



BOARD OF COUNTY COMMISSIONERS MINUTES

MONDAY, FEBRUARY 22, 2021

John Roberts led in Prayer and the Pledge of Allegiance to the Flag.

Chairman Darry Stacy called to order the regularly scheduled meeting of the Board of Cleveland County Commissioners at 1:00 P.M. this 22nd day of February 2021, in Meeting Room 200 of the Cleveland County Office Building. Linda Atkins, Deputy County Clerk/Secretary, called the roll and those present were:

Darry Stacy, Chairman
Rod Cleveland, Vice-Chairman
Harold Haralson, Member
Linda Atkins, Secretary

Others present were: Assistant District Attorney Jim Robertson, Assistant District Attorney Kristina Bell, Alison Vinson, Brian Wint, Bryan Jenkins, Melissa Nies, Earl Cox, George Mauldin, John Roberts, Joy Hampton, Laura Smith, Melinda Duke, Undersheriff Kent Richie, Sheriff Chris Amason, Douglas Warr, Marilyn Williams, Duke Senter, Catie Byrd, Jim Reynolds, Jose Chavez, Stephanie Jackson, Danny Belinson, Larry Heikkila, Shannon Largent, Sarita Scott, Stephen Ellis, Michael Blunck, Sherri Durica, Dave Spaulding, Mary Francis, and Mark Braley.

After the reading of the minutes of the Regular Meeting of February 8, 2021, and there being no additions or corrections, Harold Haralson moved that the minutes be **approved**. Rod Cleveland seconded the motion.

The vote was: Darry Stacy, yes; Rod Cleveland, yes; Harold Haralson, yes.

Motion carried.

(Clerk's Note: The February 16, 2021 meeting was canceled due to weather.)

A. BID OPENINGS:

1. Upon the recommendation of Melinda Duke, Darry Stacy moved, seconded by Harold Haralson, to **strike** this item from the agenda due to not receiving bids for **Bid #COM2-1982-** Sale of Cleveland County District #2 House located at 6726 E. Alameda, Norman OK.

The vote was: Rod Cleveland, yes; Harold Haralson, yes; Darry Stacy, yes.
Motion carried.

B. Old Business:

1. Upon the recommendation of Susan McClelland, Darry Stacy moved, seconded by Rod Cleveland, to **table** the awarding and/or rejecting of the bids until a later date for **Bid #HWY-1979** – Six month (6) Non-encumbered contract for tires and tubes. The bid term will be from March 5, 2021 through September 4, 2021.
The vote was: Harold Haralson, yes; Darry Stacy, yes; Rod Cleveland, yes.
Motion carried.
2. Upon the recommendation of Susan McClelland, Darry Stacy moved, seconded by Harold Haralson, to **table** the awarding and/or rejecting of the bids until a later date for **Bid #HWY-1980** – Six month (6) Non-Encumbered contract for Road oils, emulsions and sealants for the County Commissioners. The bid term will be from March 7, 2021 through September 6, 2021.
The vote was: Darry Stacy, yes; Rod Cleveland, yes; Harold Haralson, yes.
Motion carried.
3. Upon the recommendation of Melinda Duke, Darry Stacy moved, seconded by Rod Cleveland, to **table** the awarding and/or rejecting of the bids until a later date for **Wellness Center Bid #03B** – Site Concrete and Hardscapes
The vote was: Rod Cleveland, yes; Harold Haralson, yes; Darry Stacy, yes.
Motion carried.
4. Upon the recommendation of Melinda Duke, Darry Stacy moved, seconded by Harold Haralson, to **table** the awarding and/or rejecting of the bids until a later date for **Wellness Center Bid #32C** – Asphalt Paving.
The vote was: Harold Haralson, yes; Darry Stacy, yes; Rod Cleveland, yes.
Motion carried.

C. Items of Business:

1. George Mauldin, Emergency Management Director, presented the following **COVID-19 Updates and Operations within Cleveland County**.
The average number of new cases statewide has decreased for six consecutive weeks. The current 7 day average of new cases in Oklahoma is 797, In Cleveland County the 7 day average of new cases is 62.

Hospitalizations have been decreasing for six weeks. As of February 19, there were 620 individuals hospitalized with COVID-19 with 188 in the ICU. This is the lowest number of hospitalizations since October 7, 2020.

ICU availability has increased to 9%, up from 7% last week (84 of 900). 14% of medical/surgery beds are available (703 of 4,904), with 97% of hospitals reporting. (2/19).

