

January 15, 2021
Guthrie, Oklahoma
9:00 A.M.

The Board of Logan County Commissioners met in Regular Session with Commissioners Marvin Goodman, Monty Piearcy and Kody Ellis present and transacted following:

The Agenda was posted at 12:42 P.M. on December 30, 2020 at the Courthouse, Courthouse Annex and LoganCountyOK.com.

1. The meeting was called to order by the Commissioner Goodman.
2. The flag salute was given.
3. Any Citizen desiring to be heard.

None

4. Discussion and possible action to approve minutes of January 4 & 6, 2021.

Monty Piearcy made the motion which was duly seconded by Kody Ellis with the voting as follows: Piearcy-AYE, Goodman-AYE and Ellis-AYE;

THAT, the minutes of January 4 & 6, 2021 be approved.

5. Open Sealed Bid #2021-18 for one (1) used semi-truck for District #1; and, discussion and possible action to award said bid.

Bids were received from:

D&D Truck Sales	2013 Kenworth T800	95,112 miles	\$66,900.00
Bruckner's Trucks & Equip	2013 Mack CXU613	14,752 miles	\$54,550.00
Summit Truck Group	2013 Freightliner Cascadia	321,733 miles	\$30,500.00

At request of Commissioner Goodman, bids were tabled to January 29, 2021.

6. Discussion and possible action to approve Resolution accepting donation of 1400 tons of rotomill from Tim Huskey to District #2, with District #2 providing transportation and application to Post Rd between SH 33 and College. Tabled from January 6, 2021.

Commissioner Ellis said that he had looked at the product being donated and the job site; he recommends accepting the donation.

Kody Ellis made the motion which was duly seconded by Monty Piearcy with the voting as follows: Piearcy-AYE, Goodman-AYE and Ellis-AYE;

THAT, Resolution #21-006 accepting donation of 1400 tons of rotomill from Tim Huskey to District #2 with District #2 providing transportation and application to Post Rd between SH 33 and College, be approved.

7. Discussion and possible action to approve resolution establishing Logan County as a Constitutional Sanctuary for the residents of Logan County. Reaffirming that Constitutions are formal agreements between "we the people" providing governments with limited powers, reserving all other individual rights and liberties to the people; and that the primary duty of all elected officials is to protect those lives, liberties, and properties of the people against all enemies, both foreign and domestic.

Commissioner Piearcy said he has received calls asking the purpose of this resolutions since we have a Constitution. He asked if we have an elected official who doesn't want to follow the Constitution. Commissioner Goodman said there have been and will be attempts to establish unconstitutional edicts from various levels of local and state governments and agencies that do not follow the Constitution. He said this is our statement that this will not be supported in Logan County. Commissioner Piearcy said then there is not a county official not supporting the Constitution. Commissioner Goodman said he is not aware of specific county official not supporting the Constitution. He said he has discussed this with Sheriff Devereaux and with things happening at the national level and discussion of imposing items that would be against the Constitution this just confirms that Logan County will not support non-constitutional law and regulations.

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Commissioner Goodman said there are some that given the opportunity would be tyrannical in forcing business to do things. He said he doesn't believe government should tell business how to operate.

Monty Piearcy made the motion which was duly seconded by Kody Ellis with the voting as follows: Piearcy-AYE, Goodman-AYE and Ellis-AYE;

THAT, Resolution #20-007 stating the Logan County, Oklahoma is a Constitutional Rights Sanctuary County, be approved.

Commissioner Ellis read the Resolution:

STATE OF OKLAHOMA BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LOGAN COUNTY
OKLAHOMA, A RESOLUTION SUPPORTING THE PROTECTION OF RIGHTS UNDER THE CONSTITUTION OF THE
UNITED STATES AND THE CONSTITUTION OF THE STATE OF OKLAHOMA

RESOLUTION NO. _____

WHEREAS, the Board of County Commissioners ("Board") of Logan County, Oklahoma ("County"), is the executive body of County government pursuant to the provisions of OC XVII-1 and OC XVII-2.

