

MINUTES OF REGULAR SCHEDULED MEETING OF THE BOARD OF COUNTY COMMISSIONERS, ROGERS COUNTY COURTHOUSE, 219 SOUTH MISSOURI, COMMISSIONER'S MEETING ROOM 1-109, CLAREMORE, OKLAHOMA, MONDAY, NOVEMBER 24, 2008, AT 9:00 O'CLOCK A.M.

Notice of said meeting was filed in the Office of the County Clerk on Thursday, November 20, 2008, at 3:13 P.M. and posted on the Courthouse Bulletin Board; Outside the Commissioner's Meeting Room; on the Exterior Window at the Southeast Entrance to the Courthouse and the Front Door Entrance to the Courthouse and on the Wheelchair Ramp Door.

- ITEM 1: CALL TO ORDER:
Chairman Dan DeLozier called the meeting to order at 9:01 A.M.
- ITEM 2: ROLL CALL:
Chairman Dan DeLozier, Commissioner Mike Helm and Commissioner Kirt Thacker were all present.
- ITEM 3: FLAG SALUTE:
Commissioner Thacker led the salute and Pledge of Allegiance to the American Flag.
- ITEM 4: PRAYER:
Commissioner Helm said a prayer.
- ITEM 5: APPROVAL OF MINUTES: November 17, 2008
Commissioner Helm made a motion to approve the minutes from November 17, 2008, as presented. Chairman DeLozier seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.
- ITEM 6: UNFINISHED BUSINESS: None presented.
- ITEM 7: ZONING: None presented.
- ITEM 8: PLATS: None presented.
- ITEM 9: ROADS AND BRIDGES: None presented.
- ITEM 10: CASH FUND ESTIMATE OF NEEDS AND REQUEST FOR APPROPRIATIONS:
1. 005 Use Tax -\$48,873.47
2. 101 Unrestricted Highway - \$236,400.32
3. 141 Cellular Phone Usage - None presented.
4. 142 E-911 - \$8607.16
5. 145 Attendant Care - None presented.
Commissioner Helm made a motion to approve Items 1, 2 & 4 under cash fund estimate of needs as presented. Chairman DeLozier seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.
- ITEM 11: TRANSFER OF FUNDS:
1. Sheriff's general fund travel to vehicle maintenance - \$20,000.00
2. Election Board general fund M&O to Assessor general fund M&O - \$745.45
3. District #2 One Cent Sales Tax M&O to capital outlay - \$200,000.00
Commissioner Helm made a motion to approve Items 1, 2 & 3 under transfer of funds as presented. Chairman DeLozier seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.
- ITEM 12: UTILITY PERMITS:
1. Rural Water District #5, Mayes County - boring an oil/chip road, NS/428 between Sections 27 & 28 of Township 24 North, Range 18 East of the I.B.&M., Rogers County, Oklahoma, in District #1 -
Chairman DeLozier stated that this permit was in District #1 and he knew where it was and it was boring only. Chairman DeLozier made a motion to approve. Commissioner Thacker seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

ITEM 13: CLAIMS:

1. Salaries – November 2008

Commissioner Helm made a motion to approve the November 2008, salary claims as presented. Commissioner Thacker seconded the motion. Roll Call: DeLozier-aye, helm-aye, Thacker-aye. Motion carried.

2. Attendant Care – None presented.

3. Claim to State of Oklahoma for Alternatives to Detention/Transportation Claim for October 2008 in the amount of \$4220.91 –

Commissioner Helm made a motion to approve. Chairman DeLozier seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

4. (2) Governmental Tort Claim Vouchers from Southwestern Bell Telephone Company, dba A T & T Oklahoma, location of damages: (1.) 18600 North 177th East Avenue or EW410 Road and NS4106 Road ease side in Collinsville, bridge washed out during floods, county road, buried cable cut in half and (2.) 218 North 425 Road, Pryor Creek, Ok, bridge construction, trachoe, cable cut with total amount being claimed is undetermined at this time -

Commissioner Helm made a motion to take no action on and send the matter to the District Attorney's office. Chairman DeLozier seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

