

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, November 23, 2009, at 9:00 O'clock A.M.

MINUTES

ITEM 1: CALL TO ORDER:

Chairman Mike Helm called the meeting to order at 9:00 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:

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: November 16, 2009

Commissioner DeLozier stated that on November 16<sup>th</sup> minutes under Roads and Bridges Item #2 where he seconded the motion and "stated on the 5-year plan didn't we agree that you get the BR bridge and not all the CBRI funds", the word not needs to be removed and stricken. Commissioner DeLozier made a motion to approve the minutes from November 16<sup>th</sup> with the noted exception with Chairman Helm 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:

1. Discussion with possible action on Approval/Disapproval ODOT Claim form 324a for Guy Engineering Services, Inc., in the amount of \$1965.80 on invoice #66-6-09 for annual inspections of County Road System Bridges in Rogers County for District #1; #2 and #3 – (D#1) –

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

2. Discussion with possible action on acceptance of Highway Easement from State of Oklahoma Turnpike Authority granting to County of Rogers, Oklahoma, a perpetual easement to the surfaces of the following described lots or parcels of land for the purpose of establishing thereon a public highway or facilities necessary and incidental thereto, and including all right and interest in and to the airspace, light and view above the surface of the lands described herein, for the term of the agreement, to-wit:

A tract of land identified as Tract (1) and located in the Southwest Quarter (SW/4) of Section Twenty-nine (29) of Township Twenty (20) North and Range Fifteen (15) East of the I.B.&M., according to the U.S. Government Survey thereof, Rogers County, State of Oklahoma, containing 3.86 acres more or less

AND

A tract of land identified as Tract (2) and located in the Southwest Quarter (SW/4) of section Thirty-two (32) of Township Twenty (20) North and Range Fifteen (15) East of the I.B.&M., according to the U.S. Government Survey, thereof, Rogers County, State of Oklahoma, containing 0.63 acres, more or less –

Peggy Armstrong, Rogers County Clerk, explained to the Board that Assistant District Attorney, Barry Farbro, advised before the County Clerk's Office can record any documents in the real estate records that involves Rogers County, the document(s) should be placed on the next Commissioner's agenda for them to accept and keep them apprised of what is going on. Chairman Helm stated this will allow Rogers County Commissioner's to demolish the existing one-lane East Pine Street Bridge, located over the abandoned Will Rogers Turnpike right-of-way, and reconstruct East Pine Street, at-grade, across the abandoned turnpike property. Chairman Helm made a motion to accept of the Highway Easement as presented 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:  
None presented.

ITEM 11: TRANSFER OF FUNDS:

1. Commissioner's part-time salaries to travel - \$2500.00

Commissioner DeLozier stated he placed the transfer on the agenda because there is no money in the travel account for Christine (Day) to use when traveling to ACCO or certification classes. Commissioner DeLozier made a motion to approve the transfer as presented with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

2. Election Board M&O to capital outlay - \$783.00

Election Board Secretary, Rebecca Dealy, stated the existing computer CPU is to be junked and is to be replaced with a new computer CPU. Chairman Helm made a motion to approve 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. Discussion with possible action regarding the proposed reassignment of District #2 employee LeRoy Garrison to the county courthouse general operations and maintenance department -

Peggy Armstrong, Rogers County Clerk, inquired about a letter dated October 28, 2009, the payroll department had received stating "beginning November 1<sup>st</sup>, please move LeRoy Garrison from Rogers County District #2 to the maintenance department at the courthouse" from Mike Helm, Chairman of the Board of County Commissioners; but his wage claim was from District #2 and Armstrong continued that the County Clerk's Office was just asking for clarification as to where Garrison was to be paid.

