

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, TUESDAY, JANUARY 20, 2009, AT 9:00 O'CLOCK A. M.

Notice of said meeting was filed in the Office of the County Clerk on Thursday, January 15, 2009, at 1:35 P.M. and posted on the Courthouse Bulletin Board; Outside the Commissioner's Meeting Room; on the Exterior Window at the Southeast Entrance and the Front Door Entrance to the Courthouse and on the Wheelchair Ramp Door.

- ITEM 1: CALL TO ORDER:
Chairman Mike Helm called the meeting to order at 9:02 A.M.
- ITEM 2: ROLL CALL:
Chairman Mike Helm, Commissioner Kirt Thacker and Commissioner Dan DeLozier were all present.
- ITEM 3: FLAG SALUTE:
Commissioner Thacker led the salute and Pledge of Allegiance to the American Flag.
- ITEM 4: PRAYER:
Marilynn Gibson, Rogers County Purchasing Agent, said a prayer.
- ITEM 5: APPROVAL OF MINUTES: January 12, 2009
Commissioner DeLozier made a motion to approve the minutes from January 12, 2009, as presented with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.
- ITEM 6: UNFINISHED BUSINESS:
1. Award Bid #499 – Pre-Cast Bridge on Dog Creek for District #1
Commissioner DeLozier made a motion to accept the low bid of Scurlock Industries from Fayetteville, Arkansas, for \$75,835.00. Commissioner Thacker seconded the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.
2. Award Bid #500 – Lighting and Equipment for Sheriff
Sheriff Scott Walton recommended to the Board to accept the low bid of Visual Force, Inc., bid #2 for \$16,325.00. Chairman Helm made a motion to accept the low bid of Visual Force, Inc., Bid #2 in Catoosa, Oklahoma, for \$16,325.00. Commissioner Thacker seconded the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.
- ITEM 7: ZONING: None presented.
- ITEM 8: PLATS: None presented.
- ITEM 9: ROADS AND BRIDGES:
1. Discussion with possible action on inclusion of the NS/415 and EW/45 intersection improvement project to the Rogers County 5-year Plan for District #1 -
Commissioner DeLozier stated that Brian Kellogg with Kellogg Engineering, placed this item on the agenda, but this item was taken care of last week when Guy Engineering Services were present at the meeting. No action taken.
- ITEM 10: CASH FUND ESTIMATE OF NEEDS AND REQUEST FOR APPROPRIATIONS: None presented.
- ITEM 11: TRANSFER OF FUNDS:
1. Assessor personal services to capital outlay - \$15,000.00
2. Commissioner's M&O account to travel - \$500.00
Chairman Helm made a motion to approve Items 1 & 2 under transfer of funds as presented with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.
- ITEM 12: UTILITY PERMITS: None presented.

ITEM 13: CLAIMS:

1. Salaries – None presented.
2. Attendant Care – None presented.

ITEM 14: BLANKET PURCHASE ORDERS:

1. Materials, Supplies, Parts, Groceries & Prescriptions –
District #3: R & S Auto Parts, \$750.00; Sheriff: Froman Oil Company, \$300.00 and Froman Oil Company, \$3500.00 – Commissioner DeLozier made a motion to approve the blanket purchase orders as presented with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.
2. Orders Exceeding Amount of Issuance –
Purchase Order #904365 issued on December 15, 2008, to Enlow Tractor East for the original amount of \$3000.00, went over by \$1145.62 to be paid for a grand total of \$41,145.62 for District #2. Chairman Helm stated that once the tractor was tore down it was found it was going to cost more to repair it than the estimate was made on the purchase order. Chairman Helm made a motion to approve with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

ITEM 15: AGENDA ITEMS:

1. Approve/disapprove removal of Jerry Prather as Requisitioning Officer for the Sheriff's Office and approve the appointment of Scott Walton as Requisitioning Officer for the Sheriff's Office along with Tom Harrison and Pam Rue –
Commissioner Thacker made a motion to approve with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.
2. Approve/disapprove removal of Shari Copenhaver as receiving agent for the Sheriff's Office and approve the appointment of Tom Howse as receiving agent for the Sheriff's Office along with Joan Roberts –
Commissioner Thacker made a motion to approve with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.
3. Approve/disapprove Nomination of Nathan Arnold to the Oologah-Talala Emergency Medical Service District Board of Directors to fill the vacancy of Secretary with the term to end May 2011 –
Chairman Helm made a motion to approve with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.
4. Approve/disapprove Resolution #2009-05 to allow Rogers County to buy and sell machinery and/or equipment from Statewide County Equipment Auction Elk City, Conference Center, I-40 Business, across from Airport in Elk City, Oklahoma, on Friday, March 13, 2009, and Saturday, March 14, 2009 –
Commissioner Thacker made a motion to approve with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.
5. Approve/disapprove Resolution #2009-6 to allow Rogers County to buy or sell machinery and/or equipment from Statewide County Equipment Auction at Pittsburgh County Fairgrounds, McAlester, Oklahoma, on Saturday, May 9, 2009 –
Commissioner DeLozier made a motion to approve with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.
6. Approve/disapprove Resolution for Disposing of Equipment for Rogers County Sheriff's Office as follows: HP color printer, sn#JPHF155085 to be junked –
Commissioner DeLozier made a motion to approve with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.
7. Approve/disapprove Rogers County Sheriff's Commissary Account #127 Report of Income and Expenses for calendar year 2008 –
Commissioner Helm made a motion to approve with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.
8. Approve/disapprove County Officers Monthly Reports for December 2008 –
Commissioner Thacker made a motion to approve with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.
9. Discussion with possible action from Melissa Anderson, Rogers County Assessor, on possible update of phone system for the Rogers County Courthouse –
Melissa Anderson, Rogers County Assessor, stated that she was needed to buy or update the current phones in the County Assessor's Office, but wanted to make sure they would be compatible with any new system the Commissioner's might be thinking of purchasing in the future, since it has been discussed in the past about installing a intercom system in the courthouse. Anderson continued that she didn't want to waste county dollars and the system that Terra Telecom has that she has been looking at would be compatible with an intercom system. Commissioner

DeLozier stated that Anderson came to him upon the request of Chairman Helm, to look into this and a meeting has been set for tomorrow with Terra Telecom to discuss it and once a decision is made the county would be going out for bid. Discussion only, no action taken.

10. Discussion with possible action on Approval of Citation of R.D.(Bob) Cox, for years of service to the Verdigris Fire Protection District as Fire Chief –

Commissioner Thacker read the citation and made a motion to approve with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

11. Discussion with possible action to make Rogers County a tobacco free workplace and discussion with possible action on closing smoke room located in the basement of the Rogers County Courthouse –

Chairman Helm reported that the District Attorney's office had issued a legal opinion awhile back to the Board of County Commissioners about being smoke free in a public building. Barry Farbro, Assistant District Attorney, that was correct and it was consistent with what the law requires as far as public buildings and there had been some discussion about making the Rogers County Courthouse tobacco free, which would involve the elimination of the smoke room in the basement. County Commissioners have the authority to make decisions about the property of the county and if the Board desires to make the Courthouse tobacco free, you certainly have the ability to do that.

Farbro continued that he has drafted a resolution to that effect and it is consistent with tobacco free policies that have been enacted at other public facilities and campuses in the State of Oklahoma. Based on what the Board decides to do today, a resolution can be drafted to that effect. If it's the Board's desire to make the courthouse and grounds tobacco free, the can

Commissioner DeLozier inquired if a policy is adopted by the Board, does it affect the county warehouses? Farbro answered, typically when a resolution or policy is adopted it affects all county property. But you can make it as broad as you want. Commissioner Thacker stated you said this is by statute? Farbro continued that there is state law that prohibits smoking in public buildings, except for a designated smoking area, which includes tobacco as a whole.

Melissa Anderson, Rogers County Assessor, asked, does that mean county vehicles also? Farbro answered, if the Board desires and adopts a resolution, they can make it as broad as they want. Chairman Helm stated that at District #2 he has already adopted a policy of no tobacco in any of the county equipment.

