



DELAWARE COUNTY COMMISSIONER MEETING MINUTES

March 26, 2024

The Board of County Commissioners of Delaware County met in Regular Session at 9:00 a.m. on March 26, 2024. The agenda was posted March 25, 2024, at 8:10 a.m. and placed in the kiosk on the courthouse lawn 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. 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.

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 Commissioner 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 Commissioner Beck-yes. Motion carried. In addition to the Commissioners and County Clerk, Commissioners' Assistant Kathy Parker, Monkey Island Fire Chief Carl Tesreau, Assistant District Attorney Marianna McKnight, Treasurer Treasa Earp, Election Board Secretary Crystal January, Mike Major, Steve Donohue, Court Clark Karma Sapp, Payroll Clerk Tayla Douglas, County Clerk Deputy Teresa Gross, Ray Thomas, Jack Wood, Paul Turrett, James Thompson from the County Health Department, Michael Gordon of PSO, OSU Extension Agent Brooke Downing, Assessor Larena Cook, and Carolyn Boothe introduced themselves. Sheriff James Beck came in late.

Callihan said the zoning has been granted for the new fair barn on the new property purchased by the county. Poindexter said early voting will be March 28 and 29 from 8 a.m. to 6 p.m. School board members will be elected for Jay and Grove Schools and a bond issue will be decided for Grove Schools. For those wishing to change party affiliation, it must be done by March 31.

AGENDA #3- A motion was made by Commissioner Callihan and seconded by Commissioner Beck to approve the minutes for the regular meeting dated March 19, 2024. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; Commissioner 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
2023-2024