WHEREAS, each member of the Board is required to take an oath of office prior to the assumption of duties as a County Commissioner of the County.

WHEREAS, the oath of office requires each member of the Board to swear to support the Constitution of the United States and the Constitution of the State of Oklahoma and to faithfully, impartially and diligently discharge the duties of the office of County Commissioner for the County, according to law.

WHEREAS, the Board maintains a strong commitment to all of the rights of the people in the County as stated in the Constitution of the United States and the Constitution of the State of Oklahoma, including, but not limited to, the provisions of said Constitutions that are stated below and that are applicable at all times, including, but not limited to, the declaration of emergencies, including, but not limited to, the Covid-19 pandemic.

WHEREAS, the Board opposes the adoption of laws, ordinances, rules, regulations, restrictions, and other governmental documents of legal force that unlawfully infringe upon the rights secured by said Constitutions.

WHEREAS, in the recent case of ROMAN CATHOLIC DIOCESE OF BROOKLYN, NEW YORK v. ANDREW M. CUOMO, GOVERNOR OF NEW YORK, 592 U.S. (2020), the Supreme Court of the United States stated that "even in a pandemic the Constitution cannot be put away and forgotten."

WHEREAS, the rights of said Constitutions stated below appear to be the most in jeopardy at this particular time in our country's history and that no one should construe the absence of a stated right as protected by said Constitutions to mean that said right is not vigorously supported and protected by the County and its officials and officers.

WHEREAS, the First, Second, Fourth, and Tenth Amendments of the Constitution of the United States state the following:

Amendment I. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Amendment II. A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms shall not be infringed.

Amendment IV. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment X. The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

WHEREAS, Sections I-1, I-2, II-1, II-2, II-7, II-22, II-26, II-30, II-33, and II-37 of the Constitution of the State of Oklahoma state the following:

I-1. The State of Oklahoma is an inseparable part of the Federal Union, and the Constitution of the United States is the supreme law of the land.

I-2. Perfect toleration of religious sentiment shall be secured, and no inhabitant of the State shall ever be molested in person or property on account of his or her mode of religious worship;

II-1. All political power is inherent in the people; and government is instituted for their protection, security, and benefit, and to promote their general welfare;

II-2. All persons have the inherent right to life, liberty, the pursuit of happiness, and the enjoyment of the gains of their own industry.

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II-7. No person shall be deprived of life, liberty, or property, without due process of law.

II-22. Every person may freely speak, write, or publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press.

II-26. The right of a citizen to keep and bear arms in defense of his home, person, or property, or in aid of the civil power, when thereunto legally summoned, shall never be prohibited;

II-30. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches or seizures shall not be violated;

II-33. The enumeration in this Constitution of certain rights shall not be construed to deny, impair, or disparage others retained by the people.

II-37. To preserve the freedom of Oklahomans to provide for their health care: A law or rule shall not compel, directly or indirectly, any person, employer or health care provider to participate in any health care system;

NOW, THEREFORE, THE FOLLOWING IS HEREBY RESOLVED BY THE BOARD: The Board and County do hereby commit to stand and defend at all times, whether during a state of emergency or otherwise, the rights and liberties of the persons in Logan County as guaranteed by the Constitution of the United States and the Constitution of the State of Oklahoma. Logan County is hereby declared to be a "Constitutional Rights Sanctuary County." In addition, we enjoin all Municipalities, Cities, and Townships, State agencies & departments, and all local government officials operating within the geographic boundaries of Logan County to uphold their oaths and take due care at all times, whether during a state of emergency or otherwise, not to infringe upon the rights and liberties of the persons and individuals in Logan County as provided for in the Constitution of the United States and the Constitution of the State of Oklahoma; review, and change if necessary, any of their ordinances, rules, regulations, orders, policies, practices, and all governmental documents of legal force for conformity to said Constitutions; and, adopt affirmative resolutions, proclamations, or commitments similar to this Resolution so stating that their primary reason for being is the protection of the rights and liberties of the persons and individuals residing in Logan County.

