

November 14, 2022

The regular meeting of the Board of Texas County Commissioners was called to order by Dolan Sledge, Chairman. Ted Keeling, Jack Strain, members and Wendy Johnson, County Clerk were present. Aimee Midkiff, Treasurer, Levi Bickford, Emergency Manager, Grant Wadley, Guymon Fire Chief were also present.

The agenda was filed on November 10, 2022, at 10:00 a.m. in compliance with the Open Meeting Act.

Sledge verified we were in compliance with the Open Meeting Act with all board members present.

Motion by Strain, second by Keeling to approve the following claims and purchase orders for payment.

GENERAL: 231978, 776, **\$75.00**, Levi Bickford, phone stipend; 232077, 777, **\$443.08**, Judyth Campbell, travel reimbursement; 231979, 778, **\$75.00**, Tonde Christian, phone stipend; 232028, 779, **\$167.27**, City of Guymon, utilities; 231562, 780, **\$79.25**, Guymon Daily Herald, advertisement; 232084, 781, **\$214.16**, Guymon Daily Herald, advertisement; 231720, 782, **\$196.00**, Hilton Garden Inn Norman, hotel; 232067, 783, **\$147.88**, Arleen James, travel reimbursements; 230678, 784, **\$82.27**, L & J Auto Parts Inc, supplies; 231588, 785, **\$334.70**, Mathis Oil Co Inc, fuel; 230211, 786, **\$250.00**, Randall & Reilly Holding Co LLC, subscription; 232058, 787, **\$6.14**, Scissortail Communications LLC, long distance; 232057, 788, **\$20.74**, Scissortail Communications LLC, long distance; 231777, 789, **\$10.44**, Scissortail Communication LLC, long distance; 232076, 790, **\$18.86**, Scissortail Communications, long distance; 232080, 791, **\$17.35**, Scissortail Communications LLC, long distance; 232031, 792, **\$4.08**, Scissortail Communications LLC, long distance; 232049, 793, **\$12.77**, Scissortail Communications LLC, long distance; 232056, 794, **\$142.77**, SPC Office Products, ink cartridges; 231307, 795, **\$2137.30**, Tisdal & Ohara PLLC, legal services.

DISTRICT #1: 232005, 772, **\$105.00**, Assoc of County Commissioners of Okla, conf; 231987, 773, **\$1104.76**, Chrysler Corner Inc, repairs; 232011, 774, **\$157.94**, COJO Industrial Sales, restock first aid kit; 230228, 775, **\$75.00**, Darrell Edwards, phone stipend; 230123, 776, **\$315.00**, Embassy Suites, hotel stay; 232069, 777, **\$649,283.67**, First Natl Bank of Hooker, pmt; 231733, 778, **\$19225.15**; J & R Sand Company Inc, hot mix; 232059, 779, **\$150.00**, National Association of Counties, membership dues; 230128, 780, **\$361.59**, Teddy P Keeling, travel reimbursements; 231394, 781, **\$7.62**, Scissortail Communications LLC, long distance; 2313000, 796, **\$93.00**, Seward County Waste Hauling MGT, roll off;

DISTRICT #2: 231891, 782, **\$25.92**, Amazon Capital Services Inc, tire plugs; 231486, 783, **\$35.00**, Assoc of County Commissioners of Okla, registration for Acco; 231485, 784, **\$95.00**, Assoc of County Commissioners of Okla registration Acco; 231904, 785, **\$75.00**, Ronnie Bellar, phone stipend; 231518, 786, **\$25.66**, Ronnie Bellar, Acco conf; 231476, 787, **\$25.48**, City of Guymon, utilities; 232015, 788, **\$63.87**, Kost Truck Supply Inc, valve; 231508, 789, L & J Auto

Parts Inc, parts; 232060, 790, **\$150.00**, National Association of Counties, D2 NACO memberships; 232065, 791, **\$573.81**, OPERS, delinquent services; 232007, 792, **\$155.00**, Performance Auto Repairs Auto Repairs, alignment; 231517, 793, **\$372.887**, Dolan Sledge, travel reimbursement; 231481, 794, **\$16.28**, Scissortail Communications LLC, long distance; 231888, 795, **\$2282.35**, Western Equipment LLC, drive shaft.

DISTRICT #3: 232016, 797, **\$40.00**, Bar H Pest Control, pest control; 230880, 798, **\$24.99**, Catlett Automotive, parts; 230136, 799, **\$266.63**, Fronk Oil Company Inc, parts & supplies; 232061, 800, **\$150.00**, National Association of Counties, D3 NACO Memberships; 231973, 801, **252.22**, PTCI, phone; 231593, 802, **\$854.44**, Seward County Waste Hauling MGT, 232025, 803, **\$382.50**, Jack Strain, Acco conf; 231972, 804, **\$119.57**, Texhoma Public Works Authority; utilities; 231985, 805, \$728.78, Tri County Electric Coop Inc, utilities; 231595, 806, **\$1108.00**, Unifirst Corporation, uniform; 230870, 807, **\$1748.55**, Yellowhouse Machinery Co, parts & supplies.