ITEM 14: BLANKET PURCHASE ORDERS:

1. Materials, Supplies, Parts, Groceries & Prescriptions –

District #1: Warren Power & Machinery, \$6500.00 and Everett Terry, \$200.00; Emergency Management: Froman Fuels, \$400.00; Sheriff: Speedy Lube, \$250.00; Froman Oil Company, \$3500.00; Froman Oil Company, \$500.00; Farmers Bros. Coffee, \$600.00; Bimbo Bakeries, \$1200.00; Sysco Foods, \$2200.00; Sysco Foods, \$6500.00; Warehouse Market, \$250.00; Diamond Drugs, Inc., \$6000.00; Diamond Medical Supply, \$200.00; PHS Mobile X-Ray, \$600.00; and St. Francis Lab, \$600.00 – Commissioner Thacker discussed as to why do the purchase orders on foods fluctuate every month, but the medical seems no too. Commissioner Thacker made a motion to approve. Commissioner Helm seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

2. Orders Exceeding Amount of Issuance – None presented.

ITEM 15: AGENDA ITEMS:

1. Discussion with possible action on Designating the County's Chief Executive Officer, the Chairman, as the certifying officer under the National Environmental Policy Act of 1969 to assume overall responsibility for the environmental review process; and Make a Finding of No Significant Impact on the Environment for the #13263 CDBG 08 RWD #8 Pump Station Improvement Program Activity; and Authorize the Chairman to sign the Certification of Leverage, Environmental Certification and Request for Release of Funds; and Approve an Anti-displacement Plan for the #13263 CDBG 08 RWD #8 Pump Station Improvement Program –

Andy Armstrong with INCOG explained to the Board that as a part of the requirements of the CDBG Community Development Project, the Board of County Commissioners of Rogers County must show that it has met environmental regulations by preparing an Environmental Review Record and INCOG staff has prepared the Environmental Review Record for the project and has determined that he project will have no significant effect on the environment. The actions that are on the agenda are the steps that need to be taken in order to determine this. Also, the Board must take one additional, related, action to request a Release of Funds for the project and that action is the approval of an Anti-displacement Plan for the project, even though no displacement of homes or business will occur.

Commissioner Thacker asked if this was the tower that Rural Water District #8 put in the section line right-of-way? Andy Armstrong replied, yes he believed so, but would have to look at the map to make sure. After some discussion it was decided that a variance had been obtained to do this.

Commissioner Helm inquired about the piece on the agenda that reads “as the certify officer under the National Environmental Policy Act of 1969 to assume overall responsibility for the environmental review process” is there dollars that the county has to be responsible for? Andy Armstrong replied, \$75,000.00 and another \$75,000.00 will be matched. And because it is federal dollars (NEPA) has requirements which HUD passes along to Department of Commerce and ODOC passes it along to the grant recipient, which in this case is the county. Letters are sent out to federal and state agencies and then you make a finding, which you are doing on behalf of the federal government. Rural Water District #8 is paying for administrative costs and the county is not putting any money into it. Commissioner Helm asked if the county was then held harmless? Armstrong replied that the Board is responsible for taking the action, because you are the recipient of the grant, but you are passing everything except the NEPA part onto to Rural Water District #8.

Commissioner Helm commented that he has two statements to make: 1.) Rural Water District #8 is paying the administrative costs to INCOG and DEQ has already signed off on the NEPA. Commissioner Helm made a motion to approve. Commissioner Thacker seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

2. Discussion with possible action on **Rescinding** Resolution #2008-64 and reimbursement form directing County Treasurer to deposit funds from State of Oklahoma, PA-1678 PW1146 OK145 SA #799 on warrant 101043103 in the amount of \$13,051.62 for District #2 into the one-cent sales tax fund for distribution for District #2 - *****NOTE***see Item 3 for action *****

3. Discussion with possible action on **Rescinding** Resolution #2008-65 and reimbursement form directing County Treasurer to deposit funds from State of Oklahoma, PA-1678 PW1146 PK145 #799 on warrant #101043102 in the original amount of \$166,915.01 for District #2 into the one-cent sales tax fund for distribution - *****note***rescinding \$66,915.01 amount only –**