So passed and adopted by the Board of Commissioners of Logan County, Oklahoma, this 15th day of January 2021. ATTEST:
BOARD OF COMMISSIONERS, LOGAN COUNTY, OKLAHOMA

Sheriff Devereaux read a Proclamation as follows:

A PROCLAMATION SUPPORTING THE PROTECTION OF RIGHTS UNDER THE CONSTITUTION OF THE UNITED STATES AND THE CONSTITUTION OF THE STATE OF OKLAHOMA

WHEREAS, the Sheriff of Logan County ("Sheriff") supports the above Resolution No. _____ adopted by the Board of County Commissioners of Logan County, Oklahoma, on this day of January 15th, 2021 ("Resolution").

WHEREAS, the Sheriff does hereby adopt and incorporate the "WHEREAS" recitals of the Resolution, except the first six recitals that are specific to the Board of Commissioners, as part of this Proclamation.

WHEREAS, the Sheriff has taken an oath of office to support the Constitution of the United States and the Constitution of the State of Oklahoma and to faithfully, impartially and diligently discharge the duties of the office of Sheriff for the County, according to law.

WHEREAS, the Sheriff maintains a strong commitment to all of the rights of the people in the County as stated in the Constitution of the United States and the Constitution of the State of Oklahoma, including, but not limited to, the provisions of said Constitutions that are stated in the Resolution and that are applicable at all times, including, but not limited to, the declaration of emergencies, including, but not limited to, the Covid-19 pandemic.

NOW, THEREFORE, THE FOLLOWING IS PROCLAIMED BY THE SHERIFF: The Sheriff does hereby support the declaration of Logan County as a "Constitutional Rights Sanctuary County." The Sheriff does hereby commit to stand and defend at all times, whether during a state of emergency or otherwise, the rights and liberties of the persons and individuals in Logan County as guaranteed by the Constitution of the United States and the Constitution of the State of Oklahoma. So proclaimed by the Logan County Sheriff's Office this day of January 15th, 2021.

Damon Devereaux, Logan County Sheriff

8. Discussion and possible action concerning establishing a method for county residents living in the unincorporated areas of Logan county to petition the Logan County Board of Commissioners to approve Golf Carts and/or utility vehicle traffic to operate upon specific roads or roadways with the county, in accordance with Oklahoma Title 47, Motor Vehicles, Section 11-1116 Self-propelled or motor-driven cycles – minibikes, golf carts, all-terrain and utility vehicles – prohibitions and restrictions.

Commissioner Goodman said this item had been previously discussed to allow use of golf carts on some county roads. He said one previous question was about all roads used for golf carts. He said that any road that allows golf carts must have the speed reduced to 25mph. He said the statute says the Board of Commissioners cannot reduce lower than 30mph, but Lowell Barto has stated that this statute would allow the 25mph speed. Commissioner Goodman stated that Lowell Barto has opined that a housing addition may petition the Board for the use of golf carts as long as the roads are public and the HOA pays for the speed limit signs. He said the petition is to include specifically which roads would allow golf carts. He said that if the addition has been accepted for county maintenance the county would purchase the speed limit signs.

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Commissioner Goodman said that the statute addresses moped as a separate item to be addressed in the future. He said this item would be to approve a process for a housing addition to petition the Board of County Commissioners.

Sheriff Devereaux said that this statute did not take into consideration the minimum speed limit on county roads. He said the best way would be for the legislature to amend the statute. He said many additions are already allowing golf carts.

Commissioner Goodman said that a petition to the Board would include name of road(s), road(s) has been posted at a speed limit of 25mph or less and signage is posted stating the use of golf carts on the roads.

Marven Goodman made the motion which was duly seconded by Kody Ellis with the voting as follows: Pearcy-AYE, Goodman-AYE and Ellis-AYE;

THAT, the Board of County Commissioners implement a petition process which would allow for housing additions to allow the use of golf carts on roadways provided the speed limit is 25mph or below, signs are posted indicating the use of golf carts on the roadway and the HoA provides the signs, be approved.

