

AMENDED  
NOTICE OF REGULAR MEETING

BOARD OF COUNTY COMMISSIONER'S FOR ROGERS COUNTY, OKLAHOMA

PLACE: Rogers County Courthouse, 219 South Missouri, Room 1-109, Claremore, Oklahoma

DATE & TIME: Monday, October 26, 2009, at 9:00 O'clock A.M.

MINUTES

ITEM 1: CALL TO ORDER:  
Chairman Mike Helm called the meeting to order at 9:02 A.M.

ITEM 2: ROLL CALL TO ESTABLISH QUORUM:  
Determine that Notice of Meeting and Agenda were properly posted in accordance with the Oklahoma Open Meeting Act.  
Chairman Mike Helm, Commissioner Kirt Thacker and Commissioner Dan DeLozier were present and quorum established.

ITEM 3: FLAG SALUTE:  
Captain Mike McElheney from the Rogers County Sheriff's Office led the salute and Pledge of Allegiance to the American Flag.

ITEM 4: PRAYER:  
Commissioner Kirt Thacker said a prayer.

ITEM 5: APPROVAL OF MINUTES: October 15, 2009 and October 19, 2009  
Commissioner Thacker made a motion to approve the minutes from October 10, 2009, and October 19, 2009, as presented with Commissioner DeLozier seconding the motion.  
Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

\*\*\*NOTE\*\*\*The next item discussed at the meeting was New Business\*\*\*

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/Disapproval of Memorandum of Agreement by and between Cherokee Nation and the Board of County Commissioners of Rogers County –

Chairman Helm stated that the Cherokee Nation gives money to the counties and in Rogers County it has been divided up each year between the three Commissioners. This year is District #3; next year would be District #2 and the following year would go back to District #1. Rogers County has rotated this money for the past several years between each Commissioner's district. Make sure that the Cherokee Nation is informed of this. Chairman Helm made a motion to approve with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

2. Discussion with possible action on Execution of Contracts for Emergency and Transportation Revolving Fund Program for District #2 and District #3 –

Chairman Helm stated that the Emergency and Transportation Revolving Fund Program is through the CED#1 (Circuit Engineering District) which is made up of eleven counties and thirty-three Commissioners and there was \$3.5 million dollars out there to use and the CED district has used \$1.2 million which left approximately \$2.8 million and after District #2 and District #3 in Rogers County uses the \$1.15 million they have asked for it will still leave approximately \$1.8 million dollars in the account. These contracts being presented by been approved by ACCO's (Association of County Commissioners) lawyer, Larry Derryberry, former Attorney General. We are approving the contracts today in order to make the state-wide CED meeting on October 29<sup>th</sup>. Chairman Helm made a motion to approve with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

ITEM 10: CASH FUND ESTIMATE OF NEEDS AND REQUEST FOR APPROPRIATIONS:  
1. 005 Use Tax –  
2. 101 Unrestricted Highway  
3. 141 Cellular Phone Usage  
4. 142 E-911  
5. 145 Attendant Care  
Commissioner DeLozier made a motion to approve the cash fund estimate of

needs as presented with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

ITEM 11: TRANSFER OF FUNDS: None presented.

ITEM 12: UTILITY PERMITS:

1. Conoco Phillips Pipeline Company – boring underneath county roads NS/425; EW/520 and EW/540 in District #3 to construct an additional 10 inch line within our present easements -

Commissioner Thacker stated he spoke with a representative from Conoco Phillips last week and this permit involves a large project between seven counties. Commissioner Thacker made a motion to approve with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

ITEM 13: CLAIMS:

1. Salaries – October 2009

Chairman Helm stated to District Attorney, Gene Haynes, that Rebecca Muratet Dealy has submitted a travel claim allowance in the amount of \$300. Last month it was brought up about the \$300 travel claim and we were suppose to get a legal opinion to the Board of County Commissioner's and what is happening is Ms. Dealy has turned in again for the \$300 since we do not have a written legal opinion from the D.A.'s office. We, the Board, need to know what to tell her so this issue can be put to bed.

