

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, FEBRUARY 2, 2009, AT 9:00 O'CLOCK A.M.

Notice of said meeting was filed in the Office of the County Clerk on Thursday, January 29, 2009, at 3:29 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 Entrances to the Courthouse and on the Wheelchair Ramp Door.

- ITEM 1: CALL TO ORDER:
Chairman Mike Helm called the meeting to order at 9:01 A.M.
- ITEM 2: ROLL CALL:
Chairman Mike Helm, Commissioner Kirt Thacker and Commissioner Dan DeLozier were all present.
- ITEM 3: FLAG SALUTE:
Commissioner DeLozier led the salute and Pledge of Allegiance to the American Flag.
- ITEM 4: PRAYER:
Commissioner Thacker said a prayer.
- ITEM 5: APPROVAL OF MINUTES: January 26, 2009
Commissioner DeLozier made a motion to approve the minutes from January 26, 2009, as presented with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-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: None presented.
- ITEM 11: TRANSFER OF FUNDS: None presented.
- 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 –
Sheriff general fund vehicle maintenance: Froman Oil Company, \$3500.00; Sheriff's jail vehicle maintenance: Froman Oil Company, \$500.00; and District #1: R & S Auto Parts, Chelsea, \$600.00 – Chairman Helm 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 #903106 to Diamond Medical Services opened for \$200.00 over by \$84.04 = total of \$284.04; Purchase order #903896 to Diamond Medical Supply opened for \$200.00 over by \$35.41 = total of \$235.41; Purchase order #903897 to Diamond Drugs, Inc., opened for \$6000.00 over by \$461.17 = total of \$6461.17; Purchase order #904607 to St. Francis Lab opened for \$600.00 over by \$1069.00 = total of \$1669.00 – Commissioner DeLozier made a motion to approve the purchase orders exceeding amount of issuance as presented with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-nay, DeLozier-aye. Motion carried.

ITEM 15: AGENDA ITEMS:

1. Acknowledgement by Board of County Commissioners of statutory requirement of O.S. Title 19 § Section 178.1 – Biennial Inventory Summary for the following offices: Commissioner's general fund account and Commissioner's office account (D) –

Acknowledged by Board of County Commissioners pursuant to O.S. Title 19 § Section 178.1.

2. Discussion with possible action on to make Rogers County a tobacco free workplace and discussion with possible action on closing the smoke room located in the basement of the Rogers County Courthouse – (**note** item discussed at January 20, 2009 meeting and January 26, 2009 meeting**)

Gene Haynes, District Attorney and Assistant District Attorney, Barry Farbro, were both in attendance at the meeting. Haynes stated that the D.A.'s office presented a resolution last week that Mr. Farbro drafted and it was the most restrictive it could be. The Board can decide as to how restrictive they want to make it. Chairman Helm stated that he had sent a letter to Assistant District Attorney, Barry Farbro, changing it from being so restrictive to a breath-easy work place. Farbro stated that he had not received a letter, just a copy of the drafted resolution, but there were no changes on it. Commissioner DeLozier stated that Cathy Cooksey from the Rogers County Clerk's Office had informed him this morning that Renetta Harrison with the Rogers County Health Department would like to meet before the Board on this matter. Commissioner Thacker stated that he would like to see the smoke room in the basement closed, but at the same time would like a place designated for everyone to be able to smoke in. Commissioner DeLozier made a motion to table this item for another week based upon the information presented today, (February 9, 2009) with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

3. Discussion with possible action on Use Tax collections for the revenue paid of December 2008, which included a payment of \$148,812.15 from mining machinery equipment company, registered to do business in Oklahoma with the Oklahoma Tax Commission and discussion with possible action on instruction for the Rogers County Treasurer's Office on how to disburse the funds – (**note**this item was tabled from January 26, 2009, meeting to allow District Attorney, Gene Haynes, to review statutes**)

Assistant District Attorney, Barry Farbro, that on Friday, January 30, 2009, he had sent a request to the County Clerk's Office inquiring about a copy of the resolution that the Board had approved regarding the levy of a county use tax, and that he had just been handed a copy of that information this morning. Peggy Armstrong, Rogers County Clerk, informed the Board that she had researched the files for this information on Saturday, (January 31, 2009) and had just presented the information to Farbro this morning. Farbro stated that he needed to review the information that was just provided before he could make an informed decision, but reminded the Board that the Oklahoma Tax Commission had issued a letter to Cathy Baker, Rogers County Treasurer, stating that any person paying a tax and it's made erroneously, etc., the taxpayer had three (3) years to request a refund. Farbro continued that he would like to have time to give the Board direction on this matter. Chairman Helm made a motion to table this item for one week (February 9, 2009) based upon the recommendation of Assistant District Attorney, Barry Farbro, to give him time to review the use tax resolution. Commissioner Thacker seconded the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

4. Discussion with possible action on Approval of Contract with THOS.Y. PICKETT & Company, Inc., for appraisal services on behalf of the Rogers County Assessor's Office – (**note**this item was tabled from January 26, 2009 meeting**)

