



DELAWARE COUNTY COMMISSIONER'S MEETING MINUTES

AUGUST 31, 2021

The Board of County Commissioners of Delaware County met in Regular Session at 9:01 a.m. on August 31, 2021. The agenda was posted August 30, 2021 at 8:55 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 Kirk not present, Conley Chesney, designee for Commissioner Kirk was present) and County Clerk Barbara Barnes -Secretary. The Board of Delaware County Commissioners is hereby authorized to act on the following items:

Flag Salute – Roll Call and Call to Order

AGENDA #1- A motion was made by Commissioner Callihan and seconded by Commissioner Poindexter to approve the minutes of the Regular Meeting dated August 24, 2021. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Conley Chesney (Designee)-yes. Motion carried.

AGENDA #2-A motion was made by Commissioner Callihan and seconded by Commissioner Poindexter to approve payment of claims submitted by the County Clerk's Office. 2020-2021 Reserve: General 3732, GRAND RIVER ABSTRACT & TITLE CO., 500.00, ABSTRACT & TITLE SERVICES3733, CAPITAL ONE/WAL-MART BUSINESS, 996.28, COUNTY FAIR EXPENSES; Highway 2158, OSBI, OKLA STATE BUREAU OF INVESTIGATION, 19.00, CRIMINAL HISTORY CHECK; Rural Fire-ST 1325, SUMMIT TRUCK GROUP, 4583.14, FIRE TRUCK REPAIRS; SH Commissary 68, PRECISION VAPOR, 1462.64, VAPOR STICKS; SH Svc Fee 727, INTEGRIS HEALTH MEDICAL GROUP, 42.00, PHYSICAL728, INTEGRIS HEALTH MEDICAL GROUP, 42.00, PHYSICAL729, INTEGRIS HEALTH MEDICAL GROUP, 42.00, PHYSICAL730, INTEGRIS HEALTH MEDICAL GROUP, 42.00, PHYSICAL731, INTEGRIS HEALTH MEDICAL GROUP, 42.00, PHYSICAL732, INTEGRIS HEALTH MEDICAL GROUP, 42.00, PHYSICAL733, INTEGRIS HEALTH MEDICAL GROUP, 42.00, PHYSICAL734, INTEGRIS HEALTH MEDICAL GROUP, 42.00, PHYSICAL735, STATE AUDITOR & INSPECTOR, 4459.30, AUDIT736, J & J AUTO SUPPLY, 361.11, PARTS737, INTEGRIS HEALTH MEDICAL GROUP, 42.00, PHYSICAL738, INTEGRIS HEALTH MEDICAL GROUP, 42.00, PHYSICAL739, INTEGRIS HEALTH MEDICAL GROUP, 42.00, PHYSICAL740, INTEGRIS HEALTH MEDICAL GROUP, 42.00, PHYSICAL741, INTEGRIS HEALTH MEDICAL GROUP, 42.00, PHYSICAL742, INTEGRIS HEALTH MEDICAL GROUP, 42.00, PHYSICAL743, O-REILLY AUTOMOTIVE INC., 100.00, MISC744, SAFELITE AUTOGLASS, 351.98, DCSO VEHICLE EQUIPMENT745, INTEGRIS HEALTH MEDICAL GROUP, 42.00, PHYSICAL746, HOMETOWN BOTTLED WATER SERVICE, 15.00, LEASE747, INTEGRIS HEALTH MEDICAL GROUP, 42.00, PHYSICAL748, INTEGRIS HEALTH MEDICAL GROUP, 42.00, PHYSICAL749, INTEGRIS HEALTH MEDICAL GROUP, 42.00, DRUG TESTING750, INTEGRIS HEALTH MEDICAL GROUP, 42.00, PHYSICAL751, HOMELAND STORES INC., 135.58, BREAD752, HOMELAND STORES INC., 110.82, FOOD; 2021-2022: CBRI 8, GARMAN TRUCKING, LLC, 1653.75, 9, GARMAN TRUCKING, LLC, 1113.75, MISC10, GARMAN TRUCKING, LLC, 1080.00, MISC11, GARMAN TRUCKING, LLC, 540.00, HAULING CHARGE12, GARMAN TRUCKING, LLC, 1822.50, HAULING CHARGE13, GARMAN TRUCKING, LLC, 1822.50, HAULING CHARGE14, GARMAN TRUCKING, LLC, 2092.50, HAULING CHARGE15, GARMAN TRUCKING, LLC, 