

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 30, 2009, at 9:00 O'clock A.M.

MINUTES

ITEM 1: CALL TO ORDER:

Chairman Mike Helm called the meeting to order at 9:01 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 23, 2009

Commissioner DeLozier made a motion to approve the minutes from November 23, 2009, as presented 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: None presented.

ITEM 10: CASH FUND ESTIMATE OF NEEDS AND REQUEST FOR APPROPRIATIONS:

1. 005 Use Tax – \$54,704.54
2. 007 Health Supplemental Fund – \$9,810.40
3. 101 Unrestricted Highway – \$252,714.68
4. 141 Cellular Phone Usage - \$22,775.91
5. 142 E-911 - \$12,091.01
6. 145 Attendant Care – None presented.

Commissioner DeLozier made a motion to approve Items 1 thru 5 under 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. A T & T – boring & trenching 700 feet West of SE/corner of Section 7, Township 21 North, Range 17 East, thence trench North along West side of county road NS/4200 3200 feet; thence place fiber cable aerial 7900 feet; then bury North to county road EW/470; thence East across county road NS/4200 to cell site East along county road EW/470 on South side 690 feet in District #1 and District #3 – (D#1) ***NOTE***this item was tabled from November 2, 2009, meeting and November 9, 2009, meeting***

Commissioner Thacker stated the only problem with the permits was they were not signed by the applicant, but they have now been signed. Commissioner Thacker made a motion to approve with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

2. Cox Communications – boring *Ky Lake Street* (not Rose Glen Street) beginning at the NE/4 of the NE/4 of Section 25, Township 21 North, Range 15 East of the I.B.&M., Rogers County, in Ky Lake Estates in District #3 – (D#3) – ***see action taken by Board under #4 of utility permits***

3. Cox Communications – boring Rose Glen Street beginning at the S/2 of the NW/4 of Section 19, Township 21 North, Range 16 East of the I.B.&M., Rogers County, in Rose Glen Subdivision in District #3 – (D#3) – ***see action taken by Board under #4 utility permits***

4. Cox Communications – trenching in utility easement in the NW/4 of Section

30, Township 21 North, Range 16 East of the I.B.&M., Rogers county, in Jewel Estates Subdivision in District #3 – (D#3) –

Commissioner Thacker stated we are having an issue on the permits submitted by Cox Communications. On the permit for item #4 the road they intend to cross is not listed and items 2 & 3 do not have complete information on them. We need to meet with someone from Cox Communications first. Commissioner Thacker made a motion to table items 2, 3 & 4 indefinitely with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried. Commissioner Thacker continued, the reason he tabled them items is because the county is still having trouble with so many of the utility companies not putting the ditches back to the original way they were before, they permit is not being followed and once they do it what can we do about it? Chairman Helm asked Gene Haynes, District Attorney, for a legal opinion and have Cox Communications to pay a fee? Haynes answered that he was not aware of the Board having any authority in passing a resolution setting a fee schedule. If you had an issue with a company in the past, another possibility is for the Board to do a resolution that the company has to post a bond so that if they do not fix the ditches back, the county can fix it themselves and take it out of their bond. Commissioner Thacker stated he would have a letter drafted to the D.A. for a legal opinion.

ITEM 13: CLAIMS:

1. Salaries – None presented.
2. Attendant Care – None presented.

ITEM 14: BLANKET PURCHASE ORDERS:

1. Materials, Supplies, Parts, Groceries & Prescriptions –
Emergency Management: Froman Oil, \$400.00; E-911 Addressing: Froman Oil, \$300.00; District #3: R & S Auto Parts, \$750.00 – 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 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 – (D#3) - ***NOTE***this item was tabled from November 16, 2009, meeting and November 23, 2009, meeting***

Commissioner Thacker stated last week was a short week and since the agenda had to be posted earlier than usual, he did not get a transfer on the agenda in time for this week to do a pay-off. Commissioner Thacker made a motion to table this item for another week (December 7th) with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

2. Discussion with possible action on Approval/Disapproval of telephone quotes received on courthouse windows and window frame replacements and resealing windows at 1st floor and 2nd floor of the Rogers County Courthouse - ***Bid #520 was opened on September 21, 2009, meeting and no bid responses were received*** ***NOTE***this item was tabled from November 23, 2009, meeting***

