

December 21, 1992

Mr. Buchanan stated, he did not feel Oklahoma County was ready to enter into a law suit right now. Robert Mitchell, Assistant District Attorney, stated what the agenda item says is to authorized the County Treasurer to bring action. He also stated the County Treasurer does not have standing to bring action. Mr. Barnes is not a party to the contract, for a breach in the contract it needs to be brought by a party of the contract, the Board of County Commissioners is a party on the contract, so only the Board can bring the action. Regarding the status of negotiations with the architect and the contractor, we have receive a proposal from the contractor to repair any defective conditions, we have submitted this proposal to the architect for review. The architect will respond right away, together with any issues about the design, we are awaiting a response from the R.G.D.C. Group at this time. So we are not in any position to bring a law suit even if we wanted to right now. Mr. Barnes suggested to the Board and Mr. Mitchell, that this is just a minor part of the problem, the repairs of one hundred twenty four items by the general contractor or subcontractor is one part of the equation. The only reason this is on this agenda is because at the Budget Board meeting it was suggested by the Chairperson, this be placed on the agenda so we could proceed to some kind of conclusion. Mr. Barnes also stated the design defects of the jail, if that is what they are, have not been addressed and we have not gotten anything back to go out for bid, to put protecting coating on the brick or glass blocks. We now have a five million dollar short fall in the income, no one has addressed how we are going to recover that income, or whether we are going to recover that income. The Board and the public, needs to be aware that not only does the County not have the money!, to do a three to five million dollar supplement appropriation to the Sheriff. If it continues as it has for a another year to two years, we are looking at a cash short fall of a twenty percent reduction to what the sheriff received last year to operate and that is the problem. We need to get some answers, the County is in financial trouble, but when you start cutting budgets or telling people there is going to be layoffs and that you are going to have to cut back or take vacation, because we don't have funds, because we did not do anything. Mrs. Darrell stated that she could not agree with Mr. Barnes more, and she was very concerned: it has taken this long and that the County had gotten a report back on the problems with the Jail on August 4, 1992, and we were about to reach January 1, 1992, her concern was also two things, that she was not going to vote for any County money to be spent to repair any of these things if we still have their bond notice. She wanted to make sure it is still on notice, because of the inconvenience and the problems it has cost the Countyl considerably, it has costs us in workers compensation cases, operating expense, and in loss of revenue. She did not know what has taken so long, maybe we should get some of Sheriff Sharp's inmates who are smarter then these other people because they know what is wrong with the building, they can tell us faster then anyone else. Mrs. Darrell also stated, if it is a matter that we are still trying to determine what is wrong and who did it, this did not seem like a hard question. And that the County was not going to get a sales tax on anything, because the public has no confidence in the way the County administers the money. Mrs. Darrell stated she wanted the Board to get on with it and she did not want it to be at your convenience kind of meeting, she wants everyone at the table and she was not voting on one thing, until she has had time to review any kind of plan that has been submitted and she wanted plans submitted by everyone that is involved, to show how they

are going to cover some of this, because she was not going to be satisfied and the employees: of this County end up with no pay raises and no vacation and we start having cut backs,, because a bunch of people tipped us, because we were not watching the store and I want everyone down to and including the inspector, who had a contract and who did not report as he was suppose to. Mrs. Darrell ask Robert Mitchell, to have all of them lined up so as[ to expedite this as fast as possible. :

Motion was made by Mr. Buchanan and seconded by Mrs. Darrell, that Authorize' Joe B. Barnes, Oklahoma County Treasurer, to proceed in his official capacity as County I Treasurer to bring legal action against any and all parties involved in an or responsible for design or construction defects in the county jail. Said design or construction defects have 1 detained acquisition of city and federal prisoners, thereby, resulting in a loss of revenue: to Oklahoma County. Be deferred until the Board receive further information. Motion· carried vote taken: Buchanan, Aye; Darrell, Aye; Snyder, Aye.