As of February 18, 2021, 62 counties were in the moderate (orange) category. 14 counties are in the low (yellow) category, and one county (Roger Mills) is in the

normal (green) category. Cleveland County had 29.5 new cases per 100,000 population, the lowest rate since November 5, 2020.

The rate of new cases increased in only 7 counties, decreased in 69 counties and remained the same in one county.

Percent of beds that are COVID-19 positive by region (2/18/21):

Region 1 (northwest) – 5.4% (9.8% last week)
Region 2 (northeast) – 10.9% (14.8% last week)
Region 3 (southwest) – 13.0% (15.4% last week)
Region 4 (east central) – 6.4% (7.0% last week)
Region 5 (southeast) – 9.2% (12.1% last week)
Region 6 (central) – 9.5% (11.8% last week)
Region 7 (Tulsa County) – 10.1% (12.5% last week)
Region 8 (Oklahoma County) – 18.7% (22.8% last week)

Percentages decreased in all eight regions.

We have 8 COVID-19 positive inmates in our jail (10 last report). One inmate in LARC is currently COVID positive, there are no positive inmates in JHCC.

The case fatality rate (CFR) in Oklahoma is 0.8% (0.9% last week). The CFR for the United States is currently 1.8%.

The positivity rate in Oklahoma today is 13.1% (13.3% Last week). 24 states (31 last week) are currently above the recommended positivity rate (5%).

The positivity rate for the United States is 5.3% (7.2% last week) (Johns Hopkins University, 7 day average). The U.S. is ranked 45th of 88 countries for which data is available

Immunization Summary:

865,961 Oklahomans have received at least one dose of COVID vaccine. 274,345 Oklahomans have received two doses.

6.96% of Oklahomans older than 16 years are fully vaccinated.

14% of Cleveland County residents 16 years old and older have received at least the prime dose of the vaccine. 47.3% of Cleveland County residents 65 and older have received at least the prime dose of the vaccine.

85.8% of vaccine doses allocated to Oklahoma have been administered. Oklahoma is ranked 10th in the nation for percent of vaccine administered.

The Johnson and Johnson vaccine will go before the FDA on Friday 2/26. This vaccine is 72% effective at preventing infection in the U.S., and 85% effective at preventing severe disease. However, it proved to be only 57% effective at preventing infection in South Africa.

2. Chairman Stacy called for discussion and/or action on the Resolution repealing the application of the County Budget Act.

Rod Cleveland moved to table this item until a later date for further discussion.

The motion died for lack of a second.

Darry Stacy moved, seconded by Harold Haralson, to **approve** the Resolution repealing the application of the **County Budget Act**.

A discussion was had concerning the Resolution by Commissioner Cleveland, who asked the following questions: (1) what problem is to be solved, (2) did you communicate to the other officials, (3) did you communicate to the members of the Excise Board members before putting this on the agenda, (4) did you have a plan of action for a transition that was communicated to all of the officials, (5) what will become of the Purchasing Department and the HR Department that is under the Budget Board, (6) and have any of you two attended the required Budgeting Class for County Officers through OSU? Chairman Stacy answered affirmatively to all questions submitted by Rod Cleveland. He thanked everyone in the audience for coming out today to participate in the process and for being cordial. Chairman Stacy said to Mr. Cleveland that this has been brought up for the past three years after each budget cycle through his expressions of frustrations over the current system and has had discussions with staff members and other elected officials over the last several weeks. Chairman Stacy added that the evil of social media is that people can say or do anything they like on social media and due to all the misinformation on social media he would like to take the opportunity to clarify by speaking to the State Statute about an Excise Board County, 19 OS – 180.65E. The County Excise Board shall meet with each of the principal officers of the County in Budget Planning Conferences before July 1st of each year to discuss personnel needs for each office for the succeeding fiscal year. It also provides and recognizes that the County Excise Board shall provide the principal officers a tentative estimate of revenues for the next fiscal year before the budget planning conferences. He believes that this system creates accountability for each elected official and based on the Statute each one must meet with the Excise Board to justify their budget to an independent Board. He welcomes the opportunity to have more input from the public on their budgets and added that he could not remember having the public in attendance at the Budget Board meetings for feedback. There is a time-line for elected officials to turn in their budgets and it is hard to hold people responsible for the time-line in completion of the process. Excise Board would hold them all more accountable as an independent board to meet deadlines required by Statutes. The budget was not completed last year in the time requiring them to file for an extension. He discussed the benefits of going to this system extensively with the County Clerk and asked her to reach out to other County Clerks in the State to gather input from them. He said that Tammy Belinson said that it will mean change and some people do not like change, but in the long run, it will be better.

