

February 03, 2020

The Board of County Commissioners of Creek County (BOCC) met in Regular Session on Monday, February 03, 2020 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, and Whitehouse present.

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

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

Item #4: Motion was made by Warner and seconded by Whitehouse to approve the minutes of January 27, 2020. Vote as follows: Stephens - Aye, Warner - Aye, Whitehouse - Aye.

Item #5: Motion was made by Whitehouse and seconded by Warner to approve Contract from Elite Systems Inc. for the Commissioners; Blanket Purchase Orders #4430 - 4526; Purchase Orders #2020 -2019 Phone SERVICE 4392 A T & T 776.04; 4412 Cimarron Telephone Co 188.94; Supplies 4157 Merrifield Office Supplies 150.26; WORK COMP PREMIUM 4417 CREEK CO COMMISSIONERS 62.20; Crt Clk Revolving TRAVEL 50 BENNETT, SHERRY A. 67.97; General AIR FRESHENERS 4055 Simply Scentsational 18.00; AWARDS 4385 CREEK CO FAIRBOARD 14043.00; Bid Notice 4367 SAPULPA DAILY HERALD 27.40; BOCC MINUTES 4247 SAPULPA DAILY HERALD 339.75; BOTTLED WATER 4361 FIZZ-O WATER COMPANY 13.50; CREMATION 4263 GREEN HILL FUNERAL HOME 185.00; 4374 GREEN HILL FUNERAL HOME 185.00; ELECTION EXPENSES 4177 CREEK CO ELECTION BOARD 290.00; INK CARTRIDGES 4383 Merrifield Office Supplies 283.97; INSURANCE PREMIUM 4404 Guardian 71.98; Labor & Equipment 3924 Castle.Com 200.00; LEASE 4250 CREEK CO HOME FINANCE AUTH 1500.00; MAINTENANCE AGREEMENT 3659 XEROX BUSINESS SOLUTIONS SOUTHWEST 50.00; parts 4296 ADVANCED AUTO PARTS 276.02; Parts & Labor 3343 Midtown Auto & Diesel Repair Inc 304.99; 3385 Midtown Auto & Diesel Repair Inc 619.98; 4165 Tyco Electric Inc 747.80; 4272 I-CARE BOBY WORKS 863.00; 4298 Midtown Auto & Diesel Repair Inc 596.71; PEST CONTROL 3868 PRO TECH TERMITE& PEST SERVICE 150.00; Repair 3778 Midtown Auto & Diesel Repair Inc 4529.32; SERVICE 2513 COX COMMUNICATIONS 47.22; 3661 PATRIOT SECURITY SYSTEMS INC 15.00; 3674 U S Cellular 129.83; 3768 SHOW INC. 300.00; 3899 COX COMMUNICATIONS 169.70; 3993 COX COMMUNICATIONS 36.36; 4313 SHOW INC. 35.00; 4317 KEIZOR, DONALD 70.00; 4355 SHOW INC. 35.00; 4362 Waste Management Of Tulsa 282.60; 4363 Waste Management Of Tulsa 161.12; 4365 COX COMMUNICATIONS 36.36; 4375 Waste Management Of Tulsa 59.77; 4376 COX COMMUNICATIONS 110.90; 4377 COX COMMUNICATIONS 47.22; 4393 COX COMMUNICATIONS 36.52; Supplies 2069 Merrifield Office Supplies 488.35; 2975 Merrifield Office Supplies 469.79; 4105 Amazon Capital Services 50.60; 4269 Merrifield Office Supplies 56.67; 4285 Merrifield Office Supplies 9.10; 4303 CHARLIES TEES 34.00; 4314 Merrifield Office Supplies 323.71; TRASH 3666 A-1 Refuse 18.00; TRAVEL 3436 KEIFFER, JONATHAN R. 93.90; UTILITIES 4293 O N G 100.51; 4359 O G & E 62.08; 4364 Centerpoint Energy Service Inc 212.18; WATER 2519 FIZZ-O WATER COMPANY 27.00; Health DOT SERVICE 3718 WIDDOES, DONETTE 80.00; LEASE 3198 Standley Systems 367.60; OVERAGES 3683 PREFERRED BUSINESS SYSTEMS LLC 251.53; Supplies 3941 MCKESSON 94.20; 4182 Merrifield Office Supplies 473.81; TRASH 3686 Waste Management Of Tulsa 117.01; TRAVEL 2463 DAVIS, SHERRIE D. 32.20; 3693 WIDDOES, DONETTE 264.96; UTILITIES 3706 O N G 94.24; 3707 O G & E 535.86; Highway EQUIPMENT 4106 Amazon Capital Services 24.98; LEASE PYMT 3726 SNB BANK 1476.23; Registration & Title Fees 4358 SAPULPA TAG OFFICE 47.50; Repair 3836 YELLOWHOUSE MACHINERY CO 2632.10; SERVICE 3732 U S Cellular 224.92; 4344 Tri-Fab Trash Service 80.00; SERVICE CONTRACT 4041 ATLINK