Commissioner DeLozier asked why are we moving someone else into maintenance? Commissioner Thacker asked, we're not budgeted for another employee out of maintenance are we and Chairman Helm replied, no we are not. Chairman Helm continued that we have an issue. Commissioner DeLozier, which is? Chairman Helm stated he was not sure as to how to proceed from here without violating HIPPA laws and asked Assistant District Attorney, Barry Farbro, for assistance. Farbro stated if the Commissioner's suspect it may be an item that would be properly discussed in executive session, it can be placed on the agenda if it meets the criteria established by the statutes. Farbro continued that he is not familiar with the issue Chairman Helm is talking about other than the employee was being re-assigned and whether there was money to pay for it. If there is some other issue of privacy nature, it may very well be a topic for executive session, but at this time does not know without knowing all the issues. Asked for one of the Commissioners to discuss the matter with him and let him determine whether or not it is an appropriate executive session item. Chairman Helm made a motion to table this item until further notice to give time to talk with Mr. Farbro and pay the claim out of District #2 funds with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

2. Salaries – November 2009

Peggy Armstrong, Rogers County Clerk, informed the Board that District #3 had terminated 2 employees this month, one of which was seasonal; District #1 terminated a seasonal employee and Rebecca Dealy, Election Board Secretary, had turned in a \$300.00 monthly travel claim. Commissioner Thacker stated the employee he terminated was to be paid 4-1/4 hrs. comp time. Chairman Helm made a motion to approve payment of all November 2009, salary claims as presented with the exception of the \$300.00 travel claim from Election Board Secretary, Rebecca Dealy, because the D.A. has not ruled on that matter yet. Commissioner Thacker seconded the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

3. Attendant Care – None presented.

4. Alternatives to Detention/Transportation Claim to State of Oklahoma, Office of Juvenile Affairs, District G JSU, 1498 South Elliott, Pryor, Ok 74361 in the amount of \$3250.10 for October 2009 –

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

ITEM 14: BLANKET PURCHASE ORDERS:

1. Materials, Supplies, Parts, Groceries & Prescriptions –

Sheriff's Jail medical: Correctional Dental Services, \$2000.00; Diamond Drugs, Inc., \$6000.00; Diamond Medical Supply, \$500.00; St. Francis Lab, \$1200.00; PHS Mobile X-Ray, \$600.00; Sheriff's vehicle maintenance: District #1 warehouse, \$5000.00; District #2 warehouse, \$3000.00; District #3 warehouse, \$6000.00; Froman Oil Company, \$300.00; Speedy Lube, \$500.00; Sheriff's jail Board of Prisoners: Farmers Bros. Coffee, \$300.00; Bimbo Bakeries, \$1350.00; Sysco Foods, \$3200.00; Sysco Foods, 7100.00; Warehouse Market, \$300.00; and District #2 warehouse: Fleet Service of Tulsa, Inc., \$5000.00 – Chairman Helm 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 with possible action on request of Court Appointed Special Advocates (CASA) placing a Christmas angel tree on the 1<sup>st</sup> floor of the courthouse – (D#1)

Angela Henderson, CASA Director, reported that a Christmas angel tree has been placed on the 2<sup>nd</sup> floor of the courthouse for several years, but the last couple of years has not done very well there. CASA is requesting permission from the Board to place the angel tree on the 1<sup>st</sup> floor where it might have a chance to be seen by more of the public that use the courthouse. Henderson stated she had visited with Peggy Armstrong, Rogers County Clerk, last week and the County Clerk's Office is willing to take the lead and keep track of the person(s) taking the ornaments and returning gifts. Commissioner DeLozier made a motion to approve with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

2. Discussion with possible action on Approval/Disapproval of Resolutions for Disposing of Equipment for District #3 as follows: 430D Caterpillar Backhoe, sn# BNK 4459 and 430D Caterpillar Backhoe, sn# BNK 4458, to be declared as surplus property and sold at public auction – (#3) - \*\*\*NOTE\*\*\*this item was tabled from November 16, 2009, meeting\*\*\*

Commissioner Thacker made a motion to table this item for another week (November 30<sup>th</sup>) with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

3. Discussion with possible action on Approval/Disapproval of telephone quotes received on courthouse windows and window frame replacements and resealing windows on 1<sup>st</sup> floor and 2<sup>nd</sup> floor of the Rogers County Courthouse - \*\*\*NOTE\*\*\*Bid #520 was opened on September 21, 2009, and no bid responses were received\*\*\*