CBRI ASPHALT 5218 LONGAN CONSTRUCTION 25030.91; 5271 LONGAN CONSTRUCTION 13767.35; GRAVEL 5219 EXCAVATION UNLIMITED 1500.00; HAULING CHARGE 5272 LONGAN CONSTRUCTION 2240.70; ROAD MATERIAL 5019 EXCAVATION UNLIMITED 4500.00; ROAD MATERIALS 4500 PRYOR STONE INC. 10598.09; 5204 EXCAVATION UNLIMITED 1500.00; Economic Development Sales Tax DCEDA SALES TAX 5254 DELAWARE COUNTY ECONOMIC DEVELOPMENT AUTHORITY 3347.11; Emergency Mgmt FUEL 4597 FUELMAN OF OKLAHOMA 255.79; General COOLER 5267 HOMETOWN BOTTLED WATER SERVICE 8.00; COPIES 3594 LAKELAND OFFICE SYSTEMS 220.94; LEASE 4044 AADVANTAGE LAUNDRY SYSTEMS 119.00; LEASE/PUR 160 PITNEY BOWES GLOBAL FINANCIAL SERVICES 91.29; LONG DISTANCE SERVICE 4714 MCI 63.73; MEDICAL 4371 DIAMOND DRUGS INC. 1197.24; MEDICAL SERVICES 3533 TURN KEY HEALTH CLINICS 215.00; 5080 TURN KEY HEALTH CLINICS 13218.06; PART TIME WORK 5130 HUTCHISON, YOLANDA 75.00; PLUMBING SERVICE/REPAIRS 4334 T-N-T PLUMBING 300.00; PUBLICATIONS 2106 THE AMERICAN 290.45; 4619 THE AMERICAN 291.65; REVAL TRAVEL 4998 PRICE, JAY J. 580.89; SUBSCRIPTION 4378 OKLAHOMA DEPT OF PUBLIC SAFETY 800.00; TRAVEL 2606 MERIDITH, PENNY 608.25; UTILITIES 2953 JAY UTILITIES AUTHORITY 4885.34; WELDING SERVICE 5281 LILlich WELDING & FENCING LLC 495.00; Health JANITORIAL SERVICE 2834 GOFF, DEBRAH 900.00; Highway 5265 J & J AUTO SUPPLY 814.04; ALIGNMENT 5199 SOUTHERN TIRE MART LLC 50.00; COFFEE 5264 HOMETOWN BOTTLED WATER SERVICE 155.80; CONCRETE 4285 PRYOR ASPHALT 3404.07; EQUIPMENT 4148 NORTHERN TOOL & EQUIPMENT 381.66; FUEL 4819 AGRILAND FS 124.49; 5181 LAKELAND-CPP 2573.91; 5183 LAKELAND-CPP 2702.90; GLOVES 5087 ULINE INC 141.66; INTERNET 4324 BOLT FIBER 483.14; MATERIALS 4039 COVERMORE SHELTERS 2000.00; MISC 4313 O-REILLY AUTOMOTIVE INC. 70.97; 4317 LINDLY S INC. 35.99; 4319 PARTS CITY LTE 422.25; 4826 ADVANCED WORKZONE SERVICES 390.00; PART 5239 PREMIER TRUCK GROUP 84.44; PARTS 5115 S&H FARM SUPPLY 1056.15; REIMBURSEMENT 5205 POINDEXTER, DAVID C. 30.01; REPAIRS 4813 WARREN CAT 1090.69; 5128 EVANS HYDRAULIC REPAIR 385.00; ROAD EQUIP RENTAL 4154 YELLOWHOUSE MACHINERY 600.00; TIRE REPAIRS 5206 EUCHA TIRE & FEED 40.00; TRAVEL 5185 POINDEXTER, DAVID C. 113.90; 5191 POINDEXTER, DAVID C. 134.00; UNIFORMS 4306 UNIFIRST CORP 341.87; WATER/RENT 4318 HOMETOWN BOTTLED WATER SERVICE 20.00; Hwy-ST ASPHALT 5193 PRYOR ASPHALT 1863.00; MISC 5132 NORTHERN TOOL & EQUIPMENT 2566.32; OFFICE SUPPLIES 4838 QUILL CORPORATION 125.77; PIPE 4612 CORE & MAIN 9435.60; REPAIRS 5202 M & J EQUIPMENT 2140.21; Resale MISC 2065 QUADIENT 748.14; Rural Fire-ST BLANKET 4429 LAKELAND-CPP 218.00; 4839 LAKELAND-CPP 283.50; 4852 EMERGENCY MEDICAL PRODUCTS 191.95; ELECTRIC SERVICE 4434 AEP, PUBLIC SERVICE CO. OF OKLA. 239.84; 4435 REC/NE OKLA ELECTRIC COOP 125.12; 4437 REC/NE OKLA ELECTRIC COOP 117.57; 4450 REC/NE OKLA ELECTRIC COOP 275.14; FIRE DEPT EQUIP 5250 AMAZON CAPITAL SERVICES 365.00; HOSE 5184 DINGES FIRE COMPANY 1079.56; INSURANCE 5198 THE COLE ORGANIZATION 350.00; MONTHLY SERVICE 4918 VERIZON 171.18; 4925 BOLT FIBER 77.13; 4941 CARDS NEO, LLC 114.31; PARTS 4584 PETE'S CUSTOM SERVICE 950.00; 5109 KANSAS BUILDING SUPPLY INC. 162.75; PROPANE 4945 RURAL PROPANE 566.24; REPAIRS 5287 PETE'S CUSTOM SERVICE 450.00; TELEPHONE SERVICE 4902 SST 137.70; SH Commissary FOOD 5187 GRAVES MENU MAKER 2457.30; 5188 GRAVES MENU MAKER

