



DELAWARE COUNTY COMMISSIONER'S MEETING MINUTES

September 10, 2024

The Board of County Commissioners of Delaware County met in Regular Session at 9:00 a.m. on September 10, 2024. The agenda was posted September 9, 2024, at 8:30 a.m. and placed on the courthouse door 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 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, County Clerk, and Commissioners' Assistant Kathy Parker, Jack Wood, Election Board Secretary Crystal January, County Clerk Deputy Teresa Gross, Undersheriff James Morgan, Monkey Island Fire Chief Carl Tesreau, Human Resources Director Vicki Cossairt, Rocky Desilva of Grove Fire Department, Rocky and Connie Carroll, ADA Marianna McKnight, Payroll Clerk Tayla Douglas, Ray Thomas, Mike Major, Shannon Anderson and Genia Yeager of the Sheriff's Office, Carolyn Boothe, Court Clerk Karma Sapp, Attorney Kenny Wright, E-911 PSAP Director Kyle Longacre, Sandy Sullins, Mike Reed, Sheriff James Beck, and James Graham introduced themselves. District Attorney Doug Pewitt came in late.

AGENDA #3- A motion was made by Commissioner Callihan and seconded by Commissioner Beck to approve the minutes for the special meeting dated September 5, 2024. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-abstain; and 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 - Highway 2447, G. W. VAN KEPPEL CO., 1082.42, MISC; Hwy-ST 160, KIRBY SMITH MACHINERY INC., 6589.00, PARTS; RM&P 152, KELLPRO INC., 2154.35, PRINTER; SH Svc Fee 660, MANNING, MAKAYLA ANN, 120.00, PER DIEM 661, ROTHROCK, KATIE J., 120.00, PER DIEM;

2024-2025 - CBRI 4, PRYOR STONE INC., 7556.50, ROAD MATERIALS 5, SCURLOCK INDUSTRIES, 13920.00, BOX CULVERTS 6, PRYOR STONE INC., 392.83, ROAD MATERIAL 7, KEMP STONE CO INC., 4910.13, ROAD MATERIAL; Emergency Mgmt 4, LINDLY S INC., 117.77, BLANKET 5, FUELMAN OF OKLAHOMA, 375.69, BLANKET 6, VERIZON, 88.29, MONTHLY SERVICE 7, J & J AUTO SUPPLY, 161.67, BATTERY; General 786, GROVE ELECTRIC & LIGHTING, 974.40, LIGHTING SUPPLIES 787, AIR WISE HEATING AND AIR, 350.90, PLUMBING SERVICE 788, AIR WISE HEATING AND AIR, 625.00, HEATING & AIR COND. 789, COSSAIRT, VICKI L., 264.00, ANNUAL FEE 790, JAY UTILITIES AUTHORITY, 3467.71, UTILITIES 791, GRAND TELEPHONE CO., 55.00, INTERNET 792, GRAND TELEPHONE CO., 203.86, TELEPHONE SERVICE 793, GRAND TELEPHONE CO., 75.00, INTERNET 794, GRAND TELEPHONE CO., 44.90, TELEPHONE SERVICE 795, GRAND TELEPHONE CO., 135.34, TELEPHONE SERVICE 796, GRAND TELEPHONE CO., 45.00, INTERNET 797, THE