Marilynn Gibson, Purchasing Agent, reported that by last Friday, (November 20<sup>th</sup>) she had only received one quote, but also on Friday, four different vendors/supplies were reviewing the windows with Arthur (Mathews). I have told everyone that their quote will need to be in by next Monday, November 30<sup>th</sup>. Commissioner DeLozier made a motion to table this item for one week (November 30<sup>th</sup>) to allow time for phone quotes to come in with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

4. Discussion with possible action on reduced C.O.B.R.A. premiums of qualified participants and payments required by Rogers County (employer) as mandated by the American Recovery and Reinvestment Act of 2009 – (D.A.) \*\*\*NOTE\*\*\*this item was tabled from November 2, 2009, meeting and November 9, 2009, meeting\*\*\*

Marilynn Gibson, 1<sup>st</sup> Deputy County Clerk, reported that since last week the county has received the first amount from the IRS in the amount of \$1630.18 with \$17.59 interest made. The item was placed on the agenda for this week, because Gene (Haynes) stated he had a letter ready for the Board, but at this time has not been delivered to the County Clerk's Office. Chairman Helm inquired as to how much the county is still waiting on from the IRS to reimburse and Gibson replied \$2886.01 for period ending September 30, 2009. Gibson stated that \$6000.00 would possibly get us through December 30, 2009, and recommended to the Board doing a purchase order from general fund and depositing the check into the COBRA fund for bookkeeping and tracking purposes. Chairman Helm made a motion to table this item for another week (November 30<sup>th</sup>) to allow Gene Haynes, District Attorney, to get his letter to the Board with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

5. Discussion with possible action on Approval/Disapproval of Resolution #2009-87 and Reimbursement form directing County Treasurer, Cathy Pinkerton Baker, to deposit funds from State of Oklahoma, Department of Transportation in the original amount of \$26,696.05 of which \$10,205.08 is to be deposited into the one-cent sales tax fund for distribution for District #1 – (D#1) –

Commissioner DeLozier stated this money was from the ER project on the Winganon Causeway for emergency repairs during the flooding, this money is paying us back. Commissioner DeLozier made a motion to approve 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 State of Oklahoma, Designation of Political Sub-Division Agent, Rogers County Emergency Management, whereas the primary and secondary agents are hereby authorized to serve as the political subdivision's point of contact (POC) for the purpose of reporting disasters and emergencies and the events associated with them to Oklahoma's Department of Emergency Management (OEM) –

Bob Anderson, Emergency Management Director, reported that this has been being done every year and the primary agent is me with the secondary agent usually being whoever is chairman of the Board for that particular year. Chairman Helm made a motion to approve with Bob Anderson, Emergency Management Director, being the primary agent and Commissioner Thacker being the secondary agent. Commissioner DeLozier seconded the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

7. Discussion with possible action on Approval/Disapproval of Reimbursement forms as per Resolution 2009-76 directing County Treasurer, Cathy Pinkerton Baker to deposit funds from Sheriff's Office for fuel reimbursement in the amount of \$2107.13 into the one-cent sales tax fund for distribution for District #1 and \$500.73 into the one-cent sales tax fund for distribution for District #2 –

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

8. Acknowledgement for public record receipt of check #1321 from Grand

Gateway Economic Development Association E-911 for E-911 service fees for September, 2009, in the amount of \$22,775.91 – 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)\*\*\*NOTE\*\*\*see attached list of all claims that were approved for payment on Monday, November 23, 2009\*\*\*Commissioner Thacker made a motion to approve payment of all purchase orders as presented from all departments with the exception of purchase order #003774 from Sheriff's Jail medical account in the amount of \$1031.80 to Diamond Drugs, Inc., because of it being out of the fiscal year and needing a letter from the District Attorney before payment can be made and have County Clerk, Peggy Armstrong, check with the D.A.'s office on purchase order #003308 issued by the Rogers County Fairboard for advertising in the amount of \$3000 to Bluegrass & Chili Festival to see if that is a legal issuance since the Fairboard gets a millage from the county. Commissioner DeLozier 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 –  
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 the meeting was adjourned at 10:41 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 Thursday, November 19, 2009, at 3:16 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; on the wheelchair ramp door; and on the county web site.*