467.78; VENDOR SERVICES 5039 GRAVES MENU MAKER 2353.01; Sheriff-ST INSURANCE 4526 OMES 6500.00; SH Forf PARTS 2913 VANCE CHRYSLER DODGE JEEP RAM 536.25; SH Svc Fee DRUG TESTING 5118 AAVCOR 38.00; 5119 AAVCOR 38.00; 5120 AAVCOR 38.00; 5136 AAVCOR 48.00; K-9 5274 VON JAGER K9 600.00; LONG DISTANCE SERVICE 5065 CENTURYLINK 32.52; MISC 93 AMAZON CAPITAL SERVICES 2060.84; 5070 TECHFIVE 2728.48; 5071 LEAF 985.20; NOTARY 3586 PATTERSON INSURANCE SERVICE INC. 30.00; PHYSICAL 4190 4 STATE CHIROPRACTIC 85.00; 4193 4 STATE CHIROPRACTIC 85.00; 4218 4 STATE CHIROPRACTIC 85.00; TB TEST 4194 DELAWARE COUNTY HEALTH DEPT. 15.00; 4197 DELAWARE COUNTY HEALTH DEPT. 15.00; 4590 DELAWARE COUNTY HEALTH DEPT. 15.00; 4591 DELAWARE COUNTY HEALTH DEPT. 15.00; 5124 DELAWARE COUNTY HEALTH DEPT. 15.00; 5125 DELAWARE COUNTY HEALTH DEPT. 15.00; 5126 DELAWARE COUNTY HEALTH DEPT. 15.00; TELEPHONE SERVICE 4377 AT&T MOBILITY 2585.43; UNIFORMS-DCSO 3408 SOUTHERN UNIFORM AND EQUIP 756.89; 4524 SOUTHERN UNIFORM AND EQUIP 1071.00; SW Mgmt SOLID WASTE SALES TAX 5253 SOLID WASTE 178764.00;
Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; Commissioner 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 Commissioner Beck-yes. Motion carried. No reports were submitted.

AGENDA #6- A motion was made by Commissioner Callihan and seconded by Commissioner Beck to open the floor for citizens participation or comments. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried. Jack Wood said he would like to be placed on the agenda to talk about who is responsible for maintaining the streets in Tiajuana. Wood said he has spoken to several attorneys and they all say he needs to talk to Commissioner Callihan.

AGENDA #7- Was not needed.

AGENDA #8- A motion was made by Commissioner Callihan and seconded by 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 #9- A motion was made by Commissioner Callihan and seconded by Commissioner Beck to sign affidavits for the March 28 payroll. 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 discuss the county-wide Internal Controls Checklist for quarterly meetings for fiscal year 2023-2024. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

Poindexter said this is a quarterly requirement for elected officials to talk about running the county.

Poindexter said page two number three concerns routine meetings held by the county. He said the commissioners hold weekly meetings and have these quarterly meetings, but the BOCC door is always open to help any elected official. He mentioned the county has several new ones serving in the elected capacity.

Regarding item #1, Barnes said the handbook is presented to all new employees and each employee is required to sign an affidavit that the handbook was received. Regarding #6 on page 2, Barnes said her office is working on both the SEFA schedule of expenditures and the county financial statements.

On page three #8 concerning steps to ensure compliance with state statutes, Poindexter said there is a resolution on today's agenda which deals with new legislation.

Commissioner Beck said #9 is important concerning employees using county assets for personal reasons. "Cause you can get in a lot of trouble." Concerning #11 regarding the Estimate of Needs, Poindexter said no elected ever gets all the money they want, but an effort is made for each department to get all it can. He reminded elected officials they should start getting their estimates together for the upcoming fiscal year."

On page four, #16, Cook asked who is running the inventory. Barnes said the County Clerk's Office is the receiver of the inventory – not responsible for the content, but the keeper of the records. Cook said the auditors asked her or another form concerning her equipment. Barnes said she doesn't know what that form is since the auditors did not mention it to her.

Number 9 on page four deals with disaster recovery plans. The elected officials present all said they have a plan. Cook says everyone should remember to update that plan when they have changes such as new employees.

Page 5 number one has to do with the budget. Poindexter asked all electeds to be preparing their budgets, reminding them costs have all increased. Callihan said many of these items are redundant. Poindexter said he thinks the auditors want to make sure nothing falls through the cracks.

AGENDA #11- A motion was made by Commissioner Callihan and seconded by Commissioner Beck to approve with possible action grant through OEM to purchase and install a bank of generators for District 2 County Maintenance Facility. This is a 75/25 matching grant. The state/federal payment will be \$60,000, the amount which must be paid by the county will be \$15,000 per Emergency Management Director Jeff Reeves. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried. Callihan said he is thankful for this grant opportunity. He said the barn has lost electrical power several times. A motion was made by Callihan and seconded by Beck to move forward with the grant. 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 discuss with possible action paying invoice from GH2 Architects in the amount of \$36,000 for design on the Delaware County Livestock Arena from the CARES account. 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 approve the payment. 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 accept a bid from Jimmy Dubois in the amount of \$20 for Flint Ridge 1 Fox Creek Area, Block 2, Lot 91 on behalf of the Treasurer's Office. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

AGENDA #14- A motion was made by Callihan and seconded by Beck to discuss and file Wiseley withdrawal of petition to vacate a portion of county road designated as E 324 Road located in Section 20, Township 24 N, Range 25 E. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried. Poindexter said he spoke to the property owners and they think it's best to leave the road alone for the time being.