PAPERCLIP OFFICE SUPPLIES, 310.38, CLEANING SUPPLIES 798, T-N-T PLUMBING, 600.00, PLUMBING SERVICE/REPAIRS 799, MCCORD, ROBERT D., 3850.00, JANITORIAL SERVICE 800, DEL CO RURAL WATER DIST #3, 48.50, UTILITIES 801, DOWNING, BROOKE, 247.36, TRAVEL 802, XIONG-PHA, CHEE, 77.59, TRAVEL 803, HOMETOWN BOTTLED WATER SERVICE, 16.00, WATER 804, STATE AUDITOR & INSPECTOR, 51539.51, AUDIT 805, GRAND TELEPHONE CO., 46.08, TELEPHONE 806, AMERICAN STAMP & MKT PRODUCTS, 18.56, SELF INKING STAMPS 807, HOMETOWN BOTTLED WATER SERVICE, 8.00, COOLER 808, TUDER, WAYNE, 511.21, REVAL TRAVEL 809, HOMETOWN BOTTLED WATER SERVICE, 78.00, WATER/RENT 810, GOINS, VINCENT G., 502.50, REVAL TRAVEL 811, WILLIAMS, FEDELL J., 428.80, REVAL TRAVEL 812, GRAND TELEPHONE CO., 132.43, TELEPHONE SERVICE 813, OKLAHOMA DEPT OF PUBLIC SAFETY, 870.00, OLETS 814, REECE, ANNA TAWN, 38.19, ELECTION TRAVEL 815, JANUARY, CRYSTAL G., 26.80, MILEAGE 816, BOLT FIBER OPTICS SERVICES, 1450.00, INTERNET 817, GRAND TELEPHONE CO., 233.41, INTERNET/PHONE 818, AMAZON CAPITAL SERVICES, 320.28, SUPPLIES 819, PARKER, KATHY L., 96.28, TRAVEL; Health 34, AMAZON CAPITAL SERVICES, 600.81, OFFICE SUPPLIES 35, 2 J_S ELECTRIC, 6550.00, ELECTRICAL LIGHTING & SUPPLIES 36, JAY UTILITIES AUTHORITY, 164.05, UTILITIES 37, OKLAHOMA STATE DEPT. OF HEALTH, 22748.88, MISC 38, AEP, PUBLIC SERVICE CO. OF OKLA., 1931.22, ELECTRIC SERVICE 39, VERIZON, 43.28, WIRELESS SERVICE 40, HOMETOWN BOTTLED WATER SERVICE, 16.00, WATER/RENT 41, CAPITAL ONE/WAL-MART BUSINESS, 21.74, MISC 42, ALLSTATE TERMITE & PEST SOLUTIONS, 45.00, EXTERMINATION 43, RITE-TEMP REFRIGERATION, 150.00, MONTHLY SERVICE 44, BRIDGES, SEAN, 48.24, TRAVEL 45, O_HERIN, KRISTEN, 77.05, TRAVEL; Highway 368, AEP, PUBLIC SERVICE CO. OF OKLA., 322.95, ELECTRIC SERVICE 369, LAKELAND-CPP, 2998.27, FUEL 370, BANK OF GRAND LAKE, 1766.98, LEASE PAYMENT 371, BANK OF GRAND LAKE, 1867.81, LEASE 372, APAC-CENTRAL INC., 306.27, ROAD MATERIALS 373, ATWOODS DISTRIBUTING L.P., 527.97, OIL 374, KEMP STONE CO INC., 1372.14, ROAD MATERIALS 375, KEMP STONE CO INC., 1542.66, ROAD MATERIAL 376, COMMUNITY NATIONAL BANK OF OKARCHE, 6090.00, LEASE PAYMENT 377, COMMUNITY NATIONAL BANK OF OKARCHE, 6090.00, LEASE PAYMENT 378, WARD FIELD SERVICE, 18000.00, 379, CINTAS FIRST AID & SAFETY, 121.40, FIRST AID SUPPLIES 380, T & W TIRES LLC, 6065.00, TIRES 381, KANSAS BUILDING SUPPLY INC., 108.75, MISC 382, WT EQUIPMENT, 3292.50, ROAD EQUIP RENTAL 383, GRAND TELEPHONE CO., 164.62, TELEPHONE SERVICE 384, JAY UTILITIES AUTHORITY, 139.08,