SERVICES LLC 324.95; Supplies 3540 WALMART 197.37; 3795 Merrifield Office Supplies 102.83; Utilities 3714 O N G 150.82; UTILITIES 4046 O G & E 347.68; 4047 O G & E 179.06; WATER BILL 4049 CREEK CO RURAL WATER D#2 61.70; Hwy-ST Maintenance 3725 SIGNALTEK 30.00; OIL 3835 Commercial Distributing, Inc 1390.04; RENTAL 1529 A+ Truck Rental 420.00; TIRE REPAIRS 3316 Sellers Tire Inc 154.00; Jail-ST BULBS 4271 Lighting inc 212.13; CABLE INSTALLATION 2004 Castle.Com 261.75; EQUIPMENT 4265 Hagar Restaurant Service 125.87; Parts & Labor 4273 I-CARE BOBY WORKS 286.62; SERVICE 4354 Waste Management Of Tulsa 1238.46; Service Call 4267 SWEEPER FABRICATORS INC 1750.00; 4268 AIRCO SERVICE INC 608.00; UNIFORM & ACCESSORIES 3042 Baysinger Uniforms 1511.65; WORK COMP PREMIUM 4414 CREEK CO COMMISSIONERS 8712.83; Juv Dent-ST SERVICE 4418 A T & T 66.63; 4419 DISH NETWORK 107.92; Supplies 4256 Merrifield Office Supplies 198.88; UTILITIES 4356 O N G 529.38; WORK COMP PREMIUM 4415 CREEK CO COMMISSIONERS 4572.35; Planning/Zoning FURNITURE 4281 Merrifield Office Supplies 519.00; LEASE 3842 Mailfinance 167.11; Resale REFUND 4280 Handley, Gayle 44.00; SERVICE 2741 COX COMMUNICATIONS 186.67; 2742 COX COMMUNICATIONS 66.25; Supplies 4389 Merrifield Office Supplies 683.15; TEMPORARY EMPLOYEE 3787 DYNAMIC RECRUITING SPECIALIST 826.40; WORK COMP PREMIUM 2653 CREEK CO COMMISSIONERS 329.85; RM&P WORK COMP PREMIUM 4402 CREEK COUNTY COMMISSIONERS 9.52; Safe Oklahoma - AG WORK COMP PREMIUM 4413 CREEK CO COMMISSIONERS 76.47; SH Commissary Commissary items 4379 TIGER CORRECTIONAL 1085.98; 4380 TIGER CORRECTIONAL 1710.53; 4381 TIGER CORRECTIONAL 1346.55; SH Svc Fee MEALS 4420 TIGER CORRECTIONAL 5764.78; WORK COMP PREMIUM 4416 CREEK CO COMMISSIONERS 542.87; Tax Refunds TAX CORRECTION 105 Adams, Marcia 607.99; 106 Corelogic 1105.00; 107 Corelogic 1019.00; 108 Lucky Joe Baize 3.05;. Vote as follows: Stephens - Aye, Warner - Aye, Whitehouse - 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: DISCUSSION ONLY on allowing Joys to the World, Inc. to sponsor a bicycle tour to take place on Saturday, April 18, 2020, beginning at 8:30 a.m., in Jenks and would use Highway 67 going through Kiefer up alternate Highway 75 to South Hickory, using Shortcut Road to pass through Mounds, Kathy Cott, Co-Founder and COO of Joys to the World Inc. Katy Cott handed out a packet of information about the 501 C 3 foundation, along with our mission statement. We are located in Tulsa, Oklahoma and serve severely multi-handicapped young adults. We want to have a bike tour, as a fundraiser in April; we will have a 12, 33 and 52 mile ride. This is for experienced riders. This fundraiser will allow us to be able to serve young adults out of high school more, there's currently not a program for these young adult children. Often times working parents have to place their child in a nursing home, if they are unable to provide 24 hour care. After high school there really isn't anywhere parents can take their children, we would like to provide an alternative. We at Joy of the World are opening a day academy to provide a learning environment for these young adults. We currently offer summer camps, but want to expand that throughout the year. Cott stated this is a little background about our foundation. The Board reviewed the bike route and Stephens stated he didn't see any issues, as these are public roads. The only things I would recommend is that you work with local law enforcement and the biker follow the rules of the road. Stephens stated we