COUNTY CLERK LIEN FEE: 231895, 44, **\$8.99**, Amazon Capital Services, supplies; 231372, 45, **\$95.00**; Assoc of County Commissioners of Okla, fall conf; 232082, 46, **\$35.76**, Susan K Homan, meals reimbursement; 232070, 47, **\$408.62**, Wendy Lee Johnson, fall Acco; 232083, 48, **\$242.54**, Diana Montalvo, travel reimbursement.

EMERGENCY MANAGEMENT: 232079, 1, **\$895.00**, Mungias Heating & Air Cond Inc, Induction motor.

FREE FAIR: 232051, 17, **\$102.92**, PTCI, phone; 232052, 18, **\$1456.47**, Tri County Electric Coop Inc, utilities.

HEALTH MILL LEVY: 231266, 78, **\$35.00**, Advanced Water Solutions, rental unit; 231743, 79, **\$98.34**, Rosa Balderrama, travel reimbursement; 231645, 80, **\$86.25**, Rosa Balderrama, travel; 230284, 81, **\$100.00**, Clarks Mowing Service, lawn care; 231729, 82, **\$1000.00**, Carmen Dominguez, custodian services; 231808, 83, **\$419.13**, Ashley Ferguson, travel reimbursement; 231742, 84, **\$98.33**, Yessenia Figueroa, travel reimbursement; 231401, 85, **\$86.25**, Tristan Leighnor, travel reimbursement; 230278, 86, **\$40.00**, Memorial Hospital of Texas County, x- rays; 230294, 87, **\$328.00**, PTCI, maintenance; 232019, 88, **\$47.53**, PTCI, phone; 231968, 89, **\$235.68**, Quill Corporation, labels; 231977, 90, **\$41.99**, Quill Corporation, labels; 231741, 91, **\$98.33**, travel reimbursement; 232066, 92, **\$104.73**, Scissortail Communications LLC, utilities; 231969, 93, **\$80.04**, SPC Office Products, planner.

SHERIFF SERVICE FEE: 232048, 101, **\$528.90**, AT & T mobility, internet services; 232020, 102, **\$406.00**, G & G Electronics Inc, Kenwood channel; 231650, 103, **\$700.00**, Pacem Defense, non-lethal training; 232023, 104, **\$2141.00**, Prodigy Solutions Inc, pin debit phone; 232013, 105, **\$8331.42**, Texas County 911 Trust Authority, dispatch services.

JAIL SALES TAX: 231965, 320, **\$1125.05**, Affiliated Foods, groceries; 231936, 321, **\$58.90**, Amazon Capital Services Inc, ADIR office; 230202, 322, **\$60.00**, The Compliance Resource Group; services; 232046, 323, **\$52.02**, Scissortail Communications LLC, long distance;

232024, 324, **\$90.00**, SPC Office Products, calendars; 232047, 352, **\$38.47**, Vyve Broadband, services.

Aye: Keeling, Strain, Sledge. Nay: none.

Motion by Keeling, second by Strain to approve blanket purchase orders for usage.

GENERAL: 232091, Tisdal & Ohara PLLC, \$10,000.00

DISTRICT #1: 232092, Teddy P Keeling, \$500.00; 232093, Teddy P Keeling, \$500.00.

DISTRICT #3: 232094, Panhandle Counseling & Health CTR, \$500.00; 232095, Texhoma Supply LLC, \$3,000.00; 232096, Catlett Automotive DBA NAPA, \$300.00; 232097, Baber Supply Inc, \$3,000.00.

Aye: Keeling, Strain, Sledge. Nay: none

Motion by Strain, second by Keeling to approve the minutes of the previous meeting as written. Aye: Strain, Sledge, Keeling. Nay: none.

Motion by Keeling, second by Strain to approve the Transfer of Appropriation for Highway; \$350,000.00 from 1102-6-4100-2999 savings to 1102-6-4100-4110 capital outlay, \$100,000.00 from 1102-6-6001-2005 primary maintenance and operations to 1102-6-4100-4110 primary capital outlay. The one for the Assessor was not approved until there is an explanation of why on it. Aye: Keeling, Strain, Sledge. Nay: none

Motion by Strain, second by Keeling to approve the Monthly Appropriation for the month of January. Aye: Keeling, Strain, Sledge. Nay: none.

Bickford reported that he has the Emergency Operations Plan (EOP) updated and ready to be signed. He is thinking about not having a safety meeting in November and just do a makeup class for anyone that doesn't have enough time in. He has a water leak under the concrete, Ted's Plumbing is going to come out and fix it. They say the snow should be gone by 3:00 or 4:00 this afternoon.

Motion by Keeling, second by Strain to approve the following Officer's Reports and Cash Book Summary for the month of October subject to audit: Health Department - \$1,000.89, Election Board - \$11,980.07, M. Renee Ellis, Court Clerk - \$2855.31. Aye: Keeling, Strain, Sledge. Nay: none.