Haynes stated he thought the matter was resolved last month, but what you are telling me is that you are waiting on a written opinion on the matter. Chairman Helm stated that last month it was brought up by Commissioner Thacker and Barry Farbro, Assistant District Attorney, instructed him that he had a legal opinion that he did in 2003 and that he was wrong because of an Attorney General's opinion that he later discovered that ruled differently on the matter. Commissioner Thacker had asked for this letter and today, we do not have a letter saying what we are suppose to do. We do have an e-mail from Farbro that came in Friday, but no written letter from the D.A.'s office. We are just asking for documentation, because we don't have anything in writing from the D.A.'s office telling us, the Board, that Ms. Dealy can't claim this travel.

Haynes stated that Barry (Farbro) has advised on the matter, but I don't have a copy of his opinion, or if he did an opinion, as far as a letter opinion. I can do one if that is what you want. It is my understanding that what has been discussed in the past, is that the Election Board Secretary is not included in that group of county officers listed in the statutes that are allowed to have a travel allowance. Chairman Helm stated that the Board can go ahead today and approve payment of the salary claims, with the understanding from Ms. Dealy that it will not include the \$300 travel claim.

Chairman Helm stated to Haynes that he wants the W-2's that go back to 2003 and if it was added to her salary package, then I'm entitled to the money back as a county and I want you to take a look at that also. Commissioner DeLozier stated not if the District Attorney approved it. Chairman Helm continued but if it didn't go through the Board and we approved it. The state has paid us back for this every month, and I want to be able to take it to them and say we didn't do anything wrong, here is what we are doing. And we don't have a Senator coming in here and asking why are we doing this different. I want to be able to support it with documentation.

Commissioner Thacker inquired about the difference between a travel allowance and travel reimbursement. Travel allowance, as I understand it, is just in a lump sum of say \$300; and if itemized a person could end up getting more money. Chairman Thacker inquired as to who is eligible to receive a travel allowance and Haynes stated he would look into it. He knows for sure the Commissioner's, Sheriff, but after that is not sure. Obviously there is some issue about it, so I don't want to say verbally for sure until I know for sure.

Chairman Helm made a motion to approve the October 2009 payroll claims as presented with the exception of the \$300 travel claim submitted by Rebecca Muratet Dealy awaiting the opinion from the District Attorney's office with Commissioner Thacker 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 –

Assessor: District #3 warehouse, \$400.00; District #3: R & S Auto Parts in Claremore, \$750.00; Sheriff's jail medical: Correctional Dental Services, \$2000.00; Diamond Medical Supply, \$500.00; Diamond Drugs, Inc., \$6000.00; St. Francis Lab, \$1200.00; PHS Mobile X-Ray, \$600.00; Medical Compliance Specialty, Inc., \$400.00; Sheriff's vehicle maintenance: District #1 warehouse, \$3000.00; District #2 warehouse, \$3000.00; District #3 warehouse, \$5000.00; Sheriff's Board of Prisoner's: Bimbo Bakeries, \$1350.00; Farmers Bros. Coffee, \$300.00; Sysco Foods, \$3200.00; Sysco Foods, \$7100.00; and Warehouse Market, \$300.00 - Commissioner DeLozier made a motion to approve the blanket purchase orders as presented and have Purchasing Agent, Marilyn Gibson, check to see if Sysco Foods is on the state contract, 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 Approval/Disapproval of Architects Elevation of Rogers County Courthouse and E-911 Center –

Billy Knowles and Kim Reeve with BKL, Inc., located at 1623 East 6<sup>th</sup> Street, Tulsa, Ok 74120, were present at the meeting. Mr. Reeve spoke on behalf of BKL and presented a drawing or elevation of the courthouse to the Board. Judge Post, Judge Steidley and Judge Condren were present at the meeting also. Mr. Reeve thanked the Commissioner's for their cooperating and help and the advisory committee for all the endless hours they have put in. We have been meeting every Thursday for many weeks and have had excellent participation and people have committed themselves to come and participate. As a result of the many meetings, we have today an elevation of the front of the courthouse that was approved by the advisory committee and there will be more drawings ready by the end of the day, but we wanted to present this to the Commissioner's and the public to show where we are at this point. This is a 4-story building comprised of approximately 100,000 square feet of space. We will have sight plan drawings, floor plans and we have drawings for the E911 center, which I did not bring today, and all will be available on boards and electronic media so that the county can use to display for the citizens of Rogers County prior to the vote.