9. Discussion and possible action concerning implementing a County Employee ID badge system.

Commission Goodman said that an employee badge system is needed. He said the County Clerk indicated that the wait had been placed to tie to a building access system. He said that in the meantime all county employees need to have a badge now. He said it will greatly assist the courthouse security deputies in identifying county employees.

Commissioner Pearcy asked if the Sheriff has the necessary equipment to make the badges. Sheriff Devereaux replied yes.

Monty Pearcy made the motion which was duly seconded by Kody Ellis with the voting as follows: Pearcy-AYE, Goodman-AYE and Ellis-AYE;

THAT, the county implement an employee badge ID system to be coordinated between the Sheriff and County Clerk.

10. Discussion and possible action on upgrading Courthouse, Annex & Road District telephone system from CENTREX to VoIP.

Jeff Sadler, Chickasaw Telecom, said that a new system would allow for a more flexible communication system. He said Chickasaw is a private company head-quartered in Sulphur, OK. He said they have been in business over 100 years. He said they do business with many public entities across the state.

Commissioner Goodman said that Chickasaw provides phone systems to the Sheriff's Office.

Commissioner Pearcy asked what the cost is. Mr. Sadler said it depends on the system.

Commissioner Ellis asked how long a transition to a new system takes. Mr. Sadler said it depends but typically a couple of weeks. He said there should not be any down time for the county.

Marven Goodman made the motion which was duly seconded by Monty Pearcy with the voting as follows: Pearcy-AYE, Goodman-AYE and Ellis-AYE;

THAT, the county work with Chickasaw Telecom to receive a proposal for an upgrade of the county telephone system to VOIP, be approved.

11. Discussion and possible action on establishing an official county email system.

Commissioner Goodman said that there is a need for an official county emails system that will archive emails. He said that we should use the county domain name of LoganCountyOK.com to establish an email system. He said he recommends outsourcing the email service. He said a system would tie to a new phone system to allow voice to text or email.

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Monty Pearcy made the motion which was duly seconded by Kody Ellis with the voting as follows: Pearcy-AYE, Goodman-AYE and Ellis-AYE;

THAT, the county establish an official county email system.

12. Discussion and possible action concerning reconsideration and renegotiation of the City of Guthrie's request to contract with Logan County Emergency Management Office to provide limited Emergency Management Services to the City of Guthrie.

Commissioner Goodman said that a miscommunication led to a belief that a contract would not be renewed. He said that the County Clerk and Sheriff moved ahead with the City to recommend a contract for Emergency Services between the City of Guthrie and Logan County.

Commissioner Goodman said that the first quarter payment would be waived in favor of the county receiving ownership of the radio equipment that was owned by the City and in the office of the Emergency Manager.

Commissioner Goodman said the contract if for a total of \$15,500 for FY 20-21.

Monty Pearcy made the motion which was duly seconded by Kody Ellis with the voting as follows: Pearcy-AYE, Goodman-AYE and Ellis-AYE;

THAT, a contract with the City of Guthrie and Logan County for the county to provide Emergency Management Services to the City at a cost of \$15,500 for FY 20-21, the first quarter payment being waived in exchange of the County receiving ownership of the radios and miscellaneous items owned by the City and used in the Emergency Management office, be approved.

13. Discussion and possible action concerning Sooner Fire Department Board of Directors member appointment.

Applications were received from Jeff Rambo and Bobby Anderson.

Jeff Ware, Sooner Fire Department Chief, recommended Jeff Rambo to the position. He said Mr. Rambo has been with the fire department for over three years and is very active.

Commissioner Ellis recommended the appointment of Jeff Rambo.

Kody Ellis made the motion which was duly seconded by Monty Pearcy with the voting as follows: Pearcy-AYE, Goodman-AYE and Ellis-AYE;

THAT, John Rambo be appointed to the Sooner Fire Department Board of Directors.

