

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

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Notice of said meeting was filed in the Office of the County Clerk on Thursday, February 5, 2009, at 3:08 P.M. and posted on the Courthouse Bulletin Board; Outside the Commissioner's Meeting Room; on the Exterior Window at the Southeast Entrance and 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 9:00 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: February 2, 2009  
Commissioner DeLozier made a motion with Chairman Helm seconding the motion to approve the minutes from February 2, 2009, as presented. 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:  
1. Discussion with possible action on Approval of Payment #1 of ODOT claim form 324a in the amount of \$18,841.50 for Engineering Contract for Bridge #79 over Dog Creek; Project Number BRF-166C(219)CO; State Job Number 25744(05); through (400) Account CBRI funds conducted by Guy Engineering Services, Inc., for District #1 -  
Commissioner DeLozier stated that Bridge #79 over Dog Creek is on Akin Road and made a motion to approve with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye. Motion carried.
- ITEM 10: CASH FUND ESTIMATE OF NEEDS AND REQUEST FOR APPROPRIATIONS: None presented.
- ITEM 11: TRANSFER OF FUNDS:  
1. District #3 One Cent Sales Tax Fund M&O to Lease-Purchase - \$5625.48  
Commissioner Thacker made a motion to approve with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.  
2. Assessor personal services to M&O - \$32,000.00  
3. Assessor Visual Inspection personal services to M&O - \$16,000.00  
4. District #3 Unrestricted Highway M&O to capital outlay - \$1400.00  
5. District #3 One Cent Sales Tax M&O to capital outlay - \$30,000.00  
Commissioner Thacker made a motion to approve Items 2, 3, 4 & 5 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 – Wade Lenhart - \$246.72 for District #2

Chairman Helm stated that Mr. Lenhart chose to end his career at District #2 and Chairman Helm made a motion to approve the claim as presented with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

2. Attendant Care – None presented.

ITEM 14: BLANKET PURCHASE ORDERS:

1. Materials, Supplies, Parts, Groceries & Prescriptions –  
District #1: Cabin Diesel Services, \$5000.00; Sheriff's general fund vehicle maintenance: Froman Oil Company, \$3500.00 and Sheriff's jail account vehicle maintenance: Froman Oil Company, \$500.00 – Commissioner DeLozier made a motion to approve the blanket purchase orders as presented with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

2. Orders Exceeding Amount of Issuance – None presented.

ITEM 15: AGENDA ITEMS:

1. Discussion with possible action on to make Rogers County a tobacco free/smoke 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; January 26, 2009, meeting and February 2, 2009, meeting\*\*)

Director of the Rogers County Health Department, Mary Beth Murray and Renetta Harrison, Rogers County Health Educator were both present at the meeting. Harrison presented the Board with a tobacco-free policy recommendation and brochures and stated to the Board that they were setting an excellent example and encouraged the Board to adopt a total tobacco free workplace. 1-800-QUIT-NOW offers free aids and counseling for cessation.

Chairman Helm invited Renetta Harrison and the Rogers County Health Department to the county health fair scheduled for March 12, 2009.

Assistant District Attorney, Barry Farbro, stated that he amended the previous resolution per previous discussion establishing Rogers County as a smoke-free workplace, which eliminates all smoking areas within county property and the Board may, at their discretion, designate specified areas for smoking. The resolution also has references to smoking cessation programs. And upon passage by the Board today, the resolution would be effective immediately.

Chairman Helm made a motion to approve Resolution #2009-8 drafted by Assistant District Attorney, Barry Farbro, establishing Rogers County as a smoke-free workplace.

Commissioner DeLozier stated that he had one question, is Rogers County going to designate an area outside where they can smoke or not? Farbro stated that the resolution does not provide for designation of smoking areas, but it does state that the Board may, at their discretion, designate a smoking area. Farbro continued, as the resolution before you today is written, county property is smoke free.

Commissioner DeLozier then asked, who will be enforcing this in the parking lot? Farbro stated that the resolution addresses that, it would be up to the individual county officers and employees. If a problem should arise, one suggestion would be to contact the Sheriff's office or the courthouse security.