AGENDA #15- A motion was made by Commissioner Callihan and seconded by Commissioner Beck to discuss with possible action sheriff's vehicle insurance claims. BOCC approval is required because these claims will be paid from the first dollar using the shared deductibles account. ACCO needs approval for both claims and to know if the sheriff is keeping the salvage on the totaled vehicle. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried. Parker explained how the deductible fund works. She said Dusty Birdsong at ACCO promised to get her the amount Delaware County has in the deductible fund and how much has been used, but since this week is ACCO convention, he did not get back to her. A motion was made by Poindexter and seconded by Callihan to table the item until the next meeting to get the dollar amount in the deductible fund. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

AGENDA #16- A motion was made by Callihan and seconded by Beck to forward to the District Attorney and discuss with possible action petition to vacate alley between Block 27 and Block 28 and street north of Lots 2 and 3 in Block A, town of Cleora, on behalf of Debbie and James Bullard. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried. Poindexter said when old Cleora was flooded, a few new streets were platted. Those streets are not on the county inventory and not even on a map, but they were platted. The Bullards want to vacate some of those streets. A motion was made by Poindexter and seconded by Callihan to set the petition for hearing on May 7th. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

AGENDA #17- A motion was made by Callihan and seconded by Beck to discuss with possible action supplemental operating agreement for detention services between Cherokee Nation and Delaware County. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried. Sheriff Beck said this is an updated contract which continually renews. The old version provided \$54 per 24 hours to house Cherokee inmates, with parts of days being calibrated to be paid by the hour. This updated agreement provides for \$64 per day flat rate, no matter how many hours the inmate is in the jail. McKnight said she approved the document. A motion was made by Callihan and seconded by Beck to accept the agreement. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

AGENDA #18- A motion was made by Callihan and seconded by Beck to accept and sign Cooperative Extension Services budget and contract for fiscal year 2023-2024. This is for the current year. Extension Agent Brooke Downing said the contract has been on her desk since the county budget was approved, but she did not get it to a meeting for signatures because she was on maternity leave. Barnes said not to sign because a previous commissioner got in a jam doing this before because the amount on the contract did not match the amount appropriated in the budget. Downing said this is the contract in place now for the amount already approved. A motion was made by Callihan and seconded by Beck to table the item until the next meeting. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

AGENDA #19- A motion was made by Callihan and seconded by Beck to discuss with possible action Delaware County Health Department obtaining competitive bids for the purchase of five roof-top HVAC units for the current Health Department building in compliance with the requirements of the competitive bidding act. Barnes said late in the day Monday she received a multi-page document from the auditor's office saying bidding under Title 19 would no longer be used and bidding must now adhere to Title 61. Barnes said she has not had time to read the document and the ADA should look at it, too. A motion was made by Callihan and Seconded by Beck to table the item for review until the April 2 meeting. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

AGENDA #20- A motion was made by Callihan and seconded by Beck to discuss with possible action interlocal agreement between Delaware County and the City of Grove to cooperate in completing an asphalt overlay of approximately 1.2 miles of 640 Road, an asphalt overlay of approximately 900 feet of E 288 Road and an asphalt overlay of approximately 960 feet of S 642 Road. Poindexter said this is his district and parts of these roads are in the county and parts are in the City of Grove. Both the city and the county will supply equipment and crews. A motion was made by Poindexter and seconded by Callihan to accept the interlocal agreement. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

AGENDA #21- A motion was made by Callihan and seconded by Beck to approve intrafund transfer from Free Fair Board Capital Outlay to Free Fair Board M&O in the amount of \$2,000 per Free Fair Board Secretary Ronald Enyart. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

AGENDA #22- Not needed due to scheduling conflict.

