intrafund transfer from monkey island fire dept. lease/purchase to monkey island m&o in the amount of \$40,000 per Fire Chief Carl Tesreau. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

AGENDA #15- A motion was made by Commissioner Callihan and seconded by Commissioner Beck to approve work on private property owned by Nelda Burton for disposal of waste rock in District #3. Beck said this is related to a Cherokee Nation chip and seal road project. This is rock that has been cleaned out of the ditches. Burton's property is close and she wants to use the waste rock to fill a runoff wash from a pond. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

AGENDA #16- A motion was made by Commissioner Callihan and seconded by Commissioner Beck to approve a CED #1 materials request for bridge construction materials in the amount of \$50,000 for District #3. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

AGENDA #17- A motion was made by Commissioner Callihan and seconded by Commissioner Beck to approve discussion with attorney George Gibbs concerning a partial settlement of the county's opioid lawsuit with defendant Johnson & Johnson (Janssen). This item qualifies for executive session pursuant to 25 O.S. § 307(b)(4). It is the advice of District Attorney Kenny Wright that disclosure would seriously impair the ability of the BOCC to process the pending litigation. The board must make a finding, based upon advice of counsel, that disclosure would seriously impair the ability of the BOCC to process the pending litigation prior to going into Executive Session. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried. A motion was made by Poindexter and seconded by Callihan to go into Executive Session at 9:27 a.m.

AGENDA #18- A motion was made by Commissioner Callihan and seconded by Commissioner Beck to return to open session at 9:32 a.m. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

AGENDA #19- A motion was made by Commissioner Callihan and seconded by Commissioner Beck approve possible action including accepting or declining a partial settlement of the county's opioid lawsuit with defendant Johnson & Johnson (Janssen). Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried. A motion was made by Callihan and seconded by Beck to accept the Johnson & Johnson partial settlement. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

AGENDA #20- A motion was made by Commissioner Callihan and seconded by Commissioner Beck to approve discussion with attorney George Gibbs concerning a partial settlement of the county's opioid lawsuit with defendants McKesson, Cardinal and Amerisourcebergen. this item qualifies for executive session pursuant to 25 O.S. § 307(b)(4). it is the advice of District Attorney Kenny Wright that disclosure would seriously impair the ability of the BOCC to process the pending litigation. The board must make a finding, based upon advice of counsel, that disclosure would seriously impair the ability of the BOCC to process the pending litigation prior to going into Executive Session. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried. A motion was made by Callihan and seconded by Beck to go into Executive Session at 9:37 a.m.

AGENDA #21- A motion was made by Commissioner Callihan and seconded by Commissioner Beck to return to open session at 9:48 a.m. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

AGENDA #22- A motion was made by Commissioner Callihan and seconded by Commissioner Beck approve possible action including accepting or declining a partial settlement of the county's opioid lawsuit with defendants McKesson, Cardinal and Amerisourcebergen . Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried. A motion to accept the partial settlement was made by Poindexter and seconded by Callihan. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

AGENDA #23-A motion was made by Commissioner Callihan and seconded Commissioner Beck to open the floor for new business. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried. There was none.

AGENDA #24-A motion was made by Commissioner Callihan and seconded by Commissioner Beck to adjourn at 9:51 a.m. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

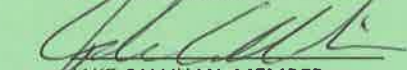
ATTEST:


BARBARA BARNES- COUNTY CLERK



DELAWARE COUNTY, OKLAHOMA
BOARD OF COMMISSIONERS


DAVID POINDEXTER, CHAIRMAN


JAKE CALLIHAN, MEMBER


DAVID BECK, MEMBER