UTILITIES 385, GRAND TELEPHONE CO., 75.00, INTERNET SERVICE 386, 4 STATE TRUCKS, 871.67, PARTS 387, BOLT FIBER, 167.94, INTERNET SERVICE 388, ULINE INC, 142.31, GLOVES 389, AEP, PUBLIC SERVICE CO. OF OKLA., 367.32, ELECTRIC SERVICE 390, QUILL CORPORATION, 194.88, OFFICE SUPPLIES 391, OTA PIKEPASS CUSTOMER SERVICE, 0.55, TOLL FEES 392, PREMIER TRUCK GROUP, 204.21, PARTS 393, O-REILLY AUTOMOTIVE INC., 65.17, MISC 394, POINDEXTER, DAVID C., 107.20, TRAVEL 395, ULINE INC, 189.65, MISC 396, UNIFIRST CORP, 587.92, UNIFORMS 397, UNIFIRST CORP, 1108.60, UNIFORMS 398, KATNER MILLS (NAPA), 205.93, MISC 399, WALTER SPECIALTY SERVICE, 3527.19, ROAD MATERIAL 400, SOUTHERN TIRE MART LLC, 2482.44, TIRES 401, 4 STATE CHIROPRACTIC, 85.00, PHYSICAL 402, PREMIER TRUCK GROUP, 510.93, PARTS 403, BOLT FIBER, 395.42, INTERNET 404, 4 STATE CHIROPRACTIC, 85.00, PHYSICAL 405, AAVCOR, 38.00, DRUG TESTING 406, OSBI, OKLA STATE BUREAU OF INVESTIGATION, 19.00, CRIMINAL HISTORY CHECK 407, MELTON, CAMERON COLE, 7140.00, 408, LOWE S, 606.97, MISC 409, SISCO TRUE-VALUE HARDWARE, 197.49, MISC 410, WELCH STATE BANK, 5203.71, LOAN 411, GMSA, 83.70, MONTHLY SERVICE 412, AT&T WIRELESS, 300.39, GPS; Hwy-ST 39, UNIFIRST, 640.44, UNIFORMS 40, WARREN CAT, 6565.84, PARTS 41, LONGAN CONSTRUCTION, 29993.86, ROAD MATERIALS 42, APAC-CENTRAL INC., 352.20, ROAD MATERIALS 43, LINDLY S INC., 589.96, UNIFORMS 44, EUCHA TIRE & FEED, 180.00, MISC 45, TH ROGERS LUMBER CO., 75.91, MISC 46, J & J AUTO SUPPLY, 3013.77, MISC 47, EXCAVATION UNLIMITED, 7500.00, ROAD MATERIALS 48, YELLOWHOUSE MACHINERY, 18504.90, EQUIPMENT 49, OTA PIKEPASS CUSTOMER SERVICE, 11.80, PIKE PASS 50, THOMAS AUTO SALES, 23000.00, 51, EXCAVATION UNLIMITED, 7500.00, ROAD MATERIALS; Mtg Cert 10, HARVEST FIELDS VENDING, 12.49, RENT; Rural Fire-ST 194, REC/NE OKLA ELECTRIC COOP, 352.54, ELECTRIC SERVICE 195, O-REILLY AUTOMOTIVE INC., 649.68, BLANKET 196, NEO PEST CONTROL, 200.00, PEST CONTROL 197, REC/NE OKLA ELECTRIC COOP, 1502.00, MONTHLY SERVICE 198, PIT STOP, 873.21, BLANKET 199, MONKEY ISLAND FIRE PROTECTION DISTRICT, 4500.00, ADMINISTRATIVE SERVICES 200, WALKER HARDWARE & LUMBER, 490.76, BLANKET 201, BERNICE PUBLIC WORKS AUTHORITY, 42.50, UTILITIES 202, OMEG-AGENCY BUSINESS SERVICES, 8452.00, INSURANCE 203, SST, 169.32, TELEPHONE SERVICE 204, SST, 123.66, TELEPHONE SERVICE 205, PIT STOP, 287.00, BLANKET 206, BOUNDTREE MEDICAL LLC, 674.26, BLANKET 207, THE BURROWS AGENCY, 2132.00, INSURANCE 208, SBA STEEL LLC, 158.02, RENT 209, REC/NE OKLA ELECTRIC COOP, 516.77, ELECTRIC SERVICE 210, ADT SECURITY SERVICES INC, 149.93, SECURITY SYSTEM/REPAIR 211, BOLT FIBER, 1.14, MONTHLY SERVICE 212, DELAWARE COUNTY E-911, 500.00, DISPATCH SERVICE 213, DELAWARE COUNTY E-911, 500.00, DISPATCH SERVICE 214, COUNTRY BOY'S TIRE & AUTO REPAIR, 1000.00, REPAIRS 215, THE BURROWS AGENCY, 16578.00, INSURANCE 216, ADMIRAL EXPRESS, 187.97, OFFICE SUPPLIES 217, ADMIRAL EXPRESS, 79.95, OFFICE SUPPLIES 218, SMITH PAVING, 18000.00, PAVING 219, FIRE MASTER FIRE EQUIPMENT INC., 335.00, REPAIR 220, NEO COMPUTERS, 274.00, COMPUTER 221, O-REILLY AUTOMOTIVE INC., 699.99, OIL 222, DELAWARE COUNTY E-911, 6000.00, DISPATCH SERVICE 223, DELAWARE COUNTY E-911, 6000.00, DISPATCH SERVICE 224, DELAWARE COUNTY E-911, 6000.00, DISPATCH SERVICE; SH Svc Fee 48, SCISSORTAIL EXPRESS LUBE, 784.79, OIL 49, GRAVES MENU MAKER, 2534.06, VENDOR SERVICES 50, GRAVES MENU MAKER, 3040.37, VENDOR SERVICES 51, GRAVES MENU MAKER, 1874.04, VENDOR SERVICES 52, GRAVES MENU MAKER, 2781.33, VENDOR SERVICES 53, SOUTHERN TIRE MART LLC, 347.90, TIRES 54, MANNING, MAKAYLA ANN, 27.50, PER DIEM 55, ROTHROCK, KATIE J., 27.50, PER DIEM; Use-ST 3, CAPITAL ONE/WAL-MART BUSINESS, 4570.32, EQUIPMENT 4, GRAND RIVER ABSTRACT & TITLE CO., 11710.00, ABSTRACT & TITLE SERVICES. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and 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. A report was submitted by the Court Clerk. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried. Reports were submitted by the Treasurer, Assessor, Election Board and Sheriff.

