

June 01, 2021

The Board of County Commissioners of Creek County (BOCC) met in Regular Session on Tuesday, June 01, 2021 at 9:00 a.m., date and time duly posted.

**Item #1:** Meeting was called to order at 9:00 a.m. by Chairman, Newt Stephens Jr. Roll Call Stephens present, Warner present, Roger Smith present.

**Item #2:** Statement of compliance with open meetings act-Chairman.

**Item #3:** Commissioner Stephens led the Pledge of Allegiance and Invocation.

**Item #4:** Motion was made by Warner and seconded by Smith to approve the minutes of May 24, 2021. Vote as follows: Stephens - Aye, Warner - Aye, Smith - Aye.

**Item #5:** Motion was made by Warner and seconded by Smith to approve Blanket Purchase Orders #6179 - 6233; Purchase Orders # 2020-2021 911 Phone MONTHLY SERVICE 5673 OK COMMUNICATIONS SYSTEMS 221.44; PHONE & INTERNET SERVICES 6139 A T & T 390.03; UTILITIES 6130 A T & T 45.17; CBRI SUPPLIES 5198 T H ROGERS LUMBER CO 176.12; Crt Clk Revolving LEASE 81 XEROX CORP 463.31; Supplies 82 MIDWEST PRINTING 45.00; 83 COMMUNITY BANK 51.56; Flood Plain SUPPLIES 6019 MERRIFIELD OFFICE SUPPLIES 12.61; General CCSO VEHICLE REPAIRS 4628 ADVANCED AUTO PARTS 113.37; 6046 Midtown Auto & Diesel Repair Inc 772.00; CELL PHONE ACCESSORIES 6017 Amazon Capital Services 12.99; CREMATION 4965 GREEN HILL FUNERAL HOME 185.00; CREMATION SERVICE 4552 GREEN HILL FUNERAL HOME 185.00; FEES 6136 SAPULPA TAG OFFICE 9.50; Insurance Premiums 6161 Guardian 74.61; INTERNET SERVICE 5862 CASTLECOM LLC 516.73; OFFICE SUPPLIES 6014 Amazon Capital Services 8.16; 6029 Amazon Capital Services 141.44; 6031 Amazon Capital Services 56.97; 6088 MERRIFIELD OFFICE SUPPLIES 177.67; 6089 MERRIFIELD OFFICE SUPPLIES 165.85; 6146 MERRIFIELD OFFICE SUPPLIES 161.25; OPEN/CLOSE GRAVE 6092 Bixby Funeral & Cremation 425.00; PARTS AND SUPPLIES 5786 SCOVIL & SIDES HARDWARE CO 62.50; POSTAGE 6147 U S POSTMASTER 170.00; PUBLICATION 6125 SAPULPA DAILY HERALD 40.00; Rent 5540 Whetstine, Shari 70.00; SERVICE 2083 GREEN HILL FUNERAL HOME 185.00; 4159 Imagenet Consulting LLC 1228.00; 5051 COX BUSINESS 152.73; 5061 COX BUSINESS 16.97; 5560 GREEN HILL FUNERAL HOME 185.00; 5696 COX BUSINESS 169.70; 6162 COX BUSINESS 37.08; SUPPLIES 5520 AIR COMFORT INC 258.00; SUPPLIES/SHERIFF DEPT 6039 Amazon Capital Services 139.50; UTILITY 6126 COX BUSINESS 67.88; 6132 COX BUSINESS 33.94; 6133 O N G 51.87; 6135 O N G 165.12; 6137 COX BUSINESS 167.86; 6149 O G & E 36.44; Health JANITORIAL 4342 CLEANING TECHNOLOGIES INC 1091.40; LEASE 4926 DOTCOM LEASING LLC 445.00; Salary/Benefits 3300 Okla State Dept Of Health 79957.56; Supplies 5317 MERRIFIELD OFFICE SUPPLIES 286.04; TRAVEL 5306 STRINGFELLOW, ANNA 63.28; 5537 Givings, Samantha 161.28; 5928 DAVIS, SHERRIE D. 107.52; UTILITIES 4917 O N G 159.48; 4928 CITY OF SAPULPA 239.29; 5322 O N G 54.86; Highway CULVERTS 4782 FENSCO INC 3162.84; MATERIAL 5334 DUNHAM ASPHALT SERVICE INC 1335.51; PARTS/SUPPLIES 5481 WARREN CAT 144.06; 5716 WELDON PARTS-TULSA 2976.92; SERVICE CONTRACT 5653 ATLINK SERVICES LLC 324.95; SERVICES 5166 TotalSIR 36.50; UTILITIES 5133 O G & E 121.18; 5134 O G & E 349.33; 5813 O G & E 477.24; Hwy-ST Flag 5961 LIBERTY FLAGS 61.06; PARTS AND SUPPLIES 1405 BEARCOM 1164.86; 2860 SUMMIT TRUCK GROUP 266.01; 4195 DISCOUNT MOBILE GLASS 245.00; 5664 WELDON PARTS-TULSA 2954.80; PARTS & SUPPLIES 5894 TULSA AUTO SPRING CO INC 2374.32; SERVICE & SUPPLIES 5555 APS FIRECO TULSA LLC 1694.00; Tires 6035 DIRECT DISCOUNT TIRE 1073.46; UTILITY 5756 O N G 126.10; Jail-ST CCJ MAINTENANCE 4886 WESTLAKE ACE HARDWARE OK-020 185.64; Ccj maintenance kitchen 5979 THE VENT KING 325.00; CCJ VEHICLE REPAIRS 4624 Midtown Auto & Diesel Repair Inc 155.00; JAIL MAINTENANCE SUPPLIES 5784 ATWOODS 57.57; JAIL VEHICLE MAINTENANCE 5347 ADVANCED AUTO PARTS 57.73; Network Services 6042 BROOKS JEFFREY MARKETING INC 250.00; RENTAL 6129 ECOLAB 1594.45; UTILITIES GAS SERVICES 6037 O N G 250.87; Juv Dent-ST JUVENILE DETENTION 5998 Amazon Capital Services 39.95; PHONE & INTERNET SERVICES 6127 A T & T 631.71; UTILITIES GAS SERVICES 6144 O N G 428.49; Planning/Zoning UTILITY 6128 COX BUSINESS 50.91; Resale IT Support 3369 TM CONSULTING INC 60.00; SERVICE 5288 COX BUSINESS. Vote as follows: Stephens - Aye, Warner - Aye, Smith - Aye.