Commissioner DeLozier stated he liked the elevation drawing and inquired as to what was windows and columns in the front. Commissioner DeLozier inquired if the building was designed to be added onto and Reeve replied, yes sir. The building design has room on the north and south ends and on the west side to add onto the building, plus we have tried to arrange space inside the building so there is flexibility as needs change down the road inside the courthouse. There should be room for expansion without actually having to add on to the outside.

Chairman Helm asked as massive as the surface appears, is it going to overload the City of Claremore's storm water system? Reeve replied we are actually increasing the permeability of the sight from what we have now. Right now the sight we would be putting it on is fully paved and we are adding grass to some of that space, so that should slow down storm water coming onto this sight and leaving the sight to what it is currently.

Commissioner Thacker made a motion to approve the architects elevation of the Rogers County Courthouse as presented contingent upon seeing final drawing of E911 center that the advisory committee approved, with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

2. Discussion with possible action on utilizing "Local Preference" in bidding projects for the Rogers County Courthouse and E-911 Center –

Commissioner Thacker stated he felt this was a good idea because the courthouse is a large structure and Rogers County has many local contractors and by using local contractors would help stimulate the economy if and when the bond passes and prefer we give "local preference" to Rogers County contractors first, and spread out from there and hope to keep it all in at least Oklahoma. Commissioner Thacker made a motion to utilize "local preference" in bidding projects for the Rogers County Courthouse and E-911 Center with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

3. Discussion with possible action on Presentation by Charles Dawson with Fidelity Life on LifeTime Benefit Term Life Insurance –

Commissioner DeLozier stated he placed this item on the agenda. Charles Dawson and Tom Pigg with Advantage Care located at 3223 East 31<sup>st</sup> Street, Suite 115, Tulsa, Ok 74105, were present at the meeting. Pigg presented their package of Fidelity Life LifeTime Benefit Term Life Insurance with Long Term Care Protection (see handout) and stated they are just asking the Board's permission to talk to the county employees about their plan. Pigg continued that they were approved by the state on September 8, 2009, and presented a copy of a letter from Kim Holland, State Insurance Commissioner to that fact.

Commissioner Thacker stated that he typically meets with the representatives about any insurance matters before presenting it to the Board and employees and does not know anything about Fidelity Life. Insurance has already been done for the upcoming year and would like to know more about it first. Commissioner DeLozier made a motion to table this item for one week (November 2<sup>nd</sup>) to allow the representatives to meet with Commissioner Thacker with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

4. Discussion with possible action on Renewal of Community Care Senior Health Plan Year January 1, 2010 through December 31, 2010 - \*\*\*NOTE\*\*\*this item was tabled from October 12, 2009, meeting\*\*\*

Marilynn Gibson, County Clerk Purchasing Agent and 1<sup>st</sup> Deputy, reported that Commissioner Thacker had negotiated a price reduction in Community Care Senior Health Plan. Gibson stated she received an e-mail from Rebecca Vonfeldt with Employee Benefit Professionals, LLC, about the plan renewal and amendment to the commercial contract's termination date. The current rate for retirees is \$142.00 and the renewal rate is \$153.00. Commissioner Thacker made a motion to approve with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

5. Discussion with possible action on Approval of Rogers County paying a portion (50%) of county employee's membership fees/dues to the Claremore Recreational Center - \*\*\*NOTE\*\*\*this item was tabled from October 12, 2009, meeting\*\*\*

Commissioner DeLozier reported that he and Nichelle Slavens with

Community Care met with a representative from the Claremore Recreational Center on Friday, October 23<sup>rd</sup>, and the representative stated we need to know how many people are interested in going to the rec center before they can give us an answer. Commissioner DeLozier made a motion to table this item indefinitely with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

6. Discussion with possible action on Approval/Disapproval of NACO – National Association of Counties membership dues for 1-1-2010/12-31-2010 in the amount of \$1309.00 –

Chairman Helm reported that NACO is the only national organization that represents county governments in the United States and helped Rogers County with a prescription drug discount card program. NACO also provides lobbying, conferences, financial services center, networking with county officials, web site, County news/NACO e-news, technical assistance training & workshops, research and education along with grants clearinghouse. Chairman Helm made a motion to approve with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

7. Discussion with possible action on Approval/Disapproval of Karen Flowers being appointed receiving agent for Rogers County Election Board –

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

8. Discussion with possible action on Approval/Disapproval of Reimbursement form as per Resolution #2009-76 directing County Treasurer to deposit funds from Sheriff's Office for fuel reimbursement in the amount of \$2156.84 into the one-cent sales tax fund for distribution for District #1 –

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

9. Discussion with possible action on Approval/Disapproval of Reimbursement form as per Resolution #2009-76 directing County Treasurer to deposit funds from Sheriff's Office for fuel reimbursement in the amount of \$464.00 into the one-cent sales tax fund for distribution for 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.

