

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, APRIL 13, 2009, AT 9:00 O'CLOCK A.M.

Notice of said meeting was filed in the Office of the County Clerk on Wednesday, April 8, 2009, at 2:50 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 Rogers County Courthouse; on the Wheelchair Ramp Door and on the county web site.

- 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: April 6, 2009
Commissioner Thacker made a motion to approve the minutes from April 6, 2009, as presented with Commissioner DeLozier 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:
1. District #1 Cemeteries M&O to capital outlay - \$2800.00
2. District #3 One Cent *Lease/Purchase to M&O* - \$18,068.60
Commissioner DeLozier stated that the transfer for District #1 was to purchase new lawnmowers for the cemeteries. Commissioner Thacker pointed out the transfer for District #3 should be from lease/purchase to M&O, not as the agenda reads. Commissioner DeLozier made a motion to approve the transfer of funds as presented with the correction noted for District #3 with Commissioner Thacker 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 –
Sheriff's jail account vehicle maintenance: Froman Oil Company, \$500.00 and Sheriff's general fund vehicle maintenance: Froman Oil Company, \$3500.00 – Commissioner Thacker made a motion to approve the blanket purchase orders as presented with Commissioner DeLozier 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 only of Mary Wood with RCB Bank Financial Services, Inc., to present a financial report on ING for Deferred Savings Program –

Mary Wood with RCB Bank Financial Services, Inc., stated to the Board that we need to meet annually to make sure the fiduciary responsibilities are being met and one of the main things we want to keep track of is the investments that we have chosen from the plan. Wood presented the Board with a scorecard of all the investments listed and what the ratings are. When the annual review is done and you see funds start being below peer average we will want to take on another investment to replace it.

Chairman Helm stated that the Board has fulfilled their fiduciary duties for this year. Discussion only, no action taken.

2. Discussion with possible action on adoption of policy/procedures concerning proper procedures for payroll claims, resignations, terminations, comp time and vacation to be reported to the Board –

Chairman Helm stated that he requested item 2 to be placed on the agenda because of discoveries being made and we ask that all payroll claims, resignations, terminations, comp time, vacation, etc. be brought before the Board so the reports can be reviewed before a check be issued for any of items listed. Commissioner Thacker made a motion that in the future events of any terminations, resignations, comp time and vacation time to be issued to the employee that all paperwork be brought before the Board before a check is ever issued. Chairman Helm seconded the motion.

Melissa Anderson, Rogers County Assessor, stated that her employees are limited on their comp time and Anderson asked, if somebody quits and they had 40 hours in comp time that was legal and the elected official signed off on it, then how could the Board deny it if I have the paperwork and documentation to prove it? Commissioner Thacker stated that the Board does not want to deny it if we owe it, we just want to see the paperwork before hand. Chairman Helm stated that if all your paperwork is in order, then there would be no problem. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

3. Discussion with possible action on sick leave sharing –

Chairman Helm stated that this item was placed on the agenda because of the discovery of sick leave sharing being done in the past. District Attorney, Gene Haynes, reported that the sick leave sharing came up a few months ago where it was discovered that someone had donated sick leave hours to another person and after some research it was found that the Board had never adopted a policy. However, some officers and department heads have allowed some leave sharing and because the practice had occurred in the past the sick leave sharing continued. Then it brought up the question of, do you as the Board of County Commissioners, are you going to allow it or are you not going to allow it? If you are not going to allow it, then that is all you need to set as your policy. However, if you are going to allow sick leave to be shared then the Board needs to set some procedures to be followed.

Haynes continued that Barry (Farbro) wrote an opinion on donation of sick leave on August 22, 2007, when Bill Spring retired and there was an employee who was ill and was out of sick leave and we wanted to give them the sick leave that he had left over when he retired and that is how the question came up. Farbro answered that question by replying, once you retire and are no longer an employee you don't have any sick leave to give away.

Haynes continued that another question that came up was what if it was a current employee that wanted to donate some sick leave to another employee who was completely out of sick leave. It was discovered the practice has been going on and Farbro set out in his opinion what the policy is for state employees. Haynes stated this is currently going on in the D.A.'s office.

Captain Mike McElheney with the Sheriff's Office spoke about sick leave sharing being a common practice over the years and that he has donated several hours to different persons.

Haynes commented that there is negative factors to consider is an employee that never misses versus an employee that calls in sick all the time and uses up their time. But at the same time there some good circumstances that come up.

Commissioner DeLozier asked if this was an item that would be covered in the policy and procedures manual and Haynes replied it could be or you as a Board could set the policy now.

Chairman Helm made a motion for District Attorney Gene Haynes, to review the state law policy that the D.A.'s office follows, give copies to the Commissioners to read before the item is placed back on the agenda and have Gene (Haynes) contact the Board to let them know when he is ready to place the item back on the agenda. Commissioner Thacker seconded the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

4. Discussion with possible action on adoption of policy and procedures manual for the county –

Chairman Helm stated this item was placed on the agenda so that we could look at the adoption of policy and procedures manual for the county, which we have been in the process of trying to adopt one, but it hasn't come quickly enough.