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. The sheriff had question about burying a badge with former sheriff Jim Earp. Poindexter said that can be addressed under new business. Sandy Sullins said she is not on the agenda, but has a matter to discuss. Poindexter said he will talk to her after the meeting.

AGENDA #7- A motion was made by Commissioner Callihan and seconded by Commissioner Beck to hear report by Human Resources Director Vicki Cossairt. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried. Cossairt said the county has 126 employees today. Since her last report, five new hires have been made, one offer is pending and two employees have terminated. Cossairt said there are five open county jobs. She expressed condolences for Jim Earp who will be buried later today. He was a deputy for two years and sheriff for 12 years. His daughter-in-law is County Treasurer Treasa Earp. Cossairt said there is a Hazardous Duty Training workshop available online. New laws took effect Nov. 1 which will change retirement and buy back guidelines for these employees. American Federation Insurance will be here Oct. 2 for any employees who wish to purchase supplemental programs. Supervisors have mandatory Reasonable Suspicion training Oct. 1 at 1 p.m. at AAVCOR. Cossairt said October is flu vaccination month. She reminded the elected officials to thank their employees because a little recognition goes a long way.

AGENDA #8-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. Sheriff Beck asked about the badge. Callihan said he should talk to the family, but he thinks they will agree. Sheriff Beck said he wanted to ask if he can take a retired badge to the family. Since badges are not surplus, the commissioners gave their approval. Callihan asked about closing for the funeral today. Pewitt said the courthouse could not be closed, but all the employees who wish may be allowed to attend. A motion was made by Callihan and seconded by Beck to donate a badge for the Earp family. 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 discuss with possible action jail services agreement with the City of Grove, tabled from the last meeting. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried. Sheriff Beck said he hasn't gotten an answer from Grove P.D. about the price. Poindexter said he needs to talk to Capt. Morris. Sheriff said Morris needs this agreement by October. Callihan said the amount should line up with other entities. McKnight pointed out that maybe a clause should be added stating the jail will not take Grove prisoners if it is full.

A motion was made by Callihan and seconded by Beck to table the item until next week. 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 with possible action Sheriff Beck's budget; account balances, including both current balances and account balances on July 1, 2024; known payment obligations which are due on or before Dec. 31, 2024; and requested employee pay raises in light of the 50 percent restriction included in 10 O.S. 347C, tabled from last meeting. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

Poindexter distributed summary accounting pages. He said the total payroll paid from July 15 to Sept. 31 is \$742,649.20. This is an estimated \$148,535.84 for the rest of the year. There are seven more payrolls, which would amount to \$1,039,750.88 needed to make payroll only for the rest of Sheriff Beck's administration.

Sheriff's employees who work holidays get holiday pay. Based on the July 4th Holiday, an additional \$4,162.12 was paid. Using that as an estimate for the seven remaining holidays in 2024, an additional \$36,170.89 will be needed for holiday pay.

Many sheriff's employees have compensation and vacation time on the books to be paid; \$24,094.86 for compensation time and \$77,738.58 for vacation time. Any or all of this could have to be paid depending on the number of employees who stay with the new sheriff.

Safety bonuses will be paid to all employees on Dec. 13. If the sheriff has 54 employees as he does today, that is \$16,760.25 more which must be paid.

Proposed payroll taxes are \$9,497.50 per month. Six more payrolls brings that total to \$56,985.00.

Added together, the total needed to make the sheriff's payroll until the end of the year if the number of employees stays the same is \$1,994,197.66.

Wright said those numbers do not match the sheriff's.

Beck said this payroll affidavit is approximately \$128,000, so he needs approximately \$989,000 to finish the year. He said he has \$686,000 that was carried over in cash accounts that amount to \$782,000 now. He said the four remaining sales tax payments will be roughly \$680,000, which he said is not subject to the 50 percent rule.

Wright said the question is the interpretation of statute 19.347(C). An outgoing elected official's term and the fiscal year do not match. Wright said this law is intended to compensate for that fact. He said the law says the outgoing sheriff must leave half the money, but the question is what the word allocated means. Wright said the D.A. thinks that means all the money, and McKnight has contacted the state auditor's office, who agrees. Wright said he has spoken with the Attorney General, who agrees with him, and he has the voice mail to prove it. Wright said allocation means an allotment and 347(C) in no way applies to the cash accounts.

Poindexter asked if there are any emails containing this information.

Callihan said he called the A.G.'s office and was told no legal advice will be given out of that office.

Wright said the D.A. must do what the A.G. says. He said it is not yet known what the new budget is, so Sheriff Beck used last year's amount to project and the numbers don't match, "Which was always a problem when I was D.A."

Sheriff Beck said his numbers say he will leave more than half, but he needs Wright's help to make the county's numbers match.

Callihan asked why the sheriff would make raises so large the employees make more than some elected officials. Sheriff Beck said he didn't even look at that, he is raising salaries to match the work. He said many of these employees are exempted from over time and some work 90 hours a week.

Wright said the question is whether Sheriff Beck can afford to make the raises. Sheriff Beck said he can because he can use his cash accounts to pay.

Callihan said some of the proposed raises are much higher than other county employees and the sheriff's office won't be able to maintain that level of pay. Wright said that has no bearing as the new sheriff will have all new employees.

"I would like to give my employees all that kind of raises," Callihan said, "but I have to live on earth and not in a tree house."

Pewitt said the problem is there is no approved budget and until the new budget is approved, the practice is to follow the old numbers. He said the cash accounts, mostly the sales tax, are significant, but the Excise Board must approve of how that money is spent. The issue, he said, is the difference between the new and the old budget. Pewitt suggested the sheriff map out, on paper, his proposed expenses for the remainder of the year.