10. Acknowledgement for public record receipt of check #1314 from Grand Gateway Economic Development Association E-911 for August 2009 E-911 service fees in the amount of \$22,780.85 – Acknowledged for public record, no action taken.

11. Acknowledgement for public record receipt of letter from Vincent B. Montgomery, Acting Supervisor, Public Employee Occupational Safety & Health, Oklahoma Department of Labor, on a safety and health inspection conducted at District #2 warehouse by Irving Love, Compliance Inspector, on May 14, 2008 – Acknowledged for public record, no action taken.

12. Discussion with possible action on Approval/Disapproval of Resolutions for Disposing of Equipment for the Rogers County Assessor's Office as follows: Sharp calculator, sn#9D061397; Canon calculator, sn#60680043; Sharp calculator, sn#1D001103; Monroe calculator, sn#J532271; HP Laserjet printer, sn#CNFB866970; HP Laserjet printer, sn#USGNX10364; HP Laserjet, sn#CNDXF00816; and Sharp calculator, sn#9D061407 – all 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.

13. Discussion with action on Approval/Disapproval of Tim Albin to the Oologah Talala EMS (OTEMS) Board of Directors to take over the term left vacant by the resignation of Mr. Nathan Arnold who recently became OTEMS Operations Manager, and term will be through May of 2011 –

Kelly Deal, Director of OTEMS was present at the meeting and reported to the Board that Mr. Albin brings to the district decades of experience in public service through his tenure in law enforcement and Mr. Albin also works closely with the Rogers County Sheriff's Department as a liaison between the Tulsa County Sheriff's office and Rogers County Sheriff's office. Chairman Helm made a motion to approve the appointment with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

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, October 26, 2009\*\*\*Commissioner Thacker 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 –

Chairman Helm stated that the county is in an emergency situation about what has been in the newspaper and what is being said about the mold at the courthouse. Chairman

Helm asked Robert Dean Swain with Environmental Hazard Control, Inc., located at 6539 East 31<sup>st</sup> Street, Suite 33, Tulsa, Ok 74145 to explain what he has been doing at the courthouse. Chairman Helm inquired of Swain if there was mold throughout the courthouse and Swain replied we have confirmed mold behind vinyl wallpaper coverings on the 2<sup>nd</sup> floor and 1<sup>st</sup> floor areas as of this moment. Swain continued that the mold is in the Court Clerk's Office; Treasurer's Office and Judge Steidley's front reception area and court reporter's offices, behind the vinyl wallpaper and that is all that we have found at this point.

Nathan Butterfield with Worldwide Restoration, Inc., at P.O. Box 690356 in Tulsa, Ok 74169-0356, was asked by Chairman Helm if he could correct at the problems that Rogers County has with the mold and he replied yes sir. Chairman Helm then asked Butterfield if the problems of the mold needed to be corrected first or replacement of the windows should be done first and Butterfield replied the windows need replaced first.

Chairman Helm inquired of Swain and Butterfield both if the water problem originate from the windows leaking, pipes or what? Swan replied that leaking windows are part of the problem, but the major source of the problem is vapor drive, where moisture penetrates the brick walls and the vinyl wallpaper is serving as a vapor barrier trapping it behind it and on the sheetrock allowing the mold to grow there. Chairman Helm inquired of Butterfield if he could fix the problem, and Butterfield replied, yes sir.

Chairman Helm continued that the Board will need estimate for repairs and place the item on the agenda next week for the Board to be able to take action upon. No action taken.

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 the meeting was adjourned at 11:09 A.M.

BOARD OF COUNTY COMMISSIONERS  
ROGERS COUNTY, OKLAHOMA

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

(SEAL)

*Notice of said meeting was filed in the Office of the County Clerk on Friday, October 23, 2009, at 8:28 A.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; on the wheelchair ramp door; and on the county web site.*