

MINUTES
Monday, October 24, 2022

APPROVED
10/31/2022

I. CALL TO ORDER

The Board of County Commissioners (BOCC) met at the hour of 9:30 a.m., with the following members present: Commissioner Kelly Dunkerley, Commissioner Stan Sallee, and Commissioner Karen Keith. Others present: County Clerk Michael Willis.

Karen Keith, Chairman, called the meeting to order at 9:30 a.m., and the following business was transacted:

II. ANNOUNCEMENTS

County Events and Status Updates for Comment and Discussion from: Administrative Services, Building Operations, Court Services, Election Board, Human Resources, Information Technology, Parks, Purchasing, Social Services, Engineering, Highways, Inspections, Sheriff, Assessor, County Clerk, Court Clerk, Treasurer, District Attorney, Presiding Judge, Juvenile Justice, Expo Square, INCOG, Tulsa Area Emergency Management Agency, OSU Extension, CC Library, Tulsa City-County Health Department, River Parks Authority, Levee Drainage District #12, Board of County Commissioners Chief Deputies, Director of Governmental Affairs

Chairman advised the announcements and County Events and Status updates were open for comment and discussion. The departments with information gave a report.

III. PROCLAMATIONS

- A. Extending appreciation to Matt Meyers for his many years of service and to wish him well in the next chapter of his life following retirement as Executive Director of the River Parks Authority on November 1, 2022 (Clerk's Misc. File No. 20221908)
- B. Declaring October 26, 2022, PSO's Tulsa Power Station *Lights the Way Day* throughout Tulsa County and extends congratulations on their centennial milestone achievement (Clerk's Misc. File No. 20221909)

Motion made by Stan Sallee, seconded by Kelly Dunkerley, to approve and authorize execution by the Commission. Upon roll call, Yes - Kelly Dunkerley, Stan Sallee, Karen Keith. No - None. Abstain - None. Motion carried.

IV. MINUTES

- A. Management Conference Minutes of September 8, 2022
- B. Board of County Commissioner's Meeting of October 17, 2022

Motion made by Kelly Dunkerley, seconded by Stan Sallee, to approve and authorize execution by the Chairman. Upon roll call, Yes - Kelly Dunkerley, Stan Sallee, Karen Keith. No - None. Abstain - None. Motion carried.

V. UNFINISHED BUSINESS

- A. Agreement - Board of County Commissioners - Tulsa Area United Way, as a beneficiary of ARPA Funds (\$261,250) under Expenditure Category 3.4: Effective Service Delivery - deferred from 10/17/2022

Motion made by Stan Sallee, seconded by Kelly Dunkerley, to defer the agreement. Upon roll call, Yes- Kelly Dunkerley, Stan Sallee, Karen Keith. No - None. Abstain - None. Motion carried.

- B. Amendment - (Parks) - #2 to the award for Food Service Requirements to Ben E. Keith Foods, CMF #20203015, for an additional one-year period beginning 12/10/2022, with no changes to the terms of this award (Clerk's Misc. File No. 20221910)

Motion made by Kelly Dunkerley, seconded by Stan Sallee, to approve and authorize execution by the Chairman. Upon roll call, Yes - Kelly Dunkerley, Stan Sallee, Karen Keith. No - None. Abstain - None. Motion carried.

- C. Resolution - (Board of County Commissioners) - Declaring a Tulsa County Burn Ban, for a period not to exceed seven days. If extreme fire danger conditions persist, subsequent resolutions may be considered for passage, previously approved on 8/15, 8/22, 8/29, 9/6, 9/12, 9/19, 9/26, 10/3, 10/10, and 10/17/2022, CMF #20221588, #20221628, #20221661, #20221696, #20221735, #20221758, #20221782, #20221815, #20221839 and #20221871
The Burn Ban has been allowed to expire

VI. ACTION ITEMS

- A. Gasoline & Diesel Fuel Quotes for week ending 10/31/2022

Motion made by Stan Sallee, seconded by Kelly Dunkerley, to approve the gasoline and diesel fuel quotes. Upon roll call, Yes - Kelly Dunkerley, Stan Sallee, Karen Keith. No - None. Abstain - None. Motion carried.