are not able to close the roads for the event, Cott stated she is aware of that. Warner asked if they have been having safety meeting about the ride, yes we have since September and we are working with an experienced bike rider for the event. Cott stated all riders will sign a waiver and we are insured through USA Cycling. All sign-up information is located on our website at www.Joytotheworld.org.

Item #8: Motion was made by Warner and seconded by Whitehouse to sign **Resolution#2020-13** surplussing two computers HP Compaq 8220 Elite serial number MXL2330ZB INV#F218 and a HP Pro 350 serial number MXL35207RQ INV#F218, two wheeled steel cart F246, Table F110.7A and two Hon 3 piece Granite top desk F105.36 and F105.37 and **Resolution#2020-13A** disposing of the same to be junked. Vote as follows: Stephens - Aye, Warner - Aye, Whitehouse - Aye.

Item #9: Motion was made by Warner and seconded by Whitehouse to sign **Resolution#2020-14** directing the Creek County Treasurer to deposit incentive payments from Social Security Administration to the Sheriff Board of Prisoners Account 1226-2-1100-2012/SSF17, on a continuing basis. Andrew Goforth stated this resolution will work as the Insure Oklahoma does, it will be a continuing resolution that will be attached to the reports. The reports are due to SSA by the first and the fifteenth. Vote as follows: Stephens - Aye, Warner - Aye, Whitehouse - Aye.