Sheriff Beck said there is \$370,000 more in the cash accounts than he will spend on payroll. "All they had to do was ask me," Sheriff Beck said. "No one asked. That's why we're where we're at." Sheriff Beck said his projected numbers are based on last year's budget.

"Everyone has to communicate," Pewitt said. The BOCC is responsible for coming in under the 50 percent. We need a presentation with hard numbers, but that doesn't need to be a public discussion until the numbers can be compared on paper.

Sheriff Beck asked if the 50 percent includes the cash accounts. Pewitt said use of the cash accounts must be approved by the Excise Board.

Sheriff Beck said he has \$300,000 if no more comes in.

"Put it down on paper," Pewitt said.

"If you don't agree, what is the point?" Wright said.

Callihan asked if a smaller committee could look at this. "We just want to make sure 50 percent is left," he said.

Sheriff Beck said it is his staff who is paying.

Wright agreed a working meeting is needed and asked for a date. Barnes said it cannot be this week. Sheriff Beck said it needs to be soon as his raises are blocked. Wright said the raises will be made retroactive.

A motion was made by Callihan and seconded by Poindexter to table the item until Sept. 17. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

AGENDA #11- No action was taken on this item.

AGENDA #12- A motion was made by Commissioner Callihan and seconded by Commissioner Beck to discuss with possible approval Fiscal Year 2024/2025 budget. Poindexter asked if there were any more comments or questions. There were none. 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 sign affidavits for the September 13 payroll. 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 308 apportionments for October.

HIGHWAY

1102-6-4100-1110	Highway Personal-Svc – D1	\$	43,000.00	
1102-6-4200-1110	Highway Personal -Svc – D2	\$	65,000.00	
1102-6-4300-1110	Highway Personal-Svc – D3	\$	49,000.00	
1102-6-4100-2005	Highway M&O – D1	\$	19,515.81	
1102-6-4200-2005	Highway M&O – D2	\$	6,515.81	
1102-6-4300-2005	Highway M&O – D3	\$	5,515.80	
1102-6-4100-4130	Highway Lease Purchase – D1	\$	20,000.00	
1102-6-4200-4130	Highway Lease Purchase – D2	\$	10,000.00	
1102-6-4300-4130	Highway Lease Purchase – D3	\$	28,000.00	
1102-6-4100-2005	Highway GSB Interest – D1	\$	963.00	
1102-6-4200-2005	Highway GSB Interest – D2	\$	963.01	
1102-6-4300-2005	Highway GSB Interest – D3	\$	963.01	
1102-6-4100-2005	Hwy Misc Forfeiture – D1	\$	61.49	
1102-6-4200-2005	Hwy Misc Forfeiture – D2	\$	61.49	
1102-6-4300-2005	Hwy Misc Forfeiture – D3	\$	61.50	
1102-6-4200-2065	Hwy Insurance – D2	\$	1,000.00	
1102-6-4200-2005	D2 – Sold Salvage Parts	\$	100.00	
1102-6-4100-2005	CIRB-1	\$	15,498.06	
1102-6-4200-2005	CIRB-2	\$	15,498.06	
1102-6-4300-2005	CIRB-3	\$	15,498.07	
	TOTAL			297,215.11
1103-6-4100-2005	CBRI – 105 - 1	\$	11,452.53	
1103-6-4200-2005	CBRI – 105 - 2	\$	11,452.53	
1103-6-4300-2005	CBRI – 105 - 3	\$	11,452.54	
1103-6-4100-2090	CBRI – 105 – D1 – E 340 RD	\$		
	TOTAL	\$		34,357.60

FIRE DEPARTMENTS

1321-2-8200-2005	Bernice M&O	\$	7,525.99	
1321-2-8200-2005	Interest	\$	9.62	
1321-2-8200-4110	Bernice Cap. Outlay	\$	2,508.66	
1321-2-8200-4110	Bernice Cap. Outlay Interest	\$	286.29	10,330.56
1321-2-8201-1310	Butler Travel Interest	\$	2.66	
1321-2-8201-2005	Butler M&O	\$	3512.12	
1321-2-8201-2005	Butler Interest	\$	69.67	
1321-2-8201-4110	Butler Cap. Outlay	\$	6,522.53	
1321-2-8201-4110	Butler Interest	\$	448.60	10,555.58
1321-2-8203-2005	Colcord M&O	\$	501.73	
1321-2-8203-2005	Colcord Interest	\$	13.11	
1321-2-8203-1310	Colcord Travel	\$	100.35	
1321-2-8203-1310	Colcord Travel Interest	\$	38.81	
1321-2-8203-4110	Colcord Cap. Outlay	\$	9,432.58	10,955.29
1321-2-8203-4110	Interest	\$	868.71	
1321-2-8202-2005	Cleora M & O Interest	\$.96	
1321-2-8202-4110	Cleora Cap. Outlay	\$	10,034.66	
1321-2-8202-4110	Cleora Interest	\$	810.18	10,845.80
1321-2-8204-2005	Cowskin M&O	\$	5,556.40	
1321-2-8204-2005	Interest	\$	6.41	
1321-2-8204-4110	Cowskin Cap. Outlay	\$	1,852.13	
1321-2-8204-4110	Interest	\$	57.76	