Melissa Anderson, Rogers County Assessor, stated that the company she hired two years ago to do the appraisal of the Terra Nitrogen Plant in Verdigris, had to withdraw due to a conflict of interest. Thos. Y. Pickett & Company, Inc., will do the same job. District Attorney, Gene Haynes, has re-drafted their contract for your approval and recommends to the Board that the contract be signed so they can begin their appraisal. Anderson continued that the money that was set aside on a purchase order, we'll change the name on it, so there will be no need for additional funds. The money was already encumbered from last fiscal year and the purchase order is still open and has not been used, so it won't cost any money out of this year's budget, stated Gene Haynes, District Attorney and the contract has been re-drafted by me, a few changes needed to be made to it. I have re-drafted the contract and approved it for you to sign. 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 Resolutions for Disposing of Equipment for District #2 as follows: Ingersall-Rand Air Chain Hoist, sn#ROGO3516V, to be junked; **and** 777 Max X Trak John Deere Lawnmower, sn#TC0777B040250; 2005 Kubota MS 95 Tractor, sn#10566; 12 x 19 I-Beam equipment Trailer, sn#134FS25236CO98537; 2004 Sterling Acterra Dump Truck, sn#2FZACGAK14AM77876; Caterpillar 12-ton Roller, sn#7ND497; 2005 Ford F-150 XLT 4X4

Supercab Pickup, sn#1FTPX145X5NB00879; 2005 Ford F-150 Double Cab Pickup, sn#1FTPW14545KE52490; 2005 Ford Crew Cab 4x4 Pickup, sn#1FTSW215X5ED17954; 2005 Ford Crewcab 4x4 Pickup, sn#1FTSW215X5EC07812 – all to be sold at Statewide County Equipment Auction in Elk City on March 13 and March 14, 2009 – Chairman Helm stated that most of the items listed have over 120,000 miles on them and the roller is not adequate to keep up, too many repairs are required of it. Chairman Helm made a motion to approve with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

6. Approve/disapprove County Clerk's Cash Book and Summary Report to the Board of County Commissioners for January 2009 –

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

7. Discussion with possible action on final adoption of 911 Emergency Medical Services *western* boundaries for Rogers County – (**note**discussed at 12-29-2008 meeting**)

Vicki Atchley, with 911 Department for Rogers County and Tulsa County, presented to the Board a revised colored map of fire/EMS boundaries in Rogers County and when the Board met on December 29, 2008, the City of Owasso had not signed off on it yet. Today, Atchley presented the Board with a letter from the City of Owasso, signed by, Timothy D. Rooney, Assistant City Manager. Commissioner DeLozier made a motion to approve with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

8. Discussion with possible action with Rogers County Fire Chiefs Association on possibly extending the county burn ban for Rogers County -

Barry Farbro, Assistant District Attorney, stated that he drafted a comprehensive burn ban resolution last week. The resolution has been drafted to where it can be re-used each time the Board deems it necessary. Farbro also sent some additional material, including guidelines and county burn ban checklist, and the Board needs to make these findings according to the checklist. Bob Anderson, Emergency Management Director, stated that a concensus of all fire chiefs was done last week (see letter from fire chiefs). There is a real concern for high fire danger this week because we have received very little moisture. Commissioner Thacker made a motion to approve with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

Commissioner Thacker inquired as to how do we notify the public that the county has passed a burn ban. David Puckett, Northwest Fire Protection District, fire chief, expressed real concerns over the grass fires that happened over last week and the weekend. District Attorney, Gene Haynes, stated that the county burn ban policy carries the same penalty at the state one does.

9. Approve/disapprove Resolution #2009-10 and Reimbursement form directing County Treasurer to deposit funds from State of Oklahoma FEMA on warrant #101073833 for DR-1735 for District #3 total amount of \$5890.85 of which \$1005.26 will be deposited into the one cent sales tax fund for distribution –

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

10. Acknowledgement of public record only, receipt of warrant #101073833, on DR-1735 in the amount of \$5890.85 of which Heritage Hills Golf Course receives \$2922.60 for PW#838; District #3 receives \$1005.26 for PW#828 to be deposited into the one-cent sales tax fund for distribution and District #1 receives \$1962.99 for PW#870 to be deposited into salaries –

Commissioner DeLozier stated that he wanted it noted in the minutes that the amount of \$2922.60 for Heritage Hills and the amount of \$1962.99 for District #1 was not deposited in a timely manner and each agency will not be able to get this money until next month. Acknowledgment 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 -

Chairman Helm asked Commissioner Thacker to contract Channel 8 News to inform them of the county burn ban so the news media would know.

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, February 2, 2009**Commissioner DeLozier made a motion to approve payment of all purchase orders from all departments as presented with Chairman Helm seconding 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 – None presented.

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 10:48 A.M.

BOARD OF COUNTY COMMISSIONERS
ROGERS COUNTY, OKLAHOMA

By: _____
Peggy Armstrong, Rogers County Clerk

(SEAL)