

Commissioner Assistant Workshop

Round Table Discussions:

- 1.) Lease purchase: A commissioner has found the Grader he wishes to purchase on state contract thru Department of Central Services. However, he does not have the funds available to purchase it; he needs to lease-purchase it. How can he go about lease purchasing the grader?

Lease purchases in excess of \$10,000 must be bid as such. State contract is bid as an outright purchase. Thus if the commissioner needs to lease purchase the equipment, he/she needs to go out for bids. (19 O.S. §§, 1501 & 1505)

- 2) Nepotism: The Sheriff wants to hire the commissioner's step-son to work as a deputy. Would this violate the nepotism statute?

No, this would not be in violation of the nepotism statute because the officer hiring and the potential employee are not related. (21 O.S. §, 481)

- 3) Selling to another governmental entity within the state: District #1 wants to sell a water truck to a rural fire department in another county. Does he need to solicit bids first?

No bids are necessary when buying/selling with another political subdivision of the state that is subject to similar competitive bidding procedures. (19 O.S. §§, 421.1 & 1501)

- 4) Selling scrap metal: What is the procedure for selling scrap metal?

SA&I recommends soliciting bids for scrap metal. If no bids are received, you may solicit phone quotes and go with the best quote available. (SA& I recommends following similar procedures as statutorily prescribed for disposal of equipment)

- 5) Chief deputy acting on behalf of the principal officer: Two of the commissioner's are out with a horrible stomach virus and are unable to attend the regularly scheduled weekly meeting. Payroll needs to be approved at the meeting so employee's paychecks will be ready on time. What are the options?

The officers that are absent may authorize their chief deputies to act in their behalf during such absence – this may include participating as a voting member of the board meeting. (19 O.S. §, 180.65)

- 6) Re-election restrictions: The commissioner up for re-election wishes to buy a new dump truck via lease purchase. Filing time has passed and he has filed for re-election. He has also drawn two opponents. Can he proceed with the lease purchase?

He may proceed with the lease purchase unless it has become impossible for him to succeed himself in office. So if he had not filed for reelection or if he has lost in the primary, he is limited to just normal and routine operating expenses and prohibited from purchasing equipment (including new lease purchases). (19 O.S. §, 333)

- 7) Inventory: In an effort to thank a commissioner for always keeping his private pasture road nicely graded a farmer donated a truck to the county to be used as needed by the District #1 highway employees. Do you need to put that on the county's inventory of fixed assets?

Yes, donations to the county should be placed on the county's inventory of fixed assets at an estimated value. They also need to be formally accepted in a Board of County Commissioners meeting. Hopefully all of you see another problem with this scenario.....the county should not be working on the farmers private pasture road. (60 O.S. §, 390 & 19 O.S. §§, 178.1-178.2)

- 8) Useless junk: the barn has a pile of junk that nobody wants. The pile consists of old office furniture, miscellaneous equipment parts and various other miscellaneous items we could not sell at auction. What can be done to get rid of it?

The best way to prove that useless junk has NO VALUE is to go out for bids and/or take phone quotes. When no bids are received you may dispose of the useless junk appropriately depending on the nature of the junk. As long as it is not an environmental hazard that may include tossing it into the dumpster. (19 O.S. §§, 421.1 & 421.2)

- 9) The storage closet at the barn is full of boxes of old purchase orders, phone quotes and bids dating back to 1985. Which ones can we get rid of and which ones do we have to keep?

As long as those documents have been subject to audit by SA&I, you may destroy or dispose of them after five years. (19 O.S. §, 155.2)

- 10) The Commissioner's assistant that works at the barn is currently gone on medical leave for several weeks, leaving the district short staffed. The Clerk's office has a part time employee that would be great to fill in during the assistant's absence. Can an employee work for two different county offices at the same time?

Yes, as long as detailed time records are maintained showing that the hours claimed at each location do not overlap. One consideration is to make sure you are mindful of the number of hours worked in a week so the employee is granted appropriate comp time or overtime depending on your county's policy. For example, if the employee works 25 hours at the barn and 20 hours at the courthouse; he or she will be entitled to 5 hours or comp time or overtime. The two employing departments can reach an agreement as to which department will be financially responsible to pay for any accrued overtime. (Fair Labor Standards Act)

11) Splitting PO's: The commissioner has his eye on three identical pieces of machinery all costing around \$9,000 each. Can he purchase each one separately throughout the next few months without bidding?

This one is a bit tricky – the keys are the commissioner's intent and that the items are identical. It appears the intent is to purchase all three items, which would require bidding prior to purchasing. If the circumstances were a bit different, say he purchased one to see how well it performed, then no bid would be required. Then he decides the performance is outstanding and wants to purchase another one or more– a bid would be required at that time. (19 O.S. §§, 1501 & 1505)

12) Public Construction Contracts: The air conditioning at the courthouse is in disrepair. It is late July and the cost to repair the unit is approximately \$25,000. Do we have to solicit bids for this repair?

The requirements in Title 61, Public Construction Contracts require solicitation of sealed bids for projects in excess of \$50,000. Projects under \$50,000 only require written bids, no advertising needed. Therefore, you should request written bids (estimates) from several responsible qualified contractors and choose the lowest/best bid available. (61 O.S. §§, 102 & 103)

DEGREES OF FAMILY RELATIONSHIPS (CONSANGUINITY)

				4
Cannot Hire	Okay to Hire			Great-Great Grandparents
			3	5
			Great Grandparents	Great Grand Uncles/Aunts
		2	4	6
		Grand Parents	Grand Uncles/Aunts	First Cousins Twice Removed
	1	3	5	7
	Parents	Uncles/Aunts	First Cousins Once Removed	Second Cousins Once Removed
YOU	2	4	6	8
	Brothers/Sisters	First Cousins Once Removed	Second Cousins	Third Cousins
1	3	5	7	9
Children	Nephews/Nieces	First Cousins Once Removed	Second Cousins Once Removed	Third Cousins Once Removed
2	4	6	8	10
Grand Children	Grand Nephews/Nieces	First Cousins Twice Removed	Second Cousins Twice Removed	Third Cousins Twice Removed
3	5	7	9	11
Great Grand Children	Great Grand Nephews/Nieces	First Cousins Thrice Removed	Second Cousins Thrice Removed	Third Cousins Thrice Removed