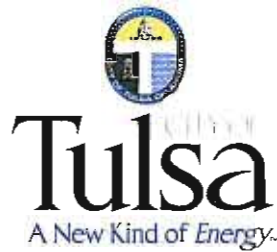


Caroline Benediktson

918 . 596 . 2680



LEGAL DEPARTMENT

175 E. 2nd Street
Tulsa, Oklahoma, 74103

September 19, 2008

Commissioner John Smaligo
Tulsa County Board of Commissioners
Tulsa County Administrative Building
500 S. Denver Avenue
Tulsa, Oklahoma 74103

Dear Commissioner Smaligo:

We have reviewed the draft Detention System Agreement e-mailed to me on September 16, 2008, which constitutes the County's most recent offer. I am disappointed and troubled by this proposal, because it makes clear that you and your team have not been negotiating in good faith.

Over the course of our negotiations, you and your team members have made numerous representations both in public and during our meetings, that all terms of the March, 2008 contract proposal were negotiable. We had specific discussions during our meeting at City Hall on May 16 regarding the high daily rate in your first proposal. It was clearly stated by Chief Albin that this number was for the purpose of beginning the negotiation and that you fully anticipated that the parties would negotiate a lower rate. In addition, you acknowledged your understanding of the County's legal obligation (under federal law) to determine within a short period of time that probable cause exists in instances where an individual is charged with a state crime. Based on this you understood and accepted that the Sheriff has a state statutory obligation to house such prisoners whether such prisoners are charged with municipal offenses or not (meeting with Paul Wilkening on September 2, in the City Attorney's conference room).

In response to your representations (and those of your team), I convinced members of the City's negotiating team that you were negotiating in good faith, resulting in three successive counter proposals by the City. The first proposal was modified by the City (long before you countered) based on the complaints you articulated when

it was presented. Thereafter, I undertook to voluntarily seek further accommodation from the City to craft a more acceptable proposal. The final proposal submitted by the City made significant concessions based on the concerns you voiced during our telephone conversations. At all times, you have maintained, through word and deed, that you believed we were making progress in the negotiations and that we would be able to achieve a reasonable and fair compromise.

Unfortunately, the draft agreement provided by you on September 16, 2008 is clear proof that you never had any such intention. The terms of your most recent proposal in all respects constitute backward movement by the County.

Over the last several months I have listened carefully to your issues, spent considerable time in researching issues and solutions and in meeting with City officials and employees in an effort to reach a compromise and, ultimately, to avoid a protracted legal dispute. Your response to these efforts makes a mockery of the negotiation process and constitutes bad faith. As a resident of Tulsa County, I am extremely disappointed in you as a public official. It is most unfortunate that you do not appear to respect or honor your fiduciary duty to the citizens of Tulsa - who comprise one of the largest communities within the County that you serve.

I have been authorized to inform you that if the County persists in refusing to negotiate properly, the City is prepared to change the way we conduct municipal court business. We will be prepared to deal with our municipal prisoners independently on October 1st. We will contemporaneously move forward to analyze our legal options against the County. Further, if this occurs, the Sheriff will be required to handle all administrative services previously provided by the City and to vacate all City owned premises, including the municipal court building, the holding cells and the sally port. Additionally, the County will need to make arrangements for the property located in the City Property Room currently held by the City on behalf of the County. Despite your representations to the contrary, approximately 80% of that property is being held in relation to cases currently pending in State Court.

Two final issues that you will need to address: First, unless you wish to enter into a separate contract with the City for radio/TRACIS access, the County will need to maintain its own radios and acquire its own TRACIS access. Until you have completed that process, the City will provide interim radio maintenance and TRACIS access for a negotiated amount. Due to our increased costs, it is likely to be

more expensive than what is currently contemplated. Second, as part of changing our court operations we will be forced to book many offenses as State charges (such as DUI and assault and battery). I suggest that you advise the District Attorney that because of your actions his caseload will increase dramatically in the coming months. None of the above would in any way alter the obligation of the Sheriff to comply with his lawful duty to accept prisoners to the jail who are charged with State offenses.

I ask that you consider the significant consequences of forcing the City and County to run separate incarceration facilities, in direct contradiction to common sense, the best interests of the City and County, and the intent of the parties set forth in the 1998 contract and as evidenced in the documents we have previously provided to you.

The County, through you, is behaving childishly in response to what you have described as "punches in the stomach". This divisive approach is against the interests of both the City and the County.

The Legal Department is in the process of moving to the OTC and our phones and computers are not installed. If you have questions or otherwise need to reach me, you can do so by e-mail or by calling my cell phone.

Very truly yours,



Caroline B. Benediktson
Assistant City Attorney

cc: Mayor Kathy Taylor
Chief Ron Palmer
Mike Kier
Nancy Siegel, Esq.