Chairman Helm made a motion to have the District Attorney's office draft a resolution for the Board to discuss and/or approve next Monday, (January 26th) for Rogers County properties to be smoke free/tobacco free environment. Commissioner DeLozier stated that he definitely wanted the smoke free, but had a problem with making the county tobacco free, because some of the men that work at District #1 do dip snuff and they watch what they do with it. It's never been a problem. Commissioner Thacker asked, are we looking at a designated smoke area outside? Farbro suggested that the resolution either be accepted or denied and that it allow for the Board to designate a smoking area. Commissioner Thacker stated that he certainly would like to have a smoking area outside for the people to smoke. Commissioner Thacker seconded the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

12. Discussion with possible action on approval and signing of Revised 2009 Rogers County Safety Manual –

Bob Anderson, Emergency Management Director, stated that in reviewing the current safety manual it was discovered that there was some outdated information in it as to who the foreman and assistant foreman is. We are only updating that information today, and not changing anything in the safety manual. Anderson continued that he is currently working with the county warehouses and going through the safety manual with the employees at each county warehouse. Anderson stated that once a drug testing policy is adopted it will be gone through with afterwards. Chairman Helm inquired of the employee handbook that is currently being worked on by Assistant District Attorney, Barry Farbro. Anderson answered it would go with this safety manual. Most of the safety manual is directed to the employees at the county warehouses. And we are also updating the EOP and once it is updated it will be added to the safety manual. Chairman Helm stated, so we will have 3 manuals to work with, the Employee Handbook, Safety Manual and NIMS. Chairman Helm made a motion to approve with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

13. Acknowledgement by Board of County Commissioners of statutory requirement of O.S. Title 19 § Section 178.1 – Biennial Inventory Summary for offices as follows: County Assessor, County Clerk, County Treasurer, Election Board, District #1 County Warehouse, District #2 County Warehouse, District #3 County Warehouse, Court Clerk, Emergency Management, OSU Extension, Planning Commission, Computer Account, Commissioner's General Government Account and Commissioner's Courthouse Account -

Peggy Armstrong, Rogers County Clerk, stated that acknowledgement of the

Sheriff's office; Computer account, Commissioner's General Government account and Commissioner's courthouse account would be acknowledged next Monday, January 26th. Armstrong continued that she had not discussed this item with the Sheriff's office and the Commissioner's office until Friday, January 16th and the agenda was posted on Thursday, January 15th. Chairman Helm, Commissioner Thacker and Commissioner DeLozier each requested copies of the inventory summary sheets for their records. Acknowledgement only, per recommendation of Jennelle Enevoldsen, Manager, County Audit Division at the Tulsa District Office pursuant to Title 19 § 178.1, so the county would be in compliance with. 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 Tuesday, January 20, 2009***Commissioner DeLozier made a motion to approve payment of all purchase orders from all departments as presented. Commissioner Thacker seconded the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-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 –

Peggy Armstrong, Rogers County Clerk, reported to the Board that Commissioner Thacker had requested to go out for bid on a 2008 or newer ½ ton pickup. Bid packets and the proof of publication read that the bids would be opened on Tuesday, January 20th at 9:00 A.M., but when Armstrong typed the agenda the opening and awarding of the bid was left off inadvertently. Armstrong stated that she consulted with District Attorney, Gene Haynes, and he advised that the bids could be opened today, since the proof of publication stated that and all the vendors knew the bids would be opened today, but in order to comply with the Open Meeting Law, the Board could take no action today.

30 bid packets were mailed with 3 being returned undeliverable and 5 responses being received as follows: Bill Knight Ford in Tulsa; Jack Kisse Ford in Claremore; Bob Hurley Ford, LLC, in Tulsa; Danny Beck Chevrolet and a non-notarized bid from Speedway Chevrolet.

Bids were only opened. No action taken. Bid will be awarded next Monday, January 26, 2009.

ITEM 19: RECESS OR ADJOURNMENT:

Commissioner DeLozier made a motion to adjourn the meeting with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried. Meeting was adjourned at 10:59 A.M.

BOARD OF COUNTY COMMISSIONERS
ROGERS COUNTY, OKLAHOMA

By: _____
Peggy Armstrong, Rogers County Clerk

(SEAL)