**Item #6: NO DISCUSSION** of new business. (In accordance with the Open Meetings Act, Title 25 O.S. § 311(A) (9), new business defined as any matter not known about or which could not have been reasonably foreseen within 24 hours of this meeting.

**Item #7:** Motion was made by Warner and seconded by Smith to accept **Bid#21-10 Commonly Used Items** and pass for two weeks until 6-14-21, to gather price information. Bids submitted by Merrifield Office Supply, B & C Business Products, Admiral Express, All Maintenance Supply and Sundance Office Supply Inc. The Board noted that All Maintenance Supply didn't submit a thumb drive, as requested. Vote as follows: Stephens - Aye, Warner - Aye, Smith - Aye.

**Item #8:** Motion was made by Warner and seconded by Smith to sign agency agreement between LeadsOnline, LLC and the Creek County Board of County Commissioners, for the Sheriff's Office, in the amount of \$3,625.00. Bret Bowling, Sheriff stated that the Sheriff's Office has worked with LeadOnline in the past and we would like to start using them again. This will assist with investigative efforts working with Pawn Shops and stolen items. With the law changes that have taken place, we need this tool to track our habitual offenders. Andrew Goforth, Assistant District Attorney stated that this is a service that requires payment upfront, so it does not require it to be on the fiscal year renewal process. Vote as follows: Stephens - Aye, Warner - Aye, Smith - Aye.