135.00, HAULING16, GARMAN TRUCKING, LLC, 607.50, HAULING17, GARMAN TRUCKING, LLC, 945.00, HAULING18, GARMAN TRUCKING, LLC, 945.00, HAULING; General 580, QUILL CORPORATION, 324.52, OFFICE SUPPLIES581, MARRIOTT SOUTHERN HILLS, 288.00, TRAVEL AND MEALS582, EMBASSY SUITES HOTEL, 384.00, LODGING583, EMBASSY SUITES HOTEL, 384.00, LODGING584, TUDER, EMERY CHANCE, 416.84, PER DIEM585, MOLINA, SHIRLEY J., 180.00, PER DIEM586, YEAGER, JULIE KAY, 180.00, PER DIEM587, MARRIOTT SOUTHERN HILLS, 288.00, TRAVEL AND MEALS588, YEAGER, JULIE KAY, 209.52, TRAVEL589, MATCHELL LAWN CARE LLC, 1385.00, LAWN MAINT590, OZARK LEASING A PROGRAM OF DE LAGE, 97.82, LEASE PAYMENTS591, QUILL CORPORATION, 61.75, OFFICE SUPPLIES592, HOMETOWN BOTTLED WATER SERVICE, 14.00, WATER593, QUILL CORPORATION, 84.99, TONERS594, LAWSON_S FUNERAL HOME, 200.00, INDIGENT BURIAL; Health 28, AMAZON.COM / SYNCB, 329.58, OFFICE SUPPLIES29, AMAZON.COM / SYNCB, 335.08, OFFICE SUPPLIES; Highway 329, GARMAN TRUCKING, LLC, 877.50, HAULING330, HOMETOWN BOTTLED WATER SERVICE, 45.85, WATER/RENT331, SUMMIT TRUCK GROUP, 334.80, PARTS332, EUCHA TIRE SHOP, 200.00, REPAIRS333, LAKELAND-CPP, 2336.05, FUEL334, WARREN CAT, 186.86, PARTS335, SOUTHERN TIRE MART LLC, 902.00, TIRES336, LONGAN CONSTRUCTION, 29502.76, ROAD MATERIAL337, LONGAN CONSTRUCTION, 59562.39, ROAD MATERIALS338, LAKELAND-CPP, 3081.92, FUEL339, LONGAN CONSTRUCTION, 7306.63, HAULING; Mtg Cert 7, QUILLCORPORATION, 63.74, MISC; Resale 52, THE GRAND LAKER/DELAWARE COUNTY JOURNAL, 56.25, PUBLICATIONS53, THE GRAND LAKER/DELAWARE COUNTY JOURNAL, 96.67, PUBLICATIONS; Rural Fire-ST 154, BOUNDTREE MEDICAL LLC, 319.55, MEDICAL SUPPLIES155, OMES-AGENCY BUSINESS SERVICES, 3761.41, INSURANCE156, REC/NE OKLA ELECTRIC COOP, 281.00, ELECTRIC SERVICE157, MONKEY ISLAND FIRE PROTECTION DISTRICT, 1800.00, TRAINING158, OAKS #1 STOP, 580.52, BLANKET159, SST, 137.01, TELEPHONE SERVICE160, HAROLD S AUTO PARTS (NAPA), 1113.76, BLANKET161, REC/NE OKLA ELECTRIC COOP, 268.00, ELECTRIC SERVICE162, W S DARLEY & CO., 239.63, FIRE DEPT BUNKER GEAR163, TULSA SHEET METAL, 1781.00, TOOL BOX; SH Svc Fee 51, INTEGRIS HEALTH MEDICAL GROUP, 42.00, DRUG TESTING52, INTEGRIS HEALTH MEDICAL GROUP, 42.00, PHYSICAL53, IDEMIA, 2883.00, MAINTENANCES4, HOMETOWN BOTTLED WATER SERVICE, 41.00, BASE & OVERAGE55, O-REILLY AUTOMOTIVE INC., 100.75, MISC56, GRAVES MENU MAKER, 1224.04, VENDOR SERVICES57, GRAVES MENU MAKER, 36.36, NON-FOOD58, GRAVES MENU MAKER, 990.88, VENDOR SERVICES59, HOMELAND STORES INC., 42.43, CLEANING SUPPLIES60, GRAVES MENU MAKER, 1225.29, VENDOR SERVICES61, GRAVES MENU MAKER, 312.64, NON-FOOD62, GRAVES MENU MAKER, 2109.47, VENDOR SERVICES. . Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Conley Chesney (Designee)-yes. Motion carried.

AGENDA #3- A motion was made by Commissioner Callihan and seconded by Commissioner Poindexter to approve all monthly reports submitted by Officers. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Conley Chesney (Designee)-yes. Not needed, No reports.