AGENDA #23- A motion was made by Callihan and seconded by Beck to discuss with possible action resolution establishing salary of elected officials in Delaware County.

Poindexter said two bills have been passed to adjust salaries, the most recent in 2021. He said it changed the schedule of how elected salaries will be paid. Before the changes could not be made in the middle of an elected official's term. The latest bill allows for changes in the middle of a term. Poindexter said there was a lot of confusion across the state on how to implement the change. Callihan said this board voted to approve the salary changes years ago, but have been waiting for legal opinions. McKnight said the legislature has allowed increased salaries, but they could only be implemented after the legislature voted to approve the increases.

A motion was made by Callihan, seconded by Poindexter to approve the salary increases. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

AGENDA #24- A motion was made by Callihan and seconded by Beck to discuss with possible action purchase and/or lease purchase of building in Kansas, Okla.

McKnight said she spoke with the Department of Tourism and they have no interest in the property. Sheriff Beck said Cherokee Nation has no interest in the building.

Callihan said the city owns the Election Board building and it is for sale. He said the county has no interest in buying the delapidated building, so the county will have to do something about the election board, including pay for it. He said with the capital projects already in the works, he feels the county cannot afford to buy the building. Poindexter said he agrees, there is too much going on to spread county funds too thin.

Commissioner Beck said he needs an office and he wants it to be in that building. Poindexter asked if it might be possible to do something for both the sheriff and the commissioner on the District 3 yard. He said the inspection of the building with no electricity turned on doesn't tell anyone what problems the building has or what it might cost to fix them.

The sheriff tried to get the commissioners to take the lease purchase option at \$24,920 per year for five years. Poindexter said the Use Tax fund will have to make up the difference for capital projects the way it is. The sheriff said he wants establish services for the county everywhere.

Poindexter suggested other options in Kansas, such as the old American Legion building. A citizen in the audience, Dan Turrett, asked why the sheriff can't budget his new tax income to be able to buy this building himself. Poindexter said most of the county liquid assets are committed to capital projects and there is no way to know what it will cost to fix the building. If the county buys the building, the county must pay for the improvements.

The sheriff said he will tell the people in District 3 that the commissioners would not buy a building so he can have an office in the south end of the county.

No action was taken on the item.

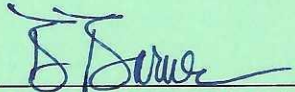
AGENDA #25- A motion was made by Callihan and seconded by Beck to enter Executive Session pursuant to 25 O.S. 370 (B)(4) for confidential communications between the board and its attorney concerning the pending litigation in Mark Tuttle and Janice Tuttle v. Board of County Commissioners of Delaware County, Delaware County District Court Case No. CIV-2023-108 where the board's attorney has determined disclosure will seriously impair the ability of the board to process the claim in the public interest at 10:29. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

AGENDA #26- A motion was made by Callihan and seconded by Beck to adjourn Executive Session and reconvene in open meeting session at 10:57 a.m.. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

AGENDA #27- No action was taken on Agenda Item #25.

AGENDA #28- A motion was made by Callihan and seconded by Beck to adjourn at 10:58 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



**BOARD OF COMMISSIONERS
DELAWARE COUNTY**

DAVID POINDEXTER, DISTRICT ONE
JAKE CALLIHAN, DISTRICT TWO
DAVID BECK, DISTRICT THREE

DRAWER 550

JAY, OK 74346

#3

MOTION MADE BY Callihan SECONDED BY Beck

TO APPROVE/AMEND MINUTES OF REGULAR MEETING DATED MARCH 26, 2024.

POINDEXTER Y CALLIHAN Y BECK Y
MOTION CARRIED.

WITNESS OUR HANDS THIS 2ND DAY OF APRIL, 2024.

BOARD OF COMMISSIONERS
DELAWARE COUNTY, OKLAHOMA

DAVID POINDEXTER, CHAIRMAN

JAKE CALLIHAN, MEMBER

DAVID BECK, MEMBER



ATTEST: Barbara Barnes
BARBARA BARNES- COUNTY CLERK