Chairman Stacy noted that seventy of the seventy-seven counties in the State of Oklahoma use the Excise Board system.

Commissioner Harold Haralson said that the late Labor Board Commissioner,

Mark Costello once said that Sacred Cows have a place next to the mashed potatoes and for some; the Budget Board has become a Sacred Cow that is above consideration. The Legislatures gave counties two options on how to process the budget and in his opinion since the budget process was bogged down requiring extensions, the transition to an Excise Board system process would place them in line with the majority of the counties across the State and make each elected official more accountable with their respective budgets to a citizen board, which increases transparency without increasing bureaucracy. Five of the Elected Officials gave input on this matter:

County Treasurer Jim Reynolds stated his opposition to dissolving the Budget Board.

Sheriff Chris Amason stated that he was in favor of dissolving the Budget Board for a board of citizens to defend his budget.

Court Clerk Marilyn Williams opposed dissolving the Budget Board.

County Assessor Douglas Warr said that the Budget Board system is superior to the Excise Board system because the elected officials meet to discuss the budgets and other matters that concern employee benefits. He is not in favor of dissolving the Budget Board.

County Clerk Tammy Belinson explained that last year there were many unusual circumstances; the first tragedy was the unforeseen death of the County's Budget maker. Due to that unfortunate circumstance delays happened. Secondly, huge strides in Health and Wellness for the employees are being made and she would not like to see those committees disbanded due to the Budget Board being dissolved.

Chairman Stacy said that he could not agree more with Tammy Belinson and he contends that they continue to have an Employees Benefits Committee with the involvement of all the elected officials.

Commissioner Cleveland said whether one system works better than another depends largely upon the personalities involved, that is, the personalities of the Commissioners, Excise Board members, and all other county officers. Mutual respect, fairness, and team work are essential elements for making either system work well.

Mr. Cleveland stated that he is in full support of transparency, openness, and participation of Elected County Officials in the budgeting process.

Chairman Stacy called for the vote **on the Resolution repealing the application of the County Budget Act.**

The vote was: Darry Stacy, yes; Rod Cleveland, no; Harold Haralson, yes. Motion carried.

3. Pre-Trial presentation was made by Catie Byrd.

Chairman Darry Stacy said that the following item numbers, 04 through 12, are **Consent Items** and are routine in nature: Harold Haralson moved, seconded by Rod Cleveland, to **approve** the consent items.

4. Approve the AMENDMENT 02, Emergency Purchasing Agreement extension between Board of County Commissioners and Witt O'Brien's, LLC by thirty (30) days – from February 2, 2021 to March 14, 2021.

5. **Approve** the Debarment Policy for Federal Grants – Accounting Policy per Federal Executive Order No. 12549.
6. **Accept** the Oklahoma State Auditor & Inspector – Cleveland County Sheriff Turnover Statutory Audit Report dated November 10, 2020.
7. **Approve** Interlocal Agreement between Board of County Commissioners on behalf of Cleveland County Sheriff Department and Garvin County for inmate housing at a rate of \$52.00 per inmate per day or \$30.25 if less than 24 hours.
8. **Contract** between Cleveland County Health Department and Celeste Raquel Brown to provide coordination of services between the NorthHaven Day School and the Early Foundations Replication Project. The Health Department will pay \$11.00 per hour for coordination services and \$0.56 per mile as per the State Travel Reimbursement Act not to exceed \$3,941.60. The contract is to be effective February 22, 2021 through June 30, 2021.
9. **Contract** between Cleveland County Health Department and Worth Hydrochem of Oklahoma to provide a chemical treatment program for the closed loop chilled and heating water systems at the Cleveland County Health Department facility in Norman. The Health Department will pay \$150.00 per service and \$22.17 or current price per gallon of S-539 Closed Loop Corrosion Inhibitor. Services are to be provided at least quarterly depending on results of water testing. This contract will run from February 1, 2021 to June 30, 2021.
10. **Approve** amended Employee Health Benefits for employees choosing Health Choice Basic and Health Choice High Deductible High Plan.
11. **Auditor report Review**, Audit, and Approve or Disallow Blanket Purchase Orders submitted. A report will be available for distribution at the meeting or may be obtained from the County Clerk.
12. **Review**, Audit, and Approve or Disallow claims for Payment of Personal Services, Travel, Maintenance & Operations, and Capital Outlay. A report will be available for distribution at the meeting or may be obtained from the County Clerk.