1321-2-8204-2040	Cowskin Rentals/Leases	\$	2,626.13	
1321-2-8204-2040	Cowskin Rent/Lease Interest	\$	7.05	10,105.88
1321-2-8205-2040	Eucha Rentals/Leases	\$	895.00	
1321-2-8205-1310	Eucha Travel	\$	456.98	
1321-2-8205-2005	Eucha M&O	\$	5,483.79	
1321-2-8205-2005	Interest	\$	98.14	
1321-2-8205-4110	Eucha Cap. Outlay	\$	3,198.88	10,132.79
1321-2-8206-1310	Flintridge Travel Interest	\$	23.23	
1321-2-8206-2005	Flintridge M&O	\$	7,707.14	
1321-2-8206-2005	Interest	\$	240.84	
1321-2-8206-4110	Flint Ridge Cap Outlay Interest	\$	2.10	
1321-2-8206-2040	Flint Ridge Rentals/Leases	\$	2,327.52	
1321-2-8206-2040	Flint Ridge Rentals/Leases Int.	\$.02	10,300.85
1321-2-8207-1310	Grove Travel Interest	\$	2.95	
1321-2-8207-2005	Grove M&O	\$	2,587.33	
1321-2-8207-2005	Interest	\$	326.81	
1321-2-8207-4110	Grove Cap. Outlay	\$	2,587.33	
1321-2-8207-4110	Interest	\$	120.44	
1321-2-8207-2040	Grove Rentals/Leases	\$	4,860.00	
1321-2-8207-2040	Grove Rentals/Leases Interest	\$	127.28	10,612.14
1321-2-8208-2005	Hickory Grove M&O	\$	5,017.33	
1321-2-8208-2005	Interest	\$	29.10	
1321-2-8208-4110	Hickory Grove Cap. Outlay	\$	5,017.33	
1321-2-8208-4110	Interest	\$	428.59	10,492.35
1321-2-8209-2005	Jay M&O	\$	2,261.96	
1321-2-8209-2005	Interest	\$	5.62	
1321-2-8209-4110	Jay Cap. Outlay	\$	5,277.91	
1321-2-8209-4110	Interest	\$	115.58	
1321-2-8209-2040	Jay Rentals/Leases	\$	2,494.78	
1321-2-8209-2040	Jay Rentals/Leases Interest	\$.03	10,155.88
1321-2-8210-1310	Kansas Travel Interest	\$	1.54	
1321-2-8210-2005	Kansas M&O	\$	3,417.10	
1321-2-8210-2005	Interest	\$	340.93	
1321-2-8210-4110	Kansas Cap. Outlay	\$	3,417.10	
1321-2-8210-4110	Interest	\$	274.79	
1321-2-8210-2040	Kansas Rentals/Leases	\$	3,200.46	
1321-2-8210-2040	Kansas Rentals/Leases Interest	\$	83.37	10,735.29
1321-2-8211-1310	Kenwood Travel Interest	\$	3.64	
1321-2-8211-2005	Kenwood M&O	\$	3,010.40	
1321-2-8211-2005	Interest	\$	126.42	
1321-2-8211-4110	Kenwood Cap. Outlay	\$	7,024.26	
1321-2-8211-4110	Interest	\$	1,301.40	11,466.12
1321-2-8213-1310	Leach Travel Int	\$	12.13	
1321-2-8213-2005	Leach M&O	\$	4,013.86	
1321-2-8213-2005	Interest	\$	248.69	
1321-2-8213-4110	Leach Cap. Outlay	\$	6,020.79	
1321-2-8213-4110	Interest	\$	186.20	
1321-2-8213-2040	Leach Rentals/Leases Interest	\$	21.59	10,503.26
1321-2-8212-1310	Lakemont Travel Interest	\$	3.17	
1321-2-8212-2005	Lakemont Shores M&O	\$	5,017.33	
1321-2-8212-2005	Lakemont Shores Interest	\$	29.12	
1321-2-8212-4110	Lakemont Shore Cap. Outlay	\$	5,017.33	
1321-2-8212-4110	Lakemont Shore CO Interest	\$	146.93	10,213.88
1321-2-8214-2005	Monkey Isl. M&O	\$	2000.00	
1321-2-8214-2005	Monkey Isl. M&O Interest	\$	2.93	
1321-2-8214-4110	Monkey Isl. CO Interest	\$	6.25	
1321-2-8214-2040	Monkey Island Rentals/Leases	\$	8,034.66	
1321-2-8214-2040	Monkey Isl. Rent/Lease Interest	\$	199.63	10,243.47
1321-2-8215-1310	Oaks Travel	\$	250.00	