AGENDA #4 - A motion was made by Commissioner Callihan and seconded by Commissioner Poindexter to approve Hearing Human Resources Vici Cossairt on current status regarding families first. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Conley Chesney (Designee)-yes. Motion carried. Vicki Cossairt, HR Director, reported that there have been 6083 diagnosed cases of COVID increased by 193 from last week; 106 deaths increased by 3 from last week; 5649 recovered increased by 239 from last week; 328 active cases decrease of 49 from last week. Covid Risk color levels for across the 77 counties, we currently have 4 counties in the panhandle are yellow risk level, one green risk level and the rest of the counties are orange risk level. So, the numbers are trending in the wrong direction right now which is very disheartening. I looked at the vaccination percentages for Delaware County of the total population 38.5% have had one dose and 28.5% are fully vaccinated so that's a very low number. For the population Age 65 and older 51.7% - 18 and older 34.5% and 12 and older 32.6% fully vaccinated so the younger generation and the older generation are looking at the vaccine more than the other age group, that might be a statistic you want to look at. I looked up other statistics this week, I looked at all the vaccinations of the past, from tetanus to polio and the years they were instituted, and of the major vaccinations that we've all taken, from small pox and all those there's large percentages that many of those are no longer even administered today which gave me a pause. I wondered with all the successful vaccinations we've taken that there is so much negativity with this one? That may be a more personal thought process but it proved to be a very interesting concept. I may bring the list of the other vaccinations to show us all how many there are. Again, our Covid numbers are trending in the wrong direction, please if you are not vaccinated wear your mask it's far more comfortable than a ventilator. If you are vaccinated and are going to be in a crowd or possibly in a place of exposure, please wear your mask, and by all means wash your hands, wash your hands and wash your hands I can't say that enough.

AGENDA #5- A motion was made by Commissioner Callihan 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 Callihan-yes; and Conley Chesney (Designee)-yes. Motion carried. No changes.

AGENDA #6-A motion was made by Commissioner Callihan and seconded by Commissioner Poindexter for approval of discussion with possible action to set up guidelines on administrative leave for law enforcement first responders. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Conley Chesney (Designee)-yes. Motion carried. HR Director Vicki Cossairt indicated that this was requested by law enforcement for guidelines under provisions due to Covid that our law enforcement staff be granted administrated paid leave if they have contracted or had a significant exposure to Covid. What they are looking at is first responders, often they have had no warning and they are first on the scene and exposed to Covid and as a result, the Sheriff and the Undersheriff have requested this provision. They along with myself and EM Management Director Jeff Reeves have discussed this and are bringing this proposal to the board. Proposal is as follows: If law enforcement follows all CDC guidelines (gowns when possible [*in some emergency situations there may not be time for proper protocols due to the nature of the emergency*]), masks, gloves and are fully vaccinated). Exemptions either medical or religious must provide documentation from a physician or religious doctrine of which they must be a member of. In the event of an exposure, employee must distance themselves from the workforce to lessen the risk of exposure to other personnel. Employee must quarantine for the designated time, which means remain at home, not going to public areas which would render them ineligible. For paid administrative leave a medical diagnosis will be required from a physician and guidelines for time away from work will be determined by the physician medical release. The paid leave would be maximum 84 hours per occurrence. Any additional time off would be charged to sick leave, vacation or compensatory time off. Universal precautions include but are not limited to masks, gloves, gowns, hand sanitizer, hand washing and distancing. These guidelines include all law enforcement for Delaware County, Dispatch may be included and considered on a case-by-case basis. Any decision to approve or disapprove administrative leave decided by HR Dir, EM Dir, DA, Sheriff and Undersheriff with the Sheriff providing final decisions, provision through June 30, 2022 after that date the provision would no longer be applicable without an extension. Not amending the handbook just providing a provision due to Covid. The provision is being requested due to the FMLA and Recovery Care Plans that were not utilized and employees had used their own time when off sick and in a recent case due to the generosity of our employees and the time sharing an employee did not have paid time available so their teammates donated hours to them so they could get paid while off work. Commissioner Callihan inquired if employee is seen in public areas and are supposed to be under quarantine protocols, does that eliminate them from the paid provision? HR indicated yes; they would not be eligible for the provision in that instance. Commissioner Callihan also inquired why Dispatch would be included in the provision? HR and EM Dir responded due to high probability of exposure in the event the officers were not aware of a covid exposure and for paperwork and interaction with officers and dispatch staff on a regular needed basis. Commissioner Poindexter inquired if once the positive Covid test is received is the 84 hours retroactive? HR indicated yes if needed due to their rotation of 3 days one week and 4 days the alternating week. Federal law provided one time for the provision but this provision would be per occurrence. Commissioner Poindexter inquired of possible notification from dispatch? EM Dir indicated that often exposure is unavoidable due to the nature of the emergency but in some instances advance notification can be provided of a possible exposure or even a confirmed Covid case at the call if dispatch will inquire and provide those details. District Attorney Kenny Wright inquired if this provision is intended to apply only to deputies or office staff, detention officers, other jail staff? HR responded: They intended the provision to cover all law enforcement. DA: What is the definition of law enforcement? HR response: Front office staff, deputies, detention officers, investigators and dispatch added them on the case-by-case basis. Commissioner Poindexter inquired of the DA for additional clarification for employees of the department. Commissioner Callihan requested definitive contact tracing for verification of exposure in the line of duty. DA indicated we add a paragraph in the provision that proof of vaccination be provided to HR Director to be placed in the confidential personnel files. Commissioner Callihan indicated the importance of the Sheriff or Undersheriff to have been here at this meeting to discuss this and represent their agenda item. DA indicated he was slightly uncomfortable with the Sheriff as the final decision maker. The BOCC should provide final decision.