- B. Appointments - Commissioner Keith:

1. to the Tulsa County Educational Review Board:
 - a. Derek Cowen, replacing Toni Kizer, to complete her term which expires 12/31/2026 (Clerk's Misc. File No. 20221911)
 - b. Sheryl McGill, who has been serving; this is to denote that she is a member of this Board; term expires 12/31/2026 (Clerk's Misc. File No. 20221912)
 - c. Xia Ziong, replacing Alyssa Williams, to complete her term which expires 12/31/2026. Ms. Xiong has been serving; this is to denote she is a member of this Board (Clerk's Misc. File No. 20221913)

Motion made by Kelly Dunkerley, seconded by Stan Sallee, to approve the appointments. Upon roll call, Yes - Kelly Dunkerley, Stan Sallee, Karen Keith. No - None. Abstain - None. Motion carried.

2. to the Tulsa County Employees' Retirement Savings Plan Committee - to formally enter the Board and its members into the Board of County Commissioners Appointment Database. Terms to expire 12/31/2026
 - a. John Fothergill, Tulsa County Treasurer (Clerk's Misc. File No. 20221914)
 - b. Kathy Burrows, Director of Human Resources (Clerk's Misc. File No. 20221915)
 - c. Thomas Ellis, County Clerk Chief Deputy (Clerk's Misc. File No. 20221916)
3. James Rea to the Levee District 12 Advisory Board, completing Keri Fothergill's term expiring 10/31/2024 (Clerk's Misc. File No. 20221917)

Motion made by Stan Sallee, seconded by Kelly Dunkerley, to approve the appointments. Upon roll call, Yes - Kelly Dunkerley, Stan Sallee, Karen Keith. No - None. Abstain - None. Motion carried.

- C. Reappointment - (Commissioner Keith) - of Chelsea Levo Feary to the INCOG Economic Development District Board, term to expire 10/31/2023 (Clerk's Misc. File No. 20221918)

Motion made by Kelly Dunkerley, seconded by Stan Sallee, to approve the reappointment. Upon roll call, Yes - Kelly Dunkerley, Stan Sallee, Karen Keith. No - None. Abstain - None. Motion carried.

- D. Requests for Approval

1. Board of County Commissioners - Crowe and Dunlevy, Attorneys and Counselors At Law, of Conflict Waiver Letter regarding the proposed purchase of certain property

in the Berryhill area, which would include title review and assistance negotiating for certain access rights to the property. The property also contains a potential right of way in favor of Tulsa County. Our firm currently represents The Board of County Commissioners of Tulsa County on matters unrelated to the property purchase transaction. The purpose of this letter is to request Tulsa County's consent to our representation of Timmerman in connection with the property purchase transaction in accordance with the information presented in this letter (Clerk's Misc. File No. 20221919)

Motion made by Stan Sallee, seconded by Kelly Dunkerley, to approve and authorize execution by the Chairman. Upon roll call, Yes - Kelly Dunkerley, Stan Sallee, Karen Keith. No - None. Abstain - None. Motion carried.

2. Engineers:

- a. Certificate of Substantial Completion - Crossland Heavy Contractors, Inc., for the Bridge and Approaches on Harvard Ave. over Posey Creek, CMF# 20212286, for the scope of work in the approved agreement. Substantial completion was reached on 7/15/2022 (Clerk's Misc. File No. 20221920)
- b. Right of Way Easements from:
 - 1) Mary Linda Allen, Trustee of the Jimmie Ray Allen and Mary Linda Allen Revocable Living Trust (LLA-458) (Clerk's Misc. File No. 20221921)
 - 2) Catherine Mae Cox and Marty Allen Cox (LS-21480) (Clerk's Misc. File No. 20221922)
 - 3) Robert C. Scott and Sherry E. Scott (LS-21480) (Clerk's Misc. File No. 20221923)

Motion made by Kelly Dunkerley, seconded by Stan Sallee, to approve and authorize execution, as needed. Upon roll call, Yes - Kelly Dunkerley, Stan Sallee, Karen Keith. No - None. Abstain - None. Motion carried.