**Item #9:** Motion was made by Warner and seconded by Smith to sign change order for Project#CJ96-9/16/19 Jail Control System not to exceed \$1,350.00, to complete the electrical project with Gilley Electric. Bowling addressed the Board, this bid had specified hours to complete the project, the control system is taking longer to complete and I believe this change order will be what is needed to complete the job. Stephens stated he recalls this being bid and awarded back in December, 2019, then COVID hit and project got pushed back, now we are back on the project a month or so ago and we have met the contract hours. Warner and the Board reviewed the Change Order request, there was discussion on the current control system and the lack of labeling switches and breaker boxes correctly. Jana Thomas, Purchasing Agent discussed the initial Bid from ECC, on the Jail Control System, the Board paid \$100,000.00 and \$76,000.00 was paid by Sheriff. In April the project was ready for electrical work, we received quotes for the project. It was awarded to Gilley Electric; this was based on 128 hours to complete the job. With

starting the work, they became aware that the time estimated on each door was exceeding the quote due to mislabeled wires and wiring not wired correctly. Glen Musser confirmed what had been stated and had spoken to awarded vendor and bidding the job by the hour and the unforeseen issues. Johnny Brock raised questions of the vendor quoting estimated hours to complete the job and then it taking longer to complete. What does the vendor then have to honor? Stephens stated the Board is discussing the issue and reviewing the contract. Thomas stated this goes back to Sweeper initial installation of the doors and the mislabeling of wires. Bowling stated it comes down to the estimated time to complete each door and the construction of the Jail back in 2004, we used the government contract to begin with and wasn't right from the start. Over the years, we have fixed things off of shoe string budgets and tried to bandage what we could. Now, we are trying to upgrade to a state-of-the-art system, with a forty-year-old building. Stephens stated he can see both sides of the issue, we have an honest bid and it wasn't foreseen to have to retrace wiring. Musser stated the project is about ninety percent complete and some of the wiring was not in the initial quote and scope of work. The Board reviewed the change order and reviewed the statutes with Goforth, the Board is only allowed by law to approve a 15% increase, based off the \$9,000.00 awarded quote. This puts you at \$1,350.00, you will need to go back to the vendor and see if they will agree to this amount. There was additional discussion of the original bid being \$176,000.00 and then the electrical part added in the amount of \$9,000.00. It was confirmed by Goforth that the Board base the change order off the awarded quote of \$9,000.00. Vote as follows: Stephens - Aye, Warner - Aye, Smith - Aye.

**Item #10:** Motion was made by Stephens and seconded by Warner to sign **Resolution#2021-65** surplussing an IBM Typewriter INV#SL201.5 Serial#11-0114943 from the Election Board and **Resolution#2021-65A** disposing of the same to be junked. Vote as follows: Stephens - Aye, Warner - Aye, Smith - Aye.

**Item #11:** Motion was made by Stephens and seconded by Warner to sign **Resolution#2021-66** to choose payment option #1 full payment for ACCO Worker's Compensation Insurance for Creek County for fiscal year 2021-2022 in the amount of \$296,23.00. The Board discussed that this is roughly a five percent decrease from last year's amount. Also, by choosing the option to pay in full saves the county \$4,442.00. Warner also noted the County received a rebate on worker's compensation, in the amount of \$35,000.00, in the last month or so. to choose payment option #1 full payment for ACCO Worker's Compensation Insurance for Creek County for fiscal year 2020-2021 in the amount of \$312,057.00. Vote as follows: Stephens - Aye, Warner - Aye, Smith - Aye.

**Item #12:** Motion was made by Warner and seconded by Smith to sign Inter-Cooperative Agreement with the City of Drumright and District #2. Warner stated this is catch-up for this year and we will have another one for July 1. Vote as follows: Stephens - Aye, Warner - Aye, Smith - Aye.