Motion by Strain, second by Keeling to approve the Court Clerk Records Management and Preservation Monthly Report in the amount of \$19,710.48 for the month of October. Aye: Keeling, Strain, Sledge. Nay: none.

Matt Boley, Sheriff joined the meeting along with Buddy Leach, District Attorney.

Motion by Strain, second by Keeling to approve the updated Emergency Operations Plan for Texas County. Aye: Keeling, Strain, Sledge. Nay: none.

Wadley reported that even though we have snow the wind is going to blow all week and it will dry out fast so he would like to keep the Burn Ban on for the rest of the week.

Bill Ermann, CEO of MHTC was absent.

There was no request for financial assistance for the Hospital.

Motion by Keeling, second by Strain to approve **Revised Resolution #56-22-23** for a Utility Permit with Seaboard Foods LLC for a Water Line in the NE/4 of the NE/4 of Section 29-T4N-R17ECM to the NW/4 of the NW/4 of Section 28-T4N-R17-ECM. All requirements of the permit must be met, and it shall be laid on the ground and removed by Spring.

11:06 a.m. Motion by Keeling, second by Strain to enter Executive Session. Aye: Keeling, Strain, Sledge. Nay: none.

11:23 a.m. Motion by Strain, second by Keeling to return to Regular Session.

As a result of Executive Session:

Motion by Strain, second by Keeling to approve **Resolution 55-22-23**.

**RESOLUTION OF TEXAS COUNTY, OKLAHOMA
RESOLUTION #55-22-23
NOVEMBER 14TH, 2022**

**A RESOLUTION RETAINING FULMER SILL, PLLC AND FRANTZ LAW GROUP,
APLC FOR THE E-CIGARETTE LITIGATION**

WHEREAS, E-Cigarettes have harmed Texas County and its citizens. This harm was created and exacerbated by marketing nicotine delivery products in a manner designed to attract minors, that marketing misrepresents or omits that E – Cigarette products are more potent and addictive than cigarettes, that E- Cigarette products are defective and unreasonable dangerous due to their attractiveness to minor, and that E – Cigarette products promotes nicotine addiction.

WHEREAS, there is a substantial need for legal services to pursue Texas County's claims against E- Cigarette manufacturers.

WHEREAS, the Board of County Commissioners selects the legal teams of Fulmer Sill, PLLC, and Frantz Law Group, APLC to serve as counsel to prosecute this matter working under the oversight and approval of the Board of County Commissioner and any designees of the Board of County Commissioners.

WHEREAS, all fees to be paid to counsel are contingent upon recovery of penalties, damages, attorney's fees, and costs. Fees shall be paid only from such recovery and no money shall be due or paid from Texas County's general fund or any special fund.

WHEREAS, Texas County has for many years has been battling an E- Cigarette problem amongst the County's youth giving rise to addiction, injury, losses by County medical health, safety, and education caused by E-cigarettes deceptive and false marketing to the County's citizens. The Board of County Commissioners acknowledges that E-cigarettes are creating an untenable problem, causing loss of life and family while also diverting substantial County medical, health, and educational services;

THEREFORE, it was duly moved and seconded that the following resolution be adopted.

THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of Texas County, Oklahoma hereby authorize the filing of a civil suit against E-Cigarette Manufacturers, for penalties, damages, injunctive relief, and any other remedy available by law. Such legal action is essential to protecting the interest of Texas County and its citizens.

The Board of County Commissioners of Texas County adopted the above Resolution on November 14, 2022.

BOARD OF COUNTY COMMISSIONERS
OF TEXAS COUNTY, OKLAHOMA

ss/Ted Keeling
Ted Keeling, Commissioner – District 1

ss/Dolan Sledge
Dolan Sledge, Commissioner – District 2

ss/Jack Strain
Jack Strain, Commissioner - District 3

Dated this 14th day of November, 2022.

ATTEST: SEAL

ss/Wendy Johnson
Wendy Johnson, Texas County Clerk

Aye: Keeling, Strain, Sledge. Nay: none.

Motion by Keeling, second by Strain to approve the Legal Services Agreement between the firms of Filmer Sill, PLLC and Frantz Law Group, APLC and Texas County, Oklahoma to represent the County for the prosecution and trail of claims related to E-Cigarette Litigation, including JUUL Labs, Inc. arising from deceptive Marketing, Sales Practices, Consulting, and Products Liability practices geared towards Client and to recover compensation to which Client may be entitled, as well as to compromise and settle all claims arising out of the litigation referenced above. Aye: Keeling, Strain, Sledge. Nay: none.

There was no Charity Request to be approved.

Adjourned.

I, Wendy Johnson, the duly elected and qualified County Clerk in and for Texas County, Oklahoma, do certify the above is a true and complete statement of the proceedings of the Board of County Commissioners held in this office on November 14, 2022.

Wendy Johnson
Wendy Johnson, County Clerk

Dolan Sledge
Dolan Sledge, Chairman

Jack Strain
Jack Strain, Member

Ted Keeling
Ted Keeling, Member