Marilynn Gibson, Purchasing Agent, informed the Board that she contacted six (6) companies and four (4) quotes were sent in. 1.) Property Damage Solutions, LLC, for \$5495.00; 2.) Panther Creek Construction for \$5800.00; 3.) Baker Construction, Inc., for \$8895.00; 4.) Dealy & Assoc., LLC for \$14,695.22. ***see copy of quotes attached for complete information***

Commissioner Thacker stated except for one bid, every single bid is under the \$10,000.00 bid limit. Now you know why I wanted it bid. Commissioner DeLozier inquired from Arthur (Mathews) head of maintenance, is this something that needs to be done next week, could we leave this and not make a decision on this until after the December 8th vote. Arthur replied yes, he felt we could, because they are not predicting any heavy rainfall. Commissioner DeLozier continued before he makes a decision on the matter today, he would like to see what will happen on the 8th. If they are leaking bad, that is one thing, but if it is just because of the stain between the panes, I feel another couple of weeks will not hurt.

Commissioner Thacker asked why wouldn't we just go in and seal them up and caulk them to keep the rain from coming in? Commissioner DeLozier asked Arthur if we have some windows getting moisture in through them. Arthur replied yes, it is coming in around the windows and it is a concern of Judge Price with a couple of panes being broken in his chambers moisture is getting in there and mold had been growing in there. But, his windows have been replaced now, those were the first ones to be done.

Commissioner Thacker inquired from Chairman Helm to explain why there were no responses in the beginning and now we have responses from \$5495.00 to \$14,695.22, how did we end up on that deal and how did you decide to go with one and I was told that day it was closer to \$11,000.00, but the quote today is \$14,695.22 and there are people out there that are wanting this job? Chairman Helm explained all he did was ask Arthur to get the phone quotes and I left it with the department head. Commissioner Thacker replied, around here the Commissioner's make the decisions and your reign of tyranny around here is over, you're done. Either start doing it right

or you and I are going to have a problem. Commissioner Helm replied then we may have problems then. I just followed the same example that has been done for years and we can take any other things that have been done in the past, especially outside the D.A.'s office when we poured concrete, that was done without coming before the Board too. I simply ask the department head to handle it and decide how to do it. I don't get the phone quotes, it is not for me to do. If we want to bring up the past, I will be more than happy to do that and make it an agenda item and discuss each and everyone of them. But, I don't feel like I need to. Commissioner Thacker answered, I seem to have heard that in the past, it wasn't me, it was my employee. You're not blaming an employee, that is over. Chairman Helm countered, it's not the place of the employee, but department heads utilizing what we had to do and you saw Barry's (Farbro) opinion and Gene's (Haynes) opinion that the purchasing agent from now on will do the phone quotes and that had not been done in the past. It was left up to the department head to get it and turn it in.

Larry Dealy of Dealy & Assoc. Constr. LLC, stated if this agenda item is going to be continually tabled, there have been services rendered in good faith and submitted a bill for services rendered and asked for immediate payment in the amount of \$9125.27. Commissioner Thacker stated that he agreed with Dealy that services were rendered in good faith, and I don't expect the vendor to know how county government runs, but how much is the bill? Commissioner Thacker continued, obviously this is going to become a legal question.

Commissioner DeLozier made a motion to table this item for two weeks (December 14th) with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

3. 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 been tabled from the November 2, November 9, and November 23, 2009, meetings***

Peggy Armstrong, Rogers County Clerk, presented the Board with the letter from Gene Haynes, District Attorney, see letter, advising that Rogers County will be in violation of federal law, unless the Board authorized the payment of such future premiums from some other account. Marilynn Gibson, 1st Deputy County Clerk, stated to keep the account in the black until December 31, 2009, she estimated around \$6000 and requested the money come from general fund and a purchase order be done to the COBRA account to help keep track of the money. Commissioner Thacker made a motion to use \$6000 from general fund and do a purchase order to the COBRA account and we would re-visit again in January if need be with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

4. Discussion with possible action on results of safety and health inspection performed by Irving Love, Compliance Inspector with the Oklahoma Department of Labor on October 19, 2009, at the Rogers County Courthouse –

Acknowledged for public record only, no action taken.

