

MINUTES
Friday, August 11, 2023

APPROVED
8/21/2023

I. CALL TO ORDER

The Board of County Commissioners (BOCC) met at the hour of 1:30 p.m., with the following members present: Commissioner Karen Keith, Commissioner Stan Saltee and Commissioner Kelly Dunkerley. Others present: County Clerk Michael Willis.

Kelly Dunkerley, Chairman, called the meeting to order at 1:30 p.m., presented the format for the hearing and laid out instructions and time limits for speakers.

II. ACTION ITEMS

- A. Public Hearing - On the petition for withdrawal of Teal Ridge Subdivision from the Berryhill Fire Protection District, pursuant to 19 O.S. § 901.23. The Board of County Commissioners of Tulsa County may, at its discretion, hear argument, receive evidence, or take any other action with respect to the proceedings it deems just and proper. Any person interested may appear at the hearing and object to the withdrawal or may object to the continuance of the remaining territory as a district (Clerk's Misc. File No. 20231384)

Motion made by Karen Keith, seconded by Stan Saltee, to enter into a public hearing at 1:37 p.m. Upon roll call, Yes - Karen Keith, Stan Saltee, Kelly Dunkerley. No - None. Abstain - None. Motion carried.

Attorney Mark Ramsey, of Taylor, Foster, Mallett, Downs, Ramsey and Russell, PC, representing Berryhill Fire Protection District, made an opening statement. Berryhill Fire Protection District began in 1977, but has pre-existed as a non-profit since 1955. They are doing an excellent job of serving the community. He requested the Commissioners resist the petition to withdraw.

Attorney James Williamson, of LaCourse Law, representing the Teal Ridge Property owners made an opening statement. He cited O.S. Title 19, § 901.023 that withdrawal requires a petition by 51% of the homeowners of 3 acres or less, which Teal Ridge has collected. He claimed there is no benefit of being part of Berryhill Fire Protection District, just cost, and requested the Commissioners sustain the petition.

For the petitioners, James Williamson presented his argument summarizing the response provided to the Berryhill objection to the petition to withdraw. Homeowners were told having both districts cover them would lower homeowner insurance rates, which has been proved untrue. Insurance costs are lower if the fire station is within 5 miles and the Sand Springs Fire Department is within 2 miles. Sand Springs Fire Chief, Jeremy Wade, has more than enough resources to cover the district and Sand Springs owns and maintains the hydrants. Additionally, 911 calls are routed to Sand Springs, not Berryhill. Both departments have an ISO rating of 2, but even if Berryhill had a rating of 1, that would not lower the homeowner insurance costs. He yielded the remainder of his time to Mary Epperly, 1804 E. 43rd Ct, Sand Springs, OK 74063, representing the Homeowners Board of Teal Ridge. She mentioned the 2020 Resolution asserting that Berryhill has not done anything that was agreed to in that Resolution except collect assessment fees. She also asserted that in 2020 Berryhill had a surplus of \$1.2 million, but is now \$500,000 in debt. She stated that she was unable to get records through the open records request to Berryhill, and that her calls, visits and attempts at getting on the agenda received no response. She went door to door in the neighborhood to acquire signatures, verified ownership and got the signed petition certified through the Tulsa County Election Board.

Mark Ramsey made his argument for Berryhill Fire Protection District, stating his firm has been representing

Fire Districts for 20 years. Teal Ridge was annexed by the City of Sand Springs in 2015 prior to development. He read from the Sand Springs Ordinance regarding dual fire protection since 2015. He argued that the withdrawal of Teal Ridge may adversely affect others in the Berryhill Fire Protection District due to lost revenue and potential loss of services. He produced copies of Oklahoma Title 19, § 901.23a outlining the Annexation of Fire Protection Districts requirements. Per the Oklahoma legislation, to withdraw from the district, homeowners must demonstrate that they do not benefit from the services provided. The question of debt of Berryhill Fire is for lease purchase agreements for apparatus and for their building.

Members of the public who wished to speak:

Tammy Autry, 4332 S. Woodland Ave., Sand Springs, OK 74063 - mentioned that Rolling Oaks opted out several years ago; homeowners understand the responsibility for bonded debt after withdrawal.

Todd Autry, 4332 S. Woodland Ave., Sand Springs, OK 74063 - told there would be savings on homeowners insurance, denied by his insurance company; wanted to know why areas closer to Berryhill Fire District were allowed to opt out in the past.

William J. Yemma, 1819 E. 45th Pl., Sand Springs, OK 74063 - expressed concern about possible confusion when calling 911 - where calls are routed and possible time lost in response as a result.

Berryhill Rebuttal: Berryhill Fire is careful with public funds, so when Rolling Oaks wanted to withdraw, they did not feel it cost effective to object. There is no dispute that Sand Springs annexed the area in 2015.

Commissioner Keith asked Assistant District Attorney Doug Wilson to comment on Oklahoma Title 19, §901.23a. He stated that because this statute did not go into effect until 2019 it therefore does not apply to this situation because the area was annexed by Sand Springs in 2015 and developed beginning in 2018, prior to the statute.

Commissioner Sallee asked Mary Epperly if there had been any fires in their neighborhood. She did not know of any. He asked for clarification about the 2020 Resolution and what it was that Berryhill Fire agreed to in that Resolution. She explained that the assessment was initially a tax, which became a flat fee when the resolution was signed by both parties. It was agreed that Berryhill Fire would maintain the hydrants, that residents would have the use of the Fire Department facility, that Berryhill would burn off the west side and do chipping and shredding of limbs and conduct training exercises.

Sallee confirmed that Rolling Oaks was annexed into Sand Springs in 1989. He also clarified how the calls are routed through 911 depending on whether it is a land line or a cell phone call, but in any case both departments would be dispatched to Teal Ridge in the event of a fire. He confirmed that on a \$300,000 house, the assessment is \$300. He called on Mike Carter, Sand Springs City Manager, 1120 Renaissance Drive, Sand Springs, OK 74063, who confirmed that Sand Springs Fire has full-time staff, more than one station and that dispatch is directed to the Sand Springs Fire Department because it is connected to police services. Mike reiterated that the Berryhill Fire Department is volunteer. He also noted that when the City annexes an area, it commits to providing all the services the City has available to that area. Sallee also noted that the Collinsville Rural Fire District routinely removes neighborhood developments from their coverage district when the area is annexed into a city.

Motion made by Karen Keith, seconded by Stan Sallee, to close the public hearing at 2:44 p.m.. Upon roll call, Yes - Karen Keith, Stan Sallee, Kelly Dunkerley. No - None. Abstain - None. Motion carried.

Motion made by Karen Keith, seconded by Stan Sallee, to grant the petitioners' application to withdraw from the Berryhill Fire Protection District. Upon roll call, Yes - Karen Keith, Stan Sallee, Kelly Dunkerley. No - None. Abstain - None. Motion carried.

III. ADJOURN

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

BOARD OF COUNTY COMMISSIONERS


Kelly Dunkerley, Chairman

ATTEST:


Michael Willis, Tulsa County Clerk