HR indicated the Sheriff had requested the final authorization. DA indicated that he could provide that initial determination but the final approval of whether they are qualified that is the Board's job. Commissioner Poindexter indicated to make amendments and return on next week's agenda when the Sheriff or Undersheriff can be present as well. DA indicated providing two personnel eligibility options on the provision to the board. No Action taken.

AGENDA #7- A motion was made by Commissioner Callihan and seconded by Commissioner Poindexter for approval of discussion with possible action regarding employees being provided stipend for opting out of benefits. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Conley Chesney (Designee)-yes. Motion carried. HR Director Vicki Cossairt indicated many companies offer their employees a stipend for employees that are opted out, we could offer \$200/month to those few of our employees that would be qualified. In the past Delaware County has not participated in this program. No Action taken.

AGENDA #8- A motion was made by Commissioner Callihan and seconded by Commissioner Poindexter for approval of employee Health Savings account benefits for calendar year 2022. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Conley Chesney (Designee)-yes. Motion carried. HR Director Vicki Cossairt indicated that the HSA program has been used by the County since 2016 in conjunction with the high deductible medical plan and saves roughly 165,000 annually for the County budget.

AGENDA #9- A motion was made by Commissioner Poindexter and seconded by Commissioner Callihan for approval to discuss with possible action, memorandum of agreement between the Cherokee Nation and Delaware County to share a mutual support for the expansion of the Jay Industrial Park. The development of a new road in District #2 going through the Jay Industrial Park to connect to the new land that was purchased. Cherokee Nation shall contribute \$155,725 and the district #2 County Commissioner shall provide labor, equipment, transportation and services to develop the new road. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Conley Chesney (Designee)-yes. Motion carried. Commissioner Callihan indicated the road would be the small area just north of the VA building in Jay, OK district 2 approximately 600 ft. Cherokee Nation Would like to have the project completed by the end of September if possible. Mayor Farley requested to review the agreement further and meet again for next week's BOCC meeting, No Action was taken.

AGENDA #10- A motion was made by Commissioner Callihan and seconded by Commissioner Poindexter for approval to accept the lowest and/or best bid on the lease purchase of a new 3,000-Gal Tanker Truck for the Flint Ridge Fire Department – Bid #21-22/02. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Conley Chesney (Designee)-yes. Lou Story (President of the Board for Flint Ridge FD) indicated he thoroughly reviewed the bids and there are some considerable differences in the different bid amounts received from Firemaster Equipment Inc for \$299,000 and E-ONE Chief Fire and Safety Company for \$308,814 - the additional benefits for the higher bid received from E-ONE includes: 7 years PM's and testing and lifetime warranty on the tank liner which provides huge savings over the long term, liners are expensive to maintain and/or repair. Commissioner Callihan inquired if the Tanker is a replacement or if they will be repairing and keeping the current older equipment or going to surplus it? Lou indicated they would try to repair it to keep for back-up if the repairs are not too costly. Commissioner Poindexter inquired on financing terms since no terms are with the bids? Lou indicated that the terms could be a 5-yr term at approximately \$5,300/month or 10-yr term for \$3,000/month which would be a little easier to manage on the monthly budget along with an option for a 5-yr with a balloon payment. Commissioner Poindexter inquired on their revenues and account balances? Sales tax has been up ranging from 5,000 a month up to 9,000 a month, but that may change at the end of the summer season. Lou indicated carrying an average balance of 80,000 and currently there is a 92,000 balance.