E. Resolutions - Engineers

1. Authorizing the filing of the Woodward Acres II plat. This plat meets all the requirements for filing of plats under Title 19 O.S., Section 288.1 of the Oklahoma Statutes (Clerk's Misc. File No. 20221924)
2. Authorizing the filing of the Yellowstone Estates II plat. This plat meets all the requirements for filing of plats under Title 19 O.S., Section 288.1 of the Oklahoma Statutes (Clerk's Misc. File No. 20221925)

Motion made by Stan Sallee, seconded by Kelly Dunkerley, to approve and authorize execution by the Chairman. Upon roll call, Yes - Kelly Dunkerley, Stan Sallee, Karen Keith. No - None. Abstain - None. Motion carried.

F. Agreement - (Parks) - Cornerstone Church Tulsa, for use of Chandler Park Shelter 2 on 11/5/2022 from 3:00 p.m. to 7:00 p.m.; fee of \$475 (Clerk's Misc. File No. 20221926)

Motion made by Kelly Dunkerley, seconded by Stan Sallee, to approve and authorize execution by the Chairman. Upon roll call, Yes - Kelly Dunkerley, Stan Sallee, Karen Keith. No - None. Abstain - None. Motion carried.

G. Request to Advertise for Bids - (Sheriff) - David L. Moss Exterior Glass Replacement (Clerk's Misc. File No. 20221927)

Motion made by Stan Sallee, seconded by Kelly Dunkerley, to approve the request to advertise. Upon roll call, Yes - Kelly Dunkerley, Stan Sallee, Karen Keith. No - None. Abstain - None. Motion carried.

- H. Sole Source - (County Clerk) - Harris Recording Solutions, for the OnCore, Acclaim and other Land Records solutions, effective through 10/24/2023 (Clerk's Misc. File No. 20221928)

Motion made by Kelly Dunkerley, seconded by Stan Sallee, to approve and authorize execution by the Chairman. Upon roll call, Yes - Kelly Dunkerley, Stan Sallee, Karen Keith. No - None. Abstain - None. Motion carried.

I. Travel/Training

1. IT - Dan Pease to attend the Government CIO Roundtable, on 12/4-7/2022, in Palm Desert, CA; cost of \$400 (Clerk's Misc. File No. 20221929)
2. OSU Extension - Jan Dawson to attend NE/SE District FCS Meeting in Sulphur, OK on 12/5-6/2022; cost \$450 (Clerk's Misc. File No. 20221930)

Motion made by Stan Sallee, seconded by Kelly Dunkerley, to approve the travel training. Upon roll call, Yes - Kelly Dunkerley, Stan Sallee, Karen Keith. No - None. Abstain - None. Motion carried.

J. Claims to be Disallowed (payments cancelled as of 10/17-21/2022)

There were no claims to be disallowed.

K. Claims (payments for bills to be paid from 10/10-14/2022)

Motion made by Stan Sallee, seconded by Kelly Dunkerley, to approve and authorize execution by the Commission. Upon roll call, Yes - Kelly Dunkerley, Stan Sallee, Karen Keith. No - None. Abstain - None. Motion carried.

L. Blanket Purchase Orders and Emergency Purchase Orders Submitted from 10/17-21/2022

Motion made by Kelly Dunkerley, seconded by Stan Sallee, to approve and authorize execution by the Commission. Upon roll call, Yes - Kelly Dunkerley, Stan Sallee, Karen Keith. No - None. Abstain - None. Motion carried.

M. Consideration and Approval of Construction Program Payments

1. Vision Tulsa County (Clerk's Misc. File No. 20221931)
Sales Tax/Bond Funded Projects Recommended for Payment

Creditor: Bright Lighting Inc./BL Tower Construction; **Fund:** HEDSO/PJ1037;
Item: Edison Bridge Replacement; **Purpose:** Construction; **Amt. Paid:** \$ 286,003.06

Creditor: Anchor Insulation; **Fund:** HERJR/PJ1085; **Item:** Ray Jordan Renovation - BOPS Basement; **Purpose:** Construction; **Amt. Paid:** \$ 9,200

Use Tax Funded Projects Recommended for Payment

Creditor: Hunter CGC, LLC; **Fund:** H209W/PJ1029; **Item:** 209th W. Ave. Bridge Replacement; **Purpose:** Testing; **Amt. Paid:** \$ 2,140

Motion made by Stan Sallee, seconded by Kelly Dunkerley, to approve and authorize execution by the Chairman. Upon roll call, Yes - Kelly Dunkerley, Stan Sallee, Karen Keith. No - None. Abstain - None. Motion carried.