5. Discussion with possible action on Resolution for Disposing of Equipment for the Rogers County Sheriff's Office to be declared as surplus property and sold by sealed bid at a date to be determined later, as follows: Colt Frontier Scout 22LR, sn#53655P; Colt Trooper 111 357 Mag, sn#55597J; High Standard Sentinel Deluxe 22LR, sn#2120604; Jennings J-22 22LR, sn#208079; Jennings J-22 22LR, sn#128552; Jennings J-22 22LR, sn#122524; Lorcin L25, sn#10020; Marlin 444, sn#70-65248; Mauser VZ24 7MM, sn#9082E3; Mossberg 500 A 12GA, sn#K077637; Remington 870 12 GA, sn#A098801M; Remington 870 12 GA, sn#V510730V; Remington 870 12 GA, sn#V760645V; Remington 870 12 GA, sn#V528787V; Remington 870 12GA, barrel only; Revelation 99 22LR, sn#1527063; Ruger Mini 14 223, sn#183-02360; Ruger Mini 14 223, sn#181-65114; Ruger Mini 14 223, sn#195-63734; Ruger Mini 14 223, sn#186-72181; Ruger Mini 14 223, sn#183-02716; Ruger Mini 14 223, sn#181-73527; Ruger Mark 11 22LR, sn#19-45071; Ruger Mark 11 22LR, sn#213-08721; Ruger Blackhawk 22 LR, sn#46608; Ruger Mark 1 22LR, sn#15-74652; Ruger Bearcat 22LR, sn#91-34986; Ruger Security Six 357 MAG, sn#153-10621; Ruger Mini 14 223, sn#196-32736; Ruger Mini 14 223, sn#181-70125; Ruger Mini 14 223, sn#182-99442; Ruger Mini 14 223, sn#196-42923; Ruger Mini 14 223, sn#186-58747; Ruger Mini 14 223, sn#196-29743; Ruger Mini 14 223, sn#196-29825; Ruger Mini 14 223, sn#186-72237; Ruger Mini 14 223, sn#182-85210; Ruger Mini 14 223, sn#186-24442; S & W 3000 12 GA, sn#FB94517; S & W 28-2 357 MAG, sn#S287163; S & W 39-2 357 MAG, sn#A528909; S & W 66 357 MAG, sn#2K31205/61979; S & W MOD 19 357 MAG, sn#TK89237; S & W SNUB 38, sn#445853; S & W 4586 45 ACP, sn#THC3333; S & W 4586 45 ACP, sn#TFK8204; S & W 4586 45ACP, sn#TFK8315; S & W 457 45 ACP, sn#VZE5315; S & W 4586 45 ACP, sn#THA5004; S & W 4586 45 ACP, sn#TFK8201; S & W 4586 45 ACP, sn#THA5208; S & W 4586 45 ACP, sn#THC3417; S & W 4586 45ACP, sn#THC3178; S & W 4586 45 ACP, sn#THC3191; S & W 4586 45 ACP, sn#THC2167; S & W 4586 45 ACP, sn#THA5241; S & W 4586 45 ACP, sn#TFK8145; S & W 4586 45 ACP, sn#TFK8129; S & W 4586 45 ACP, sn#THA5209 S & W 457 45, sn#VZE58895; S & W 4586 45 ACP, sn#THC2125; S & W 457 45 ACP, sn#V2E7008; Savage 110 30-06, sn#B595878; Springfield 67 12 GA, sn#A964144 –

Gene Haynes, District Attorney, inquired from Captain Mike McElhaney, are these all service revolvers that are being retired? McElhaney replied, some of them are and some are seized and evidence weapons. Marilynn Gibson, Purchasing Agent, stated that Jim Rush, Evidence Officer told her they were all issued and on inventory. Commissioner DeLozier stated he understood from Sheriff Walton that some of the guns were from seizures and McElhaney stated he believed several of the guns listed are seized guns. Haynes reminded that there is a specific procedure to

follow when disposing of county equipment, but there is also a different procedure to follow when you dispose of abandoned property that you seize as evidence that no one has ever claimed. We need to make sure that we are not mingling of the two. Commissioner DeLozier made a motion to table this item for one week (December 7th) with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

6. Discussion with possible action on Approval/Disapproval of Reimbursement form as per Resolution #2009-76 directing County Treasurer, Cathy Pinkerton Baker, to deposit funds from Rogers County Assessor's Office for fuel reimbursement in the amount of \$347.90 into the one-cent sales tax fund for distribution for District #3 – (D#3)

Commissioner Thacker made a motion to approve with Commissioner DeLozier 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, November 30, 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 Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried and the meeting was adjourned at 10:10 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 Tuesday, November 24, 2009, at 4:27 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.