A motion was made by Commissioner Poindexter and seconded by Commissioner Callihan to decline all Bids. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Conley Chesney (Designee)-yes. Motion carried.

AGENDA #11- A motion was made by Commissioner Callihan and seconded by Commissioner Poindexter for approval to discuss written quotes received regarding striping double yellow with edge lines for County Rd 411, from 14th St. to Hwy 28, 6.1 miles in district #2. Board reserves the right to accept/reject any or all written quotes and the right to request further quotes. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Conley Chesney (Designee)-yes. Motion carried. Commissioner Callihan indicated this being a Cherokee Nation donation project. Quotes received from Action Safety Supply Co of OKC (.26¢ per linear foot) and Advance Work Zone Services of Muskogee, OK (.15¢ per linear foot).

A motion was made by Commissioner Callihan and seconded by Commissioner Poindexter for approval to accept the lowest quote from Advance Work Zone Services for .15¢ per linear foot. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Conley Chesney (Designee)-yes. Motion carried.

AGENDA #12- A motion was made by Commissioner Poindexter and seconded by Commissioner Callihan for approval to accept written bid from Advanced Work Zone services in the amount of \$18,139 for striping of county roads in District #1 Delaware County per state statute title 61 O.S.SS 103-138 as follows: **(1)** E 295 RD HWY 125 EAST 100 FT; S 562 RD 250 FT; DOUBLE YELLOW WITH EDGE 24" STOP BAR 12' LONG; **(2)** E 310 RD FROM HWY 85 EAST 2.28 MILES; DOUBLE YELLOW ONLY; 24" STOP BAR 12' LONG; **(3)** S 4510 RD & S 320 RD FROM HWY 85 SOUTH AND EAST 2.26 MILES; DOUBLE YELLOW WITH EDGE; 24" STOP BAR 12" LONG. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Conley Chesney (Designee)-yes. Motion carried.

AGENDA #13- A motion was made by Commissioner Callihan and seconded by Commissioner Poindexter for approval of intrafund transfer in the amount of \$5,000 from Bernice Fire Department CAP Outlay to Bernice Fire Department M&O per request of Town Clerk, Shawna Epperson. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Conley Chesney (Designee)-yes. Motion carried.

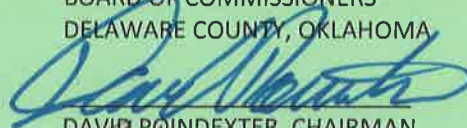
AGENDA #14-A motion was made by Commissioner Callihan and seconded by Commissioner Poindexter for approval to forward to the District Attorney's office notice of claim for property tax lawsuit sent via certified mail from Thomas J. Carter. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Conley Chesney (Designee)-yes. Motion carried.

AGENDA #15-A motion was made by Commissioner Callihan and seconded by Commissioner Poindexter for approval to open the floor for new business. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Conley Chesney (Designee)-yes. Motion carried. None.

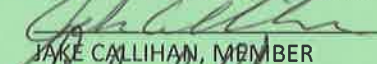
AGENDA #16 - A motion was made by Commissioner Callihan and seconded by Commissioner Poindexter for approval to open the floor to public comments. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Conley Chesney (Designee)-yes. Motion carried. Carolyn Boothe requested to attend the ARPA committee meetings when they meet. She also requested to see the approved ARPA applications for DCCSAN and Mariee Wallace Museum. District Attorney Kenny Wright indicated that he would need to determine if the applications are actually considered an open records item, they may be exempt, it will take some time to confirm and he would let her know. Mike Major had a question regarding agenda item #6. What are the guidelines for the other 76 counties for their law enforcement for leave, are there guidelines or are we setting a precedent? Do we know of any other counties doing the same paid leave for Covid? The DA responded that across the state there are all sorts of different types of leave in place because of the duties of law enforcement. He does not know of any with the same, but does not know if there aren't any either. Hazard pay is in place for some counties. Mike Major wanted to thank the board for discussing agenda item #10 and their budget. He also made a recommendation to review their annual report from August that should give a better run rate for Flint Ridge FD budget amounts.

AGENDA #17-A motion was made by Commissioner Callihan and seconded by Commissioner Poindexter to adjourn at 10:13 a.m. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Conley Chesney (Designee)-yes. Motion carried.

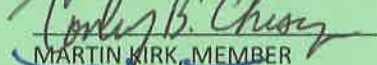
BOARD OF COMMISSIONERS
DELAWARE COUNTY, OKLAHOMA



DAVID POINDEXTER, CHAIRMAN



JAKE CALLIHAN, MEMBER



MARTIN KIRK, MEMBER

ATTEST:



BARBARA BARNES- COUNTY CLERK