1321-2-8215-1310	Oaks Travel Interest	\$	19.36	
1321-2-8215-2005	Oaks M&O	\$	3,000.00	
1321-2-8215-2005	Oaks M&O Interest	\$	6.03	
1321-2-8215-4110	Oaks Cap Outlay	\$	2,990.12	
1321-2-8215-4110	Oaks Cap Outlay Interest	\$	263.64	
1321-2-8215-2040	Oaks Rental/Lease	\$	3,794.54	
1321-2-8215-2040	Oaks Rentals/Leases Interest	\$	98.84	10,422.53
1321-2-8216-1310	Tiff City Travel Interest	\$	18.13	
1321-2-8216-2005	Tiff City M&O	\$	5,017.33	
1321-2-8216-2005	Interest	\$	157.62	
1321-2-8216-4110	Tiff City Cap. Outlay	\$	5,017.33	
1321-2-8216-4110	Tiff City CO Interest	\$	215.86	10,426.27
1321-2-8217-2005	TiaJuana M&O	\$	5,017.33	
1321-2-8217-2005	Interest	\$	136.33	
1321-2-8217-4110	TiaJuana Cap. Outlay	\$	5,017.33	
1321-2-8217-4110	Interest	\$	187.35	10,358.34
1321-2-8218-1310	West Siloam Travel Interest	\$	5.36	
1321-2-8218-2005	West Siloam Springs M&O	\$	5,017.33	
1321-2-8218-2005	Interest	\$	718.36	
1321-2-8218-4110	West Siloam Springs Cap. Outlay	\$	5,017.33	
1321-2-8218-4110	Interest	\$	743.34	11,501.72
1321-2-8219-1310	Zena Travel Interest	\$	2.49	
1321-2-8219-2005	Zena M&O	\$	5,017.33	
1321-2-8219-2005	Interest	\$	93.02	
1321-2-8219-4110	Zena Cap. Outlay Interest	\$	5.75	
1321-2-8219-2040	Zena Rentals/Leases	\$	5,017.33	
1321-2-8219-2040	Zena Rentals/Leases Interest	\$	310.79	10,446.71
	Grand Total	\$		210,804.71
SPECIALS				
1320-3-8029-2005	Solid Waste	\$	250,866.44	250,866.44
1326-1-8020-5310	Judgement Debt Special	\$		
1327-8-3100-2005	DCEDA Sales Tax	\$	27,937.63	27,937.63
1313-6-4100-2005	Hwy ST M&O D1	\$	88,795.79	
1313-6-4200-2005	Hwy ST M&O D2	\$	88,795.80	
1313-6-4300-2005	Hwy ST M&O D3	\$	88,795.80	266,387.39
1235-6-4200-2218	S 587 road Grove D2	\$	90,000.00	90,000.00
1319-2-0400-2005	Sheriff Sales Tax	\$	159,832.43	159,832.43
	Grand Total	\$		795,023.89

1209-1-1000-1110	RMP-1 Personal Services	\$	10,380.00	10,380.00
1208-1-1000-2005	County Clerk Lien Fee 2 M&O	\$	1,293.94	1,293.94
1301-1-8020-2005	Use Tax	\$	147,688.51	147,688.51
1306-1-8020-2005	½ Cent Sales Courthouse	\$	86.21	86.21
1216-3-5000-2005	Health Dept Fees	\$	882.67	
1216-3-5000-2005	DHS Rent to Health Dept	\$	430.00	1,312.67
1204-1-1600-4110	Assessors Rev Cap Outlay	\$	64.00	64.00
7205-1-1900-2005	Law Library	\$	1,551.15	1,551.15
1230-1-0600-2005	Mtg. Tax Cert Fee	\$	720.00	720.00
1226-2-0400-2005	SSF – 2 - M&O	\$	17,523.56	
1226-2-3500-1110	Sheriff Ct. Hse. Security	\$	2,146.30	
1226-2-1100-2005	SSF – DOC Board of Prisoners	\$	80,766.00	100,435.86
7210-1-1400-2005	Court Clerk RMP	\$	2,135.25	2,135.25
1566-1-2001-2005	ARPA Interest	\$	5,778.03	5,778.03

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 designate FY 2024/2025 officers for the Delaware County Health Department as follows: Requisitioning Officers – Kristen O’Herin, Leah Fansler, Jackie Kanak; Receiving Officers – Stephanie Goins, Teresa Kelly, Jessika Trammel; Inventory Officer – Kristen O’Herin. 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 discuss with possible action estimate from Smith Paving and Seal Coating for \$4,898.27 to seal E-911 parking lot. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

Poindexter said E-911 Board Chairman Tesreau got this estimate, but he wondered if the commissioners can’t do this themselves. This estimate is only the parking lot, and now there will also be the storage lot. A motion was made by Callihan and seconded by Beck to table until the next meeting to gather more information. 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 surplus a 2009 Dodge Charger, Inventory #D331.1, VIN #2B3KA43V49H639786 on behalf of District #2. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

