

RESOLUTION NO. _____

A RESOLUTION ESTABLISHING THE SALARY OF ELECTED OFFICIALS IN DELAWARE COUNTY

WHEREAS, House Bill 1064 ("HB 1064") implemented a new county officer salary schedule and had an effective date of November 1, 2021; and

WHEREAS, pursuant to HB 1064 and OKLA. CONST. Art XXIII, § 10, elected officials are prohibited from receiving an increase or decrease in salary during their term of office; and

WHEREAS, pursuant to HB 1064 and OKLA. CONST. Art XXIII § 10, the salaries of Delaware County elected officials beginning a term of office on or after November 1, 2021, are determined by OKLA STAT. tit. 19, §§ 180.58 through 180.68 (2022); and

WHEREAS, pursuant to OKLA. CONST. Art V, § 54, the salaries of Delaware County elected officials who began their term of office prior to November 1, 2021, continue to be determined by OKLA. STAT. tit. 19, § §180.71 to 180.83 (2021), and shall continue until such time as any such officer shall begin a new term; and

WHEREAS, the salaries of Delaware County elected officials beginning a term of office on or after November 1, 2021 are computed by adding the "service-ability" factor (based on gross assessed valuation) calculated pursuant to OKLA. STAT. tit. 19, § 180.63 (A) plus the "service-load" factor (based on population) calculated pursuant to OKLA. STAT. tit. 19, § 180.63(B), to the basic salary selected by the Delaware County Board of County Commissioners as provided in OKLA. STAT. tit. 19, § 180.62; and

WHEREAS, the salaries of Delaware County elected officials who began their existing term before November 1, 2021 is computed by adding the "service-ability" factor (based on net assessed valuation) calculated pursuant to OKLA. STAT. Tit. 19 § 180.75 (A)(1), as adopted by the Board of County Commissioners of Delaware County, plus the "service-load" factor (based on population) calculated pursuant to OKLA. STAT. Tit. 19 § 180.75(A)(2), to the basic salary selected by the Delaware County Board of County Commissioners as provided in OKLA. STAT. tit 19, § 180.74; and

WHEREAS, pursuant to OKLA. STAT. tit. 19, §§ 180.62(B) and 180.74(B) require the Board of County Commissioners set the basic salary for all elected officials within the limits allowed by law; and

WHEREAS, the maximum basic salary of Delaware County elected officials commencing a term of office on or after November 1, 2021 may not exceed \$49,500.00 per annum, and those elected officials who began their existing term before November 1, 2021 may not exceed \$44,500.00 per annum until such time as any such elected official begins a new term; and

WHEREAS, on January 17, 2023, the Board of County Commissioners of Delaware County set the basic salary for all Delaware County elected officials at \$49,500.00 beginning July 1st, 2023. See Resolution approved by the Board of County Commissioners of Delaware County adopted 17th day of January, 2023.

WHEREAS, based on the statutory formulas cited above, the Board of County Commissioners of Delaware County hereby determines that the annual salary authorized and hereby established for

Delaware County elected officials commencing a term of office on or after November 1, 2021, and effective as of July 1, 2023 including serviceability and service load adjustments required by law, is \$67,250.00 to be adjusted as may be required by OKLA. STAT. tit. 19, § 180.63(A); and

WHEREAS, on April 20, 2021, the Board of County Commissioners of Delaware County adopted the "Salary Act" of 1959 to set the salaries for all elected county officials within the limits allowed by law and per HB 1939 set the date of adjustment for service-ability and service-load on the first day of January each year.

WHEREAS, based on the statutory formulas cited above, the Board of County Commissioners of Delaware County hereby determines that the annual salary authorized and hereby established for Delaware County elected officials beginning an existing term before November 1, 2021 is \$61,549.31 effective as of January 1, 2023; and

WHEREAS, pursuant to OKLA. STAT. tit. 19 § 180.68 (2019), the Board of County Commissioners further determines that the annual salary authorized and hereby established for Delaware County elected officials beginning an existing term before November 1, 2021, shall be adjusted pursuant to OKLA. STAT. tit 19 §§ 180.75(A)(1) and 180.75 (A)(2) to be effective January 1, 2024 is \$62,449.32; and

WHEREAS, the following salary determinations were not implemented due to confusion relating to the interpretation and application of HB 1064 to county officer salaries: and