**Item #13:** Motion was made by Stephens and seconded by Smith to approve Utility Permit from Oklahoma Natural Gas Company per County Specs for natural gas pipeline by boring, size of line  $\frac{3}{4}$ " HDPE, to cross S. 97<sup>th</sup> W. Ave approximately 0.98 miles S. and 2.09 miles W. of US-75 & SH-67 further described as 290' N. of the SE corner of Section 23, T17N, R11E and the SW corner of Section 24, T17N, R11E in District #1. Vote as follows: Stephens - Aye, Warner - Aye, Smith - Aye.

**Item #14:** Motion was made by Smith and seconded by Warner to approve Utility Permit from Oklahoma Natural Gas Company per County Specs for natural gas pipeline by boring, size of line  $\frac{3}{4}$ " & 2", to cross and parallel W. 151<sup>st</sup> St. S. and S. 177<sup>th</sup> W. Ave approximately 2.81 miles S. and 0.09 miles E. of SH-33 & SH-66 further described as the SW corner of Section 18, T17N, R11E, NW corner of Section 19, T17N, R11E, SE corner of Section 13, T17N, R10E and the NE corner of Section 24, T17N, R10E in District #3. Vote as follows: Stephens - Aye, Warner - Aye, Smith - Aye.

**Item #15:** Motion was made by Smith and seconded by Warner to approve Utility Permit from Oklahoma Natural Gas Company per County Specs for natural gas pipeline by boring, size of line  $\frac{3}{4}$ " HDPE, to cross W. 241<sup>st</sup> St. S. approximately 1.01 miles S. and 0.65 miles W. of SH-16 & SH-48 further described as 2,209' E. of the NW corner of Section 6, T15N, R9E and the SW corner of Section 31, T16N, R9E in District #3. Vote as follows: Stephens - Aye, Warner - Aye, Smith - Aye.

**Item #16:** Motion was made by Warner and seconded by Smith to sign **Resolution#2021-67** directing the Creek County Treasurer to credit the Creek County General Government Maintenance and Operations Fund 001-1-2000-2005/R2 with funds from the Creek County Court Clerk's Office Fund for reimbursement of utility payments, in the amount of \$208.83, asp per 62 O.S. § 335, and procedures implemented by the State Auditor's Office. Vote as follows: Stephens - Aye, Warner - Aye, Smith - Aye.

**Item #17: DISCUSSION ONLY/NO ACTION** to consider implementing procedures for the expenditures of the Creek County Fire Department Sales Tax Funds. Mortazavi discussed the need to have the Fire Department Purchasing Policy reviewed and approved by the Board. I believe this will allow us to have more

authority in the purchasing process, if the Board approves the procedures. Jana Thomas, Purchasing Agent finished up the rough draft on Friday, it will be forwarded to the Board and has already been sent to Goforth to review. Thomas has gathered this information from Wagoner and Logan Counties Policies. We have made changes and are open to any additions the Board may want to implement. At this time, we have a purchasing class scheduled for June 17, 2021 for the Fire Departments, it will be held here in the building. The time and cost are still being discussed. We have to be mindful of Sherri travel time and the class hours. We have been preparing information to send to the Departments requesting contact information, current vendor's so that we can get this information prepared and ready for July 1. I know that we have been hearing that we have not been providing information to the departments, they are looking for guidance from our office. It is my understanding that we are not responsible for guiding them on what needs to be turned in to my office, on or before July 1. There was discussion of what the Fire Association will be handling and that they will be setting what the good standing definition will be. Mortazavi, asked if departments do not attend the purchasing class, does that warrant them to be in bad standings. Goforth stated again that will be defined by the Association exactly what is good standings, if nothing is filed by Association, it could come to the Board to take action. To my knowledge the Clerk has not received anything from the Association, stated Goforth. We still have things to figure out, like who is going to be the primary contact and communicator of the fire departments, the receiving officers, and if there is any Title 61 purchasing that all will need to be handled by Thomas. We may look at a Commonly Used Item Bid for the departments, to help with some of the purchases. We are trying to get information out to the departments, but I would ask that if anyone has contact with the departments and they have questions, please refer them to our office to explain. We want to try and eliminate the confusion of the purchasing process. Stephens stated I will have a meeting setup this week with Matt and Mortazavi to go over a few details and introduce them to the purchasing department. The County will be handling the majority of the purchasing process, but we will need to encourage more than one person from departments attend the purchasing class, just in case of turn over, Warner stated. The Resolution calling for the Sales Tax was briefly discussed, Warner asked that this be emailed to the Commissioners, along with proposed policy. Stephens will work on initial contact for the Clerk's Office. This will be a continuing agenda item until all is approved and defined.