Item #10: DISCUSSION ONLY on road funding between various Highway Departments. Warner presented a packet of information to the Board. I have been doing some research on where our county funding comes from and how it is divided amongst the departments and accounts for our roads. We all know we reap the bottom of the barrel, when it comes to funding for our roads. Our funding comes from Gasoline Tax, Diesel Tax, Motor Vehicle Tax and CR Funds. We are still working off 1980 statute for the percentages and that has to be fixed. First, gasoline tax there is \$0.16 per gallon and CNG/LNG has \$0.05 per gallon of that the first 4.5% goes to tribes, then \$3,000.00 a month to Oklahoma Aeronautics Revolving Fund, plus 100% of taxes paid on aircraft fuel. \$250,000.00 a month is taken off the top for the State Transportation Fund, the remaining is divided out as follows 1.625% goes to High Priority State Bridge Revolving Fund, 63.75% goes to the State Transportation Fund, 27% goes to the counties Highway Fund. From that then you have three equations by County miles/State county road miles, County Area/Total State Area and County Rural population/Total State Rural population. Last year the Legislatures added \$0.04 gas tax, this goes for education. Diesel Tax is \$0.13 per gallon of that the County receives 26.5%. Again, the Legislators added a \$0.07 tax and none of that goes to the County. Next, Motor Vehicle Tax I thought we had received more of, but after research we really don't receive much. The County receives 7.25% and it is broken down by the same formula, then 2.59% goes to the Special Revenue Fund and 3.62% goes to Counties Highway Fund by the County Road, Cr factor. Now, let's talk about the rural population of Creek County, we are number two out of seventy seven counties with 49,466.00. Rogers County is number one with 62,837.00. Creek County ranks tenth in apportionment to counties for road with 71,604. In 2019 county road maintenance funding we received \$4,675,150.32 and additional funding in the amount of \$140,909.09 that ranks Creek County twenty third out of the seventy seven counties. The average per mile is \$4,398.51 of state funding. Now, let's move to the number of bridges in Creek County. District #1 has 25 bridges, three of which have a low rating, District #2 has 98 bridges and 23 with a low rating, and District #3 has 133 bridges and 72 with low ratings. Creek County is the second highest county with the number of deficiency bridges. Warner reviewed the December of Highway Cash, Highway Tax, and CBRIF. The Highway Tax account is split from the 1/3 cent tax that was approved by the voters, which is divided into 1/6, 1/6 and 1/6 between the three districts. District #2 is struggling and we have had even more issues with all the heavy rains. Many of our ditches need cleaned out, which then cause our roads to wash out. We do not have the funding to start any of the cleanout much less be able to repair some of the roads. The certified road miles are where the funding is broken down, this is what we turn into ODOT that the county maintains. District #1 has 140 or 12.9%, District #2 has 431 or 39.6% and District #3 has 518 or 48% of certified mileage. This totals 1089 miles maintained by the County. Stephens stated he would like to clarify that the Highway Cash and CIRB Funds are Board decisions and the Highway Sales Tax was the vote of the people. Warner stated this is not personal, this is business. I have to explain to my constituents in my district what's going on. And when I go and talk to our legislators about funding they say, we need to fix our problem in Creek County first. Stephens if you want to sugar coat the facts, I feel like it is personal and instead of throwing mud, we should make all districts equal by population and equal road mileage. This is why I have been working on and have suggested that we split the miles equally for all the districts. This way we all have the same accountability and the same issues. Warner stated if we can hold on I have some more to discuss, since we cannot talk outside the meeting that is why we are discussing it now. Our Highway Cash account received in 2019 as follows

District #1 23%, District #2 32% and District #3 35% and the all account 10%. The over-all departments received in 2019 as follows District #1 26% equaling \$11,530 per mile, District #2 32% equaling \$4,632 per mile, and District #3 35% equaling \$4,199 per mile. Stephens stated that's where I say is fair to the people in District #1, if they are not getting the funds split equally. This is a lot of good information and I can request a D.A. opinion on if the taxpayer can receive less than they should. In the past District #1 has given up funding to help with the struggles that district 2 and 3 have had. I think the last time it was altered was in 2014. Warner stated that the amounts are not equal and we need to find out why District #1 had \$871,000.00 over average, leaving District #2 short \$294,000.00 and District #3 \$578,000.00 just in 2019. There was discussion of how it is currently figured with the population; Stephens stated we have to see what the 2020 census will be. The population is a big factor in the equation. I am striving to make this equal, by splitting the road mileage so that it is equal. This would provide solid transparency and solid accountability; we need to look at the big picture. District #1 has been working with ODOT to get the GIS on roads. Warner stated I am not willing to wait that long, I have spoken to ACCO and the Board can make that decision. This is money that can be used for gravel that we just cannot afford now. Warner stated we have to look at this and see what's going on. Creek County has 256 bridges and we do not have the funding to start repairing them. Stephens stated he will talk with the D.A. and would like to talk to his people and make sure they are getting their fair share. Johnny Brock asked if the districts have equal amount of employees. Both District #1 and #2 stated they have had to lay people off in the past due to the lack of money. Stephens stated some retired or left and we just didn't replace. Warner stated when I came into office, it was stated that the previous Commissioner over spent his budget and we basically started at zero. We just don't have the reserves built up. Stephens stated I am not sure why your districts haven't come to ask for some money from the Use Tax to purchase a large amount of gravel. I would like to see that account stay around \$500,000.00 just in case of an emergency. If it is decided to do that I would like to get a separate bid other than using the 6 Month Bridge/HWY Materials, so we can get a better deal. Warner stated again this is not personal I would do anything to help you guys and I feel that you would do the same. Warner asked if there would be minutes to see where the adjusted split would have taken place, Stephens stated yes it was sometime in 2011. Whitehouse stated the split of the accounts have always been that way, even since Roger was Commissioner. The Board decided they can revisit this with some more information at a later date.