Commissioner Helm stated that we put this money originally into the one-cent salaries, but there is no such thing as one-cent salaries. We are just correcting the paper-work today. Commissioner Helm made a motion to approve Items 2 & 3 under Agenda Items as presented. Chairman DeLozier seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

4. Approve/disapprove Resolution #2008-66 and Reimbursement form directing County Treasurer to deposit funds from State of Oklahoma FEMA, Disaster #1754 on warrant #101050202 in the amount of \$21,772.41; of which \$19,995.54 will be deposited into the one-cent sales tax fund for distribution –

Chairman DeLozier made a motion to approve. Commissioner Helm seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

5. Discussion with possible action on requiring vendors to bid laid ultra-thin bonded asphalt (Bid #204A) as needed per a county project –

Marilynn Gibson, Purchasing Agent, stated that the county has been doing the laid asphalt bids every 3 months, but with the fluctuation in prices and since no one bid last time, did the Board want to continue bidding on a 3-month basis or bid on an as-needed basis.

Commissioner Thacker stated that he asked the item to be placed on the agenda because of the price fluctuation in asphalt, and they are already bidding different prices for different districts. I would like to see them come out and bid a specific job or project and give us a time frame in which they could get it done. We keep wanting to get roads done and they say we'll get there when we can. Commissioner Thacker made a motion to bid as individual jobs or projects for each district. Chairman DeLozier seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

6. Approve/disapprove Cooperative Extension Services Agreement between The Oklahoma State University acting and on behalf of its cooperative Extension Service and the United States Department of Agriculture and The Board of County Commissioners of Rogers County for the period July 1, 2008 through June 30, 2009 –

Vernon Scogin, with OSU stated that this is a standard operating agreement between OSU and the Board that is used in 76 counties through out the state. It is the standard that we have used for years in Rogers County, and request the Board to approve the agreement. Commissioner Thacker made a motion to approve. Chairman DeLozier seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

7. Discussion with possible action on Approval of Friday, January 2, 2009, as an additional holiday for 2009 –

Commissioner Helm stated that he had been approached by several people and had the item placed on the agenda for discussion. We will be off on Thursday, January 1st, for New Year's, which would make it where everyone had to come back for one day. Chairman DeLozier stated that his only concern was when would the new sheriff take over, because he wouldn't be sworn in until Monday, January 5th. Marilynn Gibson, Purchasing Agent, stated that Sheriff Prather is officially retiring at midnight on December 31st. Gibson continued that she felt the Under-sheriff would be in charge for those 5 days. Commissioner Helm made a motion to approve Friday, January 2, 2009, as an additional holiday in 2009. Commissioner Thacker seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

8. Acknowledgement of receipt of check #208-122741 in the amount of \$48.62 and check #208-122726 in the amount of \$52.80 from CMC Recycling for sheet iron #2 for District #3 – Acknowledgement only for public record, no action taken.

ITEM 16: PUBLIC COMMENTS AND RESPONSES FROM BOARD MEMBERS: Limited to specific items on the Agenda that are listed and discussed at this meeting and limited in duration at the discretion of the Chairman –

ITEM 17: PAYMENT OF PURCHASE ORDERS FROM ALL DEPARTMENTS:
(Materials, Supplies, Parts, Groceries & Prescriptions)***NOTE***see attached list
of all claims that were approved for payment on Monday, November 24, 2008***Commissioner
Thacker made a motion to approve payment of all purchase orders from all departments as presented.
Commissioner Helm seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion
carried.

ITEM 18: NEW BUSINESS:
1. Consideration and possible action with respect to any other matters not known
about or which could not have been reasonably foreseen prior to posting the agenda –
None presented.

ITEM 19: RECESS OR ADJOURNMENT:
Chairman DeLozier made a motion to adjourn the meeting. Commissioner
Helm seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.
Meeting was adjourned at 10:43 A.M.

BOARD OF COUNTY COMMISSIONERS
ROGERS COUNTY, OKLAHOMA

By: _____
Peggy Armstrong, Rogers County Clerk

(SEAL)