WHEREAS, the Delaware County District Attorney's Office advised the Delaware County Board of County Commissioners to delay taking action on any salary increases until such time as the District Attorney's office could provide an opinion on the constitutionality and legality of any salary increases: and

WHEREAS, the Delaware County District Attorney's Office has provided the Board of County Commissioners an opinion on county officer salaries and as part of that opinion has stated that such salary determinations may be effective as of the dates discussed herein; and

WHEREAS, upon the interim advice of the Delaware County District Attorney's Office, the Board of County Commissioners of Delaware County approved a salary increase for Delaware County elected officials on January 17, 2023 effective July 1, 2023 as allowed by law; and

WHEREAS, based upon the opinion of the Delaware County District Attorney's Office and discussions with the Delaware County Board of County Commissioners, the Delaware County Board of County Commissioners may establish the basic salary for Delaware county elected officials beginning a term of office on or after November 1, 2021 at \$49,500.00

WHEREAS, the Board of County Commissioners of Delaware County hereby finds that the salaries listed above should be made effective as of the dates discussed herein.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, STATE OF OKLAHOMA;

That the salary for Delaware County elected officials shall be as follows:

The salary of the County Commissioner District 2, County Clerk and the Court Clerk, who began their term of office prior to November 1, 2021, shall be \$61,549.31 and shall be effective as of January 1, 2023; and

The basic salary for the County Commissioner District 1, County Commissioner District 3, Assessor, Sheriff, Treasurer, and the current Court Clerk office holder, who was appointed after July 1, 2023, shall be \$49,500 and shall be effective as of July 1, 2023 and the basic salary for the County Commissioner District 2 and County Clerk shall be \$49,500, effective as of January 1, 2025.

The salary of the County Commissioner District 1, County Commissioner District #3, Assessor, Sheriff, Treasurer, and the Court Clerk, who was appointed after July 1, 2023, shall be \$67,250.00 and shall be effective as of July 1, 2023 or upon the date the officer took office, whichever date is later; and

Effective as of January 1, 2024, the salary of the County Commissioner District 2 and County Clerk shall be \$62,449.32.

PASSED AND APPROVED THIS 26th DAY OF March, 2024



David Poindexter, Chairman, Commissioner, District 1.



Jake Callihan, Commissioner, District 2.



David Beck, Commissioner, District 3.

ATTEST: (Seal)