Chairman Helm continued that ACCO (Association of County Commissioners) who handles the county's workers comp, has asked for a policy and procedures handbook and we don't have one yet. Haynes commented that he knows Barry (Farbro) is working on that but doesn't know exactly where he is on it. Chairman Helm continued in order for ACCO to bid on our liability insurance coverage, they need a policy and procedures handbook and Traveler's Insurance has also asked us for a policy and procedures handbook.

Commissioner DeLozier stated that he attended a meeting in Mayes County when they met and Dale Frech with ACCO presented the handbook, but as of date they don't have a policy and procedures manual adopted.

Chairman Helm stated that this affects our insurance rates and we'll be working on insurance quotes in May and we're asking for Haynes' help to get a policy adopted and having a policy and procedures manual adopted would give the county a discount on the rates with ACCO.

Commissioner DeLozier made a motion to set a date to meet with all elected officials and Dale Frech from ACCO and sit down in a special meeting and discuss the ACCO handbook from page to page and get a handbook adopted. Chairman Helm commented that our insurance now is with Traveler's and suggested having a representative from Traveler's present at the meeting also since both would be bidding on the insurance quotes. Commissioner DeLozier amended his motion to include a representative from Traveler's also be present at this meeting.

Melissa Anderson, Rogers County Assessor, suggested having a tentative meeting with all the elected officials first without the representatives from ACCO or Traveler's being present and discuss the areas of concerns from both policies and then have a second meeting with the representatives from ACCO and Traveler's being present.

Commissioner DeLozier amended his motion again to have a special meeting with all the elected officials first within the next two weeks and then set a date later to have a representative from ACCO and Traveler's present with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

5. Discussion with possible action on adoption of state policy of per diem travel –

Commissioner Thacker stated that he wanted to re-visit the per diem travel that the Board had discussed a few months back.

District Attorney, Gene Haynes, stated that he suggested the Board adopt the state policy on per diem travel because it is a well defined law with Attorney General opinions and over the years when there has been some questions come up before this Board and it was unclear as to what the county rules were. The state uses for mileage rates what the IRS allows.

Haynes explained how the hotel expense with state rates could be reimbursed and how the per diem for reimbursement of meals would be. Discussion continued about whether the employee had to pay for hotel expenses out of their pockets and then get reimbursed for it later or could a purchase order for hotel expenses be encumbered because it is very expensive for the county employee to pay for hotel expenses out of their pockets. And if you chose to stay at a hotel that does not have the state rate, you only get reimbursed the state rate.

Haynes discussed the per diem for reimbursement of meals and the current policy for the county is to turn in receipts for reimbursement of meals. Haynes continued to explain the difference between the good and the bad of this policy. If an employee eats cheap, then the county gets off cheap, but if you have an employee who doesn't eat cheap, it costs the county more money.

Commissioner DeLozier replied that there is a policy already in place about a set amount that an employee will be reimbursed. DeLozier continued one thing about turning in receipts, it is showing accountability to the citizens of Rogers County, feels it's right to show taxpayers that Rogers County is accountable and doesn't feel per diem is a way for us to make money off the county. Commissioner Thacker stated that he was for the accountability also, likes the idea of turning in receipts and now that we have re-visited it, still does not like it.

Vernon Scogin, OSU Extension Director, reported to the Board that OSU used the same policy exclusively, you have to be over 60 miles away to have a hotel room and if you stay somewhere else other than the conference hotel. But the biggest problem the county might run into is, there is no per diem unless you stay overnight.

Discussion continued on the pros and cons and Haynes stated it has been brought to everyone's attention is the county does have a policy on meal reimbursement, but not on hotels. Discussion only, no action taken

6. Approve/disapprove Monthly Reports of County Officers for March 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 to enter Executive Session for the purpose of confidential communications between a public body and its attorney concerning a pending investigation, claim, or action, if the public body, with the advice of their attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest, as authorized by Title 25 O.S. § 307(B)(4), to wit: unpaid overtime/unused comp time wages of James Darrin Hester –

District Attorney, Gene Haynes, stated that this item was placed on the agenda last Wednesday, because the County Clerk's office had to post the agenda before 9:00 A. M. on Thursday, because Friday was a holiday and the item was placed on the agenda just in case he had something to report. At this time Haynes has nothing to report except that he has been in touch with Hester's attorney. No action taken.

8. Motion and vote to adjourn Executive Session and enter Regular Session –

9. Discussion and possible action with respect to any matter considered and discussed with the Board's attorney during Executive Session –

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, April 13, 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. Motion carried and meeting was adjourned at 10:33 A.M.

BOARD OF COUNTY COMMISSIONERS
ROGERS COUNTY, OKLAHOMA

By: _____
Peggy Armstrong, Rogers County Clerk

(SEAL)