The vote was: Rod Cleveland, yes; Harold Haralson, yes; Darry Stacy, yes.
Motion carried.

END OF CONSENT DOCKET.

C. No **new business** to present at this time.

D. During **Commissioner's** discussions concerning **County Business**, Commissioner Cleveland stated that he hopes that any discussion had today will stay professional and that personal differences or conflicts will not overshadow the duties to the public

in the responsibilities as elected officials.

Chairman Stacy said that Mr. Cleveland's comments were well stated.

- E. During Public Comment, the following were allowed the opportunity to speak on agenda item number 2, discussion and/or action on the Resolution repealing the application of the County Budget Act:

(Comments from the public were limited to two (2) minutes per person and a total of ten (10) minutes.)

Dr. Stephen Ellis spoke in favor of the Budget Board system. He said that the Excise Board is dependent on oversight as an appointed Board and the members are not budgeting experts. He asked that the BOCC reconsider their vote to approve.

Michael Blunck expressed his displeasure about the vote taken on Item No. 2 and asked that the BOCC reconsider their vote to approve. He said that it feels like a power grab to him.

Sherri Durica thanked the officials for serving the community. She stated her disappointment in what she witnessed today and added that the vote to approve Item No. 2 was not in the best interest of the community.

Dave Spaulding said that he is embarrassed and ashamed about the action taken by the two Commissioners to approve Item No. 2.

Mary Francis thanked the BOCC for the opportunity to speak and asked the BOCC to reconsider approval on Item No. 2.

Chairman Stacy said that when it comes to approving a balanced and lawful budget regardless of what system is used the County Excise Board approves or disapproves the budget.

The Excise Board is comprised of three members, one member is appointed by the Oklahoma Tax Commission; one member is appointed by the District Judge of the County, and one member is appointed by the Board of Cleveland County Commissioners. The tenure of the County Excise Board/Equalization is coterminous with that of the County Commissioners in Districts 1 and 3 and must follow other requirements outlined in the statutes. Not more than one member may live in a district. The County Clerk serves as secretary to the County Excise/Equalization Board.

- F. **At 1:42 P.M.**, Harold Haralson moved, seconded by Darry Stacy, to go into **Executive Session** for the purpose of discussion on the following: Pursuant to Title 25 O.S. 307 (B.3). Discussing the purchase or appraisal of real property.

The vote was: Harold Haralson, yes; Darry Stacy, yes; Rod Cleveland, no.
Motion carried.

- G. **At 2:06 P.M.**, Rod Cleveland moved, seconded by Harold Haralson, to return from executive session.

The vote was: Darry Stacy, yes; Rod Cleveland, yes; Harold Haralson, yes.
Motion carried.

(During the time spent in the Executive session, only discussions were had on the subject matter between the BOCC and legal counsel, and no formal votes were taken.)

The following action regarding Executive Session was taken: Pursuant to Title 25 O.S. 307 (B.3). Purchase or appraisal of real property.

Harold Haralson moved, seconded by Darry Stacy, to **proceed** as outlined and directed by Attorney Sean Rieger while in executive session.

The vote was: Rod Cleveland, no; Harold Haralson, yes; Darry Stacy, yes.

Motion carried.

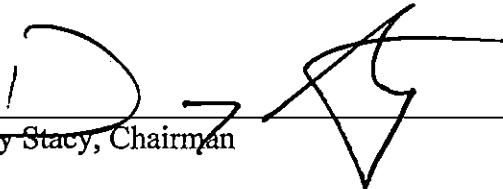
H. There being no further business to come before the Board for discussion, Rod Cleveland moved that the meeting is adjourned at 2:06 P.M. Darry Stacy seconded the motion.

The vote was: Harold Haralson, yes; Darry Stacy, yes; Rod Cleveland, yes.

Motion carried.

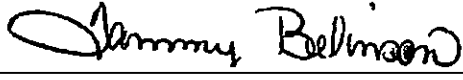
(Clerk's Note: The agenda was posted at 9:14 A.M. on February 19, 2021.)

**BOARD OF COUNTY COMMISSIONERS
CLEVELAND COUNTY, OKLAHOMA**



Darry Stacy, Chairman

ATTEST:



Tammy Belinson, County Clerk and Secretary to the Board

Minutes prepared by: 

Deputy County Clerk