Barbara Barnes, Delaware County Clerk



	Group A County Officers District 2 Commissioner Sheriff County Clerk Court Clerk	Group B County Officers District 1 Commissioner District 3 Commissioner Assessor	Group C County Officers Treasurer	
1/1/2017				Group A New Term Start
1/1/2019				Group B New Term Start
7/1/2019				Group C New Term Start
11/1/2019	Per Okla. Const. Art. XXIII, § 10, no elected officials eligible for basic salary increase			HB 1939 (2019) (Effective November 1, 2019) Increased Basic Salary: \$19,500 to \$44,500 Okla. Stat. tit. 19, § 180.67 (2019) Okla. Stat. tit. 19, § 180.74 (2019)
1/1/2021	HB 1939 (2019) Applicable Basic Salary: \$19,500 to \$44,500 19 O.S. § 180.62(A) Serviceability: Permissive Net Assessed Salary Adj. January 1 19 O.S. § 180.67 (2019) 19 O.S. § 180.75(A) (2019) Service Load: Mandatory 2020 Census Population Salary Adj. January 1 19 O.S. § 180.67(B) (2019) 19 O.S. § 180.75(A)(3) (2019)			Group A New Term Start HB 1939 Applicable Okla. Const. Art. XXIII, § 10 Okla. Const. Art. V, § 54
11/1/2021	Per Okla. Const. Art. XXIII, § 10, HB 1065 is not applicable. (Statute was not effective prior to election/start of term) Okla. Const. Art. V, § 54 - HB 1064 cannot repeal an accrued right. Group A Elected Officials accrued salary rights upon election/taking office. Group A began new term January 1, 2021, under HB 1939 and predecessor. Eligible during entire term for statute in effect on term start date.			HB 1064 (2021) (Effective November 1, 2021) Repeals Prior Versions of County Salary Act Increased max. Basic Salary to \$49,500 Okla. Stat. tit. 19, § 180.62 (2021) Serviceability Adjustment - Mandatory - Effective July 1 Okla. Stat. tit. 19, § 180.63(A) (2021) Okla. Stat. tit. 19, § 180.59 (2021) Okla. Stat. tit. 19, § 180.68 (2021) Service Load Adjustment - Mandatory - Effective July 1 Okla. Stat. tit. 19, § 180.63 (2021) Okla. Stat. tit. 19, § 180.68 (2021)
1/1/2022	Serviceability Adj. Permissive Net Assessed 19 O.S. § 180.63 (2019) 19 O.S. § 180.75(A) (2019) Service Load Adj. Mandatory 19 O.S. § 180.63(B) (2019) 19 O.S. § 180.75(A) (2019)			Group A - Serviceability and Service Load Adjustment
1/1/2023	Serviceability Adj. Permissive Net Assessed 19 O.S. § 180.63 (2019) 19 O.S. § 180.75(A) (2019) Service Load Adj. Mandatory 19 O.S. § 180.63(B) (2019)	HB 1064 (2021) Applicable Basic Salary: \$19,500 to \$49,500 Serviceability: Mandatory Gross Assessed Salary Adj. July 1 Service Load: Mandatory 2020 Census Population Salary Adj. July 1		Group B New Term Start HB 1064 Applicable Okla. Const. Art. XXIII, § 10 1/1/23 Salary = Hypothetical 7/1/22 HB 1064 Salary Group A - Serviceability and Service Load Adjustment
7/1/2023		Serviceability Adj. Mandatory Gross Assessed 19 O.S. § 180.58(C)(1) (2021) Service Load Adj. Mandatory 19 O.S. § 180.63(B) (2019) 19 O.S. § 180.75(A) (2019)	HB 1064 (2021) Applicable Basic Salary: \$19,500 to \$49,500 Serviceability: Mandatory Gross Assessed Salary Adj. July 1 Service Load: Mandatory 2020 Census Population Salary Adj. July 1	Group C New Term Start HB 1064 Applicable Okla. Const. Art. XXIII, § 10 Salary matches Group B w/ Adjustments Group B - Serviceability and Service Load Adjustment
1/1/2024	Serviceability Adj. Permissive Net Assessed 19 O.S. § 180.63 (2019) 19 O.S. § 180.75(A) (2019) Service Load Adj. Mandatory 19 O.S. § 180.63(B) (2019)			Group A - Serviceability and Service Load Adjustment
7/1/2024		Serviceability Adj. Mandatory Gross Assessed 19 O.S. § 180.58(C)(1) (2021) Service Load Adj. Mandatory 19 O.S. § 180.63(B) (2019) 19 O.S. § 180.75(A) (2019)		Group B and C - Serviceability and Service Load Adjustment
1/1/2026	HB 1064 (2021) Applicable Basic Salary: \$19,500 to \$49,500 Serviceability: Mandatory Gross Assessed Salary Adj. July 1 Service Load: Mandatory 2020 Census Population Salary Adj. July 1	All Elected Officials subject to HB 1064 & Same Salary Group A 1/1/25 Salary = Group B & C 7/1/24 Salary		Group A New Term Start HB 1064 Applicable Okla. Const. Art. XXIII, § 10



BOARD OF COMMISSIONERS
DELAWARE COUNTY

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

DRAWER 550
JAY, OK 74346

#23

MOTION MADE BY Callihan SECONDED BY Beck

TO DISCUSS WITH POSSIBLE ACTION RESOLUTION ESTABLISHING SALARY OF ELECTED OFFICIALS IN DELAWARE COUNTY.

POINDEXTER Y CALLIHAN Y BECK Y

MOTION CARRIED.

WITNESS OUR HANDS THIS 26th DAY OF MARCH, 2024.

*Motion to approve Establishing
Salary of Elected officials*

Callihan Poindexter

BOARD OF COMMISSIONERS
DELAWARE COUNTY, OKLAHOMA

David Poindexter
DAVID POINDEXTER, CHAIRMAN

Jake Callihan
JAKE CALLIHAN, MEMBER

David Beck
DAVID BECK, MEMBER

ATTEST: Barbara Barnes
BARBARA BARNES- COUNTY CLERK

Y Y Y
D.P. J.C. D.B.