Commissioner DeLozier seconded the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

Melissa Anderson, Rogers County Assessor, inquired about signage addressing this issue so the employees and the public would know. Farbro stated that the resolution also addresses signage.

Chairman Helm stated that the smoke room in the basement of the courthouse will be closed immediately tomorrow morning at 8:00 A.M.

2. Discussion with possible action on Use Tax collections for the revenue paid of December, 2008, which included 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 from the Board for 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 the statutes and item was tabled from February 2, 2009, to allow time for Assistant District Attorney, Barry Farbro, to review the use tax resolution adopted by the county on January 28, 1998\*\*)

Assistant District Attorney, Barry Farbro, stated that he had examined 2 documents; one being the resolution approved by the Board on 28<sup>th</sup> day of December, 1998 and also examined the agreement between the Board of County Commissioners and Rogers County Industrial Development Authority. The resolution that allowed for use tax states that the purpose of the resolution in "Section 20, Purposes of Revenues" reads as follows: *"this resolution to provide revenues for the support of the functions of the municipal government of the County, and any and all revenues derived hereunder may be expended by the governing body of the County for any purpose*

*for which funds may be lawfully expended as authorized*" is general and broad, but standard. The agreement with RCIDA, which is also dated on December 28, 1998, Article 5 of the agreement, the county agrees to compensate RCIDA in exchange for the services of RCIDA, the county agrees to pay each month for the general fund an amount equal to the net proceeds received by the county from the previous month's use tax collection, as certified by the County Treasurer. The use of the word "shall" dictates that the Board shall pay that money over to RCIDA. You may provide to RCIDA that they exercise discretion in their use, knowing that that particular amount is subject to a protest or a request for refund.

Chairman Helm inquired from Don Cochran, Director of RCIDA, as to what they intended to do with the excess money? Cochran replied, that RCIDA's plan is to put the money in the bank and let it draw interest for 3 years.

Commissioner Thacker made a motion to approve payment of \$148,812.15 to RCIDA with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

3. Discussion with possible action with Rogers County Fire Chiefs Association on possibly extending the county burn ban for Rogers County and adoption of Rogers County Burn Ban Resolution #2009-13 –

Bob Anderson, Emergency Management Director, stated to the Board that Rogers County has 1.10 inches of rainfall so far for this year. We will be in a high fire danger for today, with the possibilities of Wednesday, Friday and Sunday being other high fire danger days. The Rogers county Fire Chiefs Association is recommending to the Board that a burn ban be adopted for another week. Chairman Helm made a motion to approve the county burn ban and extend for another week, since there was no opposition to it and with the recommendation of the county fire chiefs. Commissioner Thacker seconded the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

4. Presentation of Results of Fair Board Filings for 2009 –

Peggy Armstrong, Rogers County Clerk, presented the Board with the filings, one from each Commissioner's district, as follows: Richard Gebhart, District #1; Jimmy Bob Lynch, District #2; and Ronald R. Burrows, District #3. \*\*\*note\*\*\*No election for Fair Board filings will be held on Saturday, February 7, 2009\*\*\*Chairman Helm made a motion to approve the 2009 Fair Board filings as presented with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

5. Approve/disapprove Resolution for Disposing of Equipment for County Commissioner's Office (D account): Panasonic Electronic Typewriter, sn#KX-E700, to be junked –  
Commissioner Thacker made a motion to approve with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

6. Approve/disapprove Resolution #2009-12 and Reimbursement form directing County Treasurer to deposit funds from INCOG REAP Grant for 161<sup>st</sup> Street on check #001592 into the one cent sales tax fund for distribution in District #2 –

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

7. Acknowledgement for public record receipt of check #11720 from Town of Oologah in the amount of \$8500.00 to District #2 for mowing of the town –  
Acknowledged for public record only, 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)\*\*\*see attached list of all claims that were approved for payment on Monday, February 9, 2009\*\*\*Commissioner Thacker made a motion to approve payment of all purchase orders from all departments as presented with Commissioner DeLozier 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.

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Motion carried. Meeting was adjourned at 10:18 A.M.

BOARD OF COUNTY COMMISSIONERS  
ROGERS COUNTY, OKLAHOMA

By: \_\_\_\_\_  
Peggy Armstrong, Rogers County Clerk

(SEAL)