AGENDA #18- A motion was made by Commissioner Callihan and seconded by Commissioner Beck to discuss with possible action the employment contract for Kenny Wright as General Counsel for Sheriff Beck, pursuant to 19 O.S. 527 to include discussion of the scope of and/or reasons for Mr. Wright’s representation. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

Wright said under State Statute 19.527, three officers may hire outside counsel: the sheriff, the treasurer and the assessor. The BOCC must approve the contract. They have no other option. Wright said the statute does provide payment will be made from the sheriff’s budget. Wright said he has provided the contract, but has since discovered the clause is not needed for a retainer since the county cannot pay for a service before it is done and must be paid as billed. He asked that the purchase order already encumbered for \$3,000 be used as a blanket to pay the hourly rate bills. Wright said he has been retained by the sheriff to make sure he can do his job with no obstruction.

Pewitt said he has reviewed the statute and there are two interpretations:

- 1) Wright’s way, which says the BOCC can do nothing but approve the contract.
- 2) Pewitt said the sentence containing shall approve was added later and meant to be an advise and consent clause. Pewitt said no options have been presented, nor explanation why Sheriff Beck needs counsel other than the D.A. Pewitt said this is a personal decision, which should have nothing to do with it. The D.A. and A.D.A. will provide counsel to the sheriff. If a conflict should arise which would make it necessary for them to recuse themselves, then the sheriff would need outside counsel. “The Sheriff’s request is premature,” Pewitt said. “If he has an objection, he should present it to the board with reasons why he needs outside counsel. I don’t see the need for the extra expense.”

Sheriff Beck said he asked for pay raises he couldn’t get, and that is why he needs outside counsel. He said no one ever talked to him.

Poindexter said he talked to him. Sheriff Beck said Poindexter slandered him to his staff.

Wright said, “528 is for conflict of interest. 527 has nothing to do with conflict. The opinion of the D.A. is against the interest of the sheriff. This is not advise and consent. The sheriff thinks county government members are against him and that was proven during the election. He asked two weeks ago for the item to hire counsel to be put on the agenda and it was pulled off. This is an unusual situation and the sheriff needs outside counsel to straighten this out. The sheriff is willing to pay out of his own budget.”

Callihan asked if the BOCC is mandated to approve the outside counsel, why must it be approved.

Sheriff Beck said he can hire a staff attorney if he wants to, which would cost more than outside counsel. He said his problem is with the 50 percent and the County Clerk’s Office blocking purchase orders.

“This is insane,” Sheriff Beck said, “I am not allowed to do what I need to do. It’s one thing after another and I don’t have time to focus on my staff.”

Callihan asked how much Wright’s hourly rate will be. Wright said \$300 per hour.

Sheriff Beck said this is only to help him fix his payroll mess. He said he has staff threatening to quit. He said he is only doing this for the staff and he needs help to accomplish the task. He said it is nothing personal, he is just speaking for his staff.

Callihan made a motion to reject the contract of the advice from counsel. Poindexter seconded the motion.

“You know you will be sued if you don’t approve this, don’t you?” Wright said. “This will be an attorney fee case and it will cost you a lot more.”

Pewitt said he is “not concerned” with Wright’s lawsuit and the sheriff should have come to him. Wright said the sheriff has been asking for months.

Beck voted no, Callihan voted yes. “Let me ask...” Poindexter said.

“I have no option if you vote no than to sue,” Wright said. “All these 17 years I’ve helped you guys.”

“This is just an as needed basis?” Commissioner Beck asked.

“Yes, this is the primary thing,” Wright said.

“Obviously we don’t want sued,” Callihan said. “I just don’t see why we can’t resolve this without spending more money. If we approve the contract, we can’t put the genie back in the bottle.” Callihan withdrew his motion.

Barnes said the purchase orders will be taken care of and her office will do its job.

A motion was made by Callihan and seconded by Commissioner Beck to accept the amended contract for Kenny Wright to represent Sheriff Beck. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-no. Motion carried.

AGENDA #19- A motion was made by Commissioner Callihan and seconded by Commissioner Beck to adjourn at 11:13 a.m. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

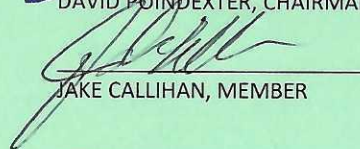
ATTEST:


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 Poindexter

TO APPROVE/AMEND MINUTES OF SPECIAL MEETING DATED SEPTEMBER 5, 2024.

POINDEXTER Y CALLIHAN Y BECK Y
MOTION CARRIED.

WITNESS OUR HANDS THIS 17TH DAY OF SEPTEMBER, 2024.

BOARD OF COMMISSIONERS
DELAWARE COUNTY, OKLAHOMA

David Poindexter
DAVID POINDEXTER, CHAIRMAN

Jake Callihan
JAKE CALLIHAN, MEMBER

DAVID BECK, MEMBER

ATTEST: Barbara Barnes

BARBARA BARNES- COUNTY CLERK