N. COVID-19 Virus & Flu Season Discussion and Update

Joseph Kralicek, Director of Tulsa Area Emergency Management Agency, gave an update on COVID-19 and flu numbers in Tulsa County.

O. Executive Sessions - District Attorney

1. Requested by Leana Glenn - Pursuant to 25 O.S. § 307(B)(4), I am requesting that this matter be discussed in Executive Session between the Board and its attorney, for the purpose of confidential communications concerning possible official action

regarding a pending claim, to wit: *Tort Claim TC-2022-17: Allison Hieronymus v. Board of County Commissioners of Tulsa County, Oklahoma* disclosure of the details of which its attorney advises would seriously impair the ability of the Board to proceed in the public interest

2. Requested by Nicholas Williams:

- a. Pursuant to 25 O.S. § 307(B)(4), I am requesting this matter be discussed in Executive Session between the Board and its attorney, for the purpose of confidential communications concerning a pending claim, to-wit *Saffie Tillman, Workers' Compensation Commission File No CM3-2021-06501T*, disclosure of the details of which its attorney advises would seriously impair the ability of the Board to proceed in the public interest
- b. Pursuant to 25 O.S. § 307(B)(4), I am requesting this matter be discussed in Executive Session between the Board and its attorney, for the purpose of confidential communications concerning a pending claim, to-wit *Michael Williams, Workers' Compensation Commission File No: CM3-2022-02596P*, disclosure of the details of which its attorney advises would seriously impair the ability of the Board to proceed in the public interest

Motion made by Stan Sallee, seconded by Kelly Dunkerley, to go into Executive Session. Upon roll call, Yes - Kelly Dunkerley, Stan Sallee, Karen Keith. No - None. Abstain - None. Motion Carried.

Executive Session commenced at 9:47 a.m.

Motion made by Stan Sallee, seconded by Kelly Dunkerley, to reconvene the regular meeting at 9:54 a.m. Upon roll call, Yes - Kelly Dunkerley, Stan Sallee, Karen Keith. No - None. Abstain - None. Motion carried.

P. Discussion and Possible Action Regarding Executive Session Items

1. Requested by Leana Glenn - for the purpose of confidential communications concerning possible official action regarding a pending claim, to wit: *Tort Claim TC-2022-17: Allison Hieronymus v. Board of County Commissioners of Tulsa County, Oklahoma* – deferred to 10/31/2022
2. Requested by Nicholas Williams:
 - a. for the purpose of confidential communications concerning a pending claim, to-wit *Saffie Tillman, Workers' Compensation Commission File No CM3-2021-06501T*, motion made by Stan Sallee, seconded by Kelly Dunkerley, to grant settlement authority to the District Attorney up to the amount discussed in Executive Session, to-wit: to-wit *Saffie Tillman, Workers' Compensation Commission File No CM3-2021-06501T*. Upon roll call, Yes - Kelly Dunkerley, Stan Sallee, Karen Keith. No - None. Abstain - None. Motion carried. (Clerk's Misc. File No. 20221932)
 - b. for the purpose of confidential communications concerning a pending claim, to-wit *Michael Williams, Workers' Compensation Commission File No: CM3-2022-02596P*, motion made by Kelly Dunkerley, seconded by Stan Sallee, to grant settlement authority to the District Attorney up to the amount discussed in Executive Session, to-wit: *Michael Williams, Workers' Compensation Commission File No: CM3-2022-02596P*. Upon roll call, Yes - Kelly Dunkerley, Stan Sallee, Karen Keith. No - None. Abstain - None. Motion carried. (Clerk's Misc. File No. 20221933)

VII. NEW BUSINESS

In accordance with the Open Meeting Act, Title 25 O.S. § 311.A.10, new business is defined as any matter not known about or which could not have been reasonably foreseen prior to the time of posting the agenda.

There was no new business.

VIII. ADJOURN

Motion made by Kelly Dunkerley, seconded by Stan Sallee, to adjourn the meeting. Upon roll call, Yes - Kelly Dunkerley, Stan Sallee, Karen Keith. No - None. Abstain - None. Motion carried.

BOARD OF COUNTY COMMISSIONERS

 Pro Tem
Karen Keith, Chairman

ATTEST:


Michael Willis, Tulsa County Clerk