**Item #18:** Motion was made by Stephens and seconded by Warner to approve the request from Treasurer to move \$6,946,155.00, to an interest-bearing account, as a part of the general ledger, fund 1566 and that the Treasurer use his best ability of gaining interest on funds. Vote as follows: Stephens - Aye, Warner - Aye, Smith - Aye. There was further discussion regarding the American Recovery Plan 2021 funds directed to Creek County by the Federal Government. Goforth stated that on Tuesday, May 25, 2021 I was in a NACO conference call with Jacob Leibenluft, Direct Recovery Programs with U.S. Department of Treasury. They outlined seven things that the Treasury is currently working on or has immediate action on the following seven items: More Rules Coming, it has been released that funds can be held in interest-bearing account, no sweeping or adding to other accounts. The interest must be held in separate tracked account. We have started this process and I believe Don Engle; Treasurer has a request to move the funds. Although, no action is needed due to the action taking place on May 10, 2021, giving him that authority. Stephens read the request from Engle, this will be separate accounts, I have setup the tracking of interest and this will be special apportioned into the fund. There was discussion on the 0.15% interest that is currently available, Warner stated with the \$65.1 billion dollars for the State of Oklahoma, you would think the banks could give a better interest rate. I suggest that the Treasurer's Association get together and see what is the best interest they can get for the monies. Next, example forms are in the works should be out sometime in July. NACO worked very hard on getting a form developed and examples, so that everyone is filing the same information. Qualified Census Tracts, was then discussed there is specific monies set aside for disproportionately populated areas, they have stated local government can identify the areas. Next, was Treasury pre-clearance, they have loosened this and want you to be creative with the authorize use, there will be further guidance coming. I would remind you that with these monies, we will be subject to a single federal audit, all records must be kept five years after the last expenditure, this puts into 2031. Date certain of Interim Rule is now expected to be 7/16/21, where the final ruling will be permanent and published. Premium Pay was discussed they caution you on this for now, there are two sets of language conflicting with the law, this should be cleared up by 7/16/21, as well. And lastly, Additions to Final Rule, they have authorized funds for the backlogged criminal justice system. They were surprised to learn that there hasn't been a Jury term in a year and half. This will allow for courtroom technology, computers, internet upgrades that

have been draining on our current systems. I would encourage everyone, including the potential work group to keep updated on the frequently asked questions, which is located on the U.S. Treasury website. Administrative Costs are also authorized use of funds, Goforth reminded the Board of costs that will have been incurred during this process and the recurring hours. I would like to put together a work group, which would meet weekly to discuss changes and the direction that has been given by the government.

**Item #19:** Motion was made by Stephens and seconded by Warner at 10:40 a.m. to go into Executive Session for the discussion regarding the alteration of job duties of one or more individual salaried public offices to be included duties related to the American Recovery Plan 2021. This Executive Session is authorized by 25 O.S. 307(B0(1)). Vote as follows: Stephens - Aye, Warner - Aye, Smith - Aye. Motion was made by Stephens and seconded by Warner at 11:50 to come out of Executive Session. Vote as follows: Stephens - Aye, Warner - Aye, Smith - Aye.

**Item #20: NO DISCUSSION/NO ACTION** regarding the above Executive Session Discussion.

**Public Comment: NONE**

**Adjournment:** Motion was made by Stephens and seconded by Warner at 11:51 a.m. to adjourn and meet again 6-7-21. Vote as follows: Stephens - Aye, Warner - Aye, Smith - Aye.