14. Discussion and possible action on Resolution(s) Appointing Requisitioning Officers for various accounts.

Kody Ellis made the motion which was duly seconded by Monty Pearcy with the voting as follows: Pearcy-AYE, Goodman-AYE and Ellis-AYE;

THAT, Resolution #21-008 appointing Simon Thomas and Natasha Hock as Requisitioning Officers for Meridian Fire Department, be approved.

15. Discussion and possible action on Resolution(s) Appointing Receiving Officers for various accounts.

Monty Pearcy made the motion which was duly seconded by Kody Ellis with the voting as follows: Pearcy-AYE, Goodman-AYE and Ellis-AYE;

THAT, the following Resolutions appointing Receiving Officers be approved:

Resolution #21-009 John Pross and Bryan Shackelford Meridian Fire Dept

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Resolution #21-010 Lori Pierce and Jennifer True District #2

16. Discussion and possible action on the Consent Agenda:

Monty Piearcy made the motion which was duly seconded by Kody Ellis with the voting as follows: Piearcy-AYE, Goodman-AYE and Ellis-AYE;

THAT, the Consent Agenda be approved:

Approve Payroll Claims for first installment of January 2021
Batches 648
(See pages beginning 33-013-A)

Transfer of Appropriations within Various Accounts

1321-2-8300-4130 to 1321-2-8203-4110 \$5000.00

Blanket Purchase Orders #213024 - #213045

Accept monthly reports of County Officers

Monthly Report of the Health Dept.

Monthly Report of the Election Bd

17. Discussion and possible action on Approving Claims for payment for January 2021.

Monty Piearcy made the motion which was duly seconded by Kody Ellis with the voting as follows: Piearcy-AYE, Goodman-AYE and Ellis-AYE;

THAT, the printout of claims for County Expenditures for January 15, 2021, Batch 028, \$359,422.93, Reserve Batch 059, \$4,550.00 be approved and signed. The County Clerk is instructed to issue warrants for said claims in stated amounts. (See pages beginning 33-013-1).

18. Discussion and possible action on Approving Purchase Card Payments for January 2021.

Monty Piearcy made the motion which was duly seconded by Kody Ellis with the voting as follows: Piearcy-AYE, Goodman-AYE and Ellis-AYE;

THAT, the following P-Card purchase orders be approved for payment:

PO #212928	\$330.99	PO #212930	\$ 25.99
PO #212811	\$ 64.99	PO #212831	\$ 27.99
PO #212881	\$199.99	PO #212812	\$451.97

Agenda Addendum:

1. Discussion and possible action to award Bid #2021-17 for one 600 gallon skid unit for Marshall Fire Department. Tabled from January 15, 2021.

Monty Piearcy made the motion which was duly seconded by Kody Ellis with the voting as follows: Piearcy-AYE, Goodman-AYE and Ellis-AYE;

THAT, upon recommendation received from Marshall Fire Department, Bid #2021-17 for one 600 skid unit be awarded to Chief Fire and Safety in the amount of \$18906.00 as the lowest bid.

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19. Any citizen desiring to be heard.

Don Spencer, OK2A President, said it was pleasant to see a smooth transition among the Commissioners and glad they took a stance for liberty.

Bobby Kennish, CEC Engineering, said he would like to meet individually with each Commissioner after the meeting on January 29, 2021 to discuss bridge inspections in their district.

20. Comments, announcements, questions by the Board of County Commissioners

Commissioner Ellis said he is paying of the lease purchases of four Mack trucks.

Commissioner Goodman asked David Ball to obtain information from DEQ about the need of an air curtain.

21. Discussion and possible action on adjournment.

Monty Piearcy made the motion which was duly seconded by Kody Ellis with the voting as follows: Piearcy-AYE, Goodman-AYE and Ellis-AYE;

THAT, there being no further business to come before the board the meeting was adjourned until 9:00 A.M., January 29, 2021.

Approved by the Board of County Commissioners of Logan County, OK

ATTEST: Troy Cole
Logan County Clerk

Marven Goodman
Chairman, Board of Logan County Commissioners