Item #11: Motion was made by Whitehouse and seconded by Warner to approve Utility Permit from Carstensen Contracting Inc. by County Specs for waterline by boring, size of line 16", size of casing 30" to cross 257th W. Ave approximately S. of 151st St. further described as 75' S, of Section 20, T17N, R10E in District #3. Whitehouse stated that Paul Farris, Project Coordinator has reviewed and everything is okay with the permit. Vote as follows: Stephens - Aye, Warner - Aye, Whitehouse - Aye.

Item #12: Motion was made by Whitehouse and seconded by Stephens to approve Utility Permit from Carstensen Contracting Inc. by County Specs for waterline by boring, size of line 16", size of casing 30" to cross 151st St. approximately W. of 257th W. Avenue further describes as 75' W. of Section 19, T17N, R10E in District #3. Vote as follows: Stephens - Aye, Warner - Aye, Whitehouse - Aye.

Item #13: Motion was made by Whitehouse and seconded by Warner to sign **Resolution#2020-15** directing the Creek County Treasurer to credit the Creek County General Government Maintenance and Operations Fund 001-2-0400-2005/B2 with \$4,472.45 for repairs to a damaged vehicle from a December 25, 2019, accident, as per Title 62 O.S. § 335, and procedures implemented by the State Auditor's Office. Vote as follows: Stephens - Aye, Warner - Aye, Whitehouse - Aye.

Item #14: Motion was made by Whitehouse and seconded by Warner to sign **Resolution#2020-16** directing the Creek County Treasurer to credit the Creek County General Government Maintenance and Operations Fund 001-2-2000-2005/R2 with funds from the Creek County Court Clerk's Office Fund for reimbursement of utility payments, in the amount of \$103.23 as per Title 62 O.S. § 335, and procedures implemented by the State Auditor's Office. Vote as follows: Stephens - Aye, Warner - Aye, Whitehouse - Aye.

Public Comment:

#1: Update on bridge closure for NBI#0388 on W. 231st St. over Catfish Creek located in District #3. Whitehouse stated that we are working on a new bridge design, with Kevin due to a safety issue. The new design will be safer than the initial engineering design. We are delayed two weeks, but should still meet the March letting.

#2: Stephens spoke about the turnout of the Fair Board Election, we had 60 people turn out and vote. The results are Chris Carr will be the new Fair

Board representative for District #1. James Stephens had served for 9 years, this transition will take effect in April.

#3: Covey Murray, Emergency Management asked that the Board notify him of how many bike riders will be registered and the routes they will be taking, so that I can notify Creek County Ambulance and the Fire Departments.

Adjournment: Motion was made by Stephens and seconded by Warner at 10:14 a.m. to adjourn and meet again 2-10-2020. Vote as follows: Stephens - Aye, Warner - Aye, Whitehouse - Aye.