

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, December 21, 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: December 14, 2009

Commissioner Thacker made a motion to approve the minutes from December 14, 2009, as presented with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

ITEM 6: UNFINISHED BUSINESS:

1. Award Bid #527 – Sheriff's Cars

NOTEthis item was tabled from December 14, 2009, meeting***

Captain Mike McElhaney presented a letter to the Board from Sheriff Scott Walton and Commissioner Thacker read it out-loud; after reviewing the bid for Sheriff's Department vehicles, I have determined that only one bid meets my specifications and I would respectfully ask Bid #527 from the Kansas Highway Patrol be awarded. Chairman Helm made a motion to award the bid to Kansas Highway Patrol with the recommendation of Sheriff Walton with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

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 Understanding (MOU) between Rogers County and the Cherokee Nation, whereas, part of the Cherokee Nation's annual road inventory update process with the Bureau of Indian Affairs this MOU is a requirement so that the listed routes will be eligible for Indian Reservation Roads (IRR) funding on BIA Region/Agency/Reservation GT905; Route Number 0521; Route Name Will Rogers Downs Drive; Length 0.40 in Rogers County, Oklahoma – (D#2) -

NOTEthis item was tabled from December 7, 2009, meeting and December 14, 2009, meeting***

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

2. Discussion with possible action on Circuit Engineering District #1 information and updates and update of 5-year plan by John Blickensderfer with Guy Engineering Services, Inc. -

John Blickensderfer with Guy Engineering Services, Inc. and Circuit Engineering District #1 presented the Board with an updated Rogers County 8-year plan that was updated on December 21, 2009. Blickensderfer stated he has made a few minor changes to the plan as requested by James Pruitt with Oklahoma Department of Transportation. Funding for utilities have already been encumbered on Inola and Panther Creek and expenses were shown on the plan for 2010 and they have been removed which will leave more money for other projects. Winganon Causeway has been added to the plan also.

Commissioner Thacker requested Bridge #126 Inola Creek be taken off the plan for 2011, because we had an emergency and it has been closed and we will be building it ourselves with a force account. Commissioner DeLozier reminded that District #3 has the CBRI funds in 2010 anyway. Blickensderfer stated he would convert Inola Creek to force account to be approximately \$450,000.00 and funds for 193rd design have been encumbered and Elm Creek Bridge #98 utilities have been encumbered in the CBRI funds.

Blickensderfer stated he would correct Bridge #126 Inola Creek for District #3 and present the plan next week for the Board to sign. Blickensderfer continued there might be possible stimulus money available to the CED#1 in the amount of \$3.7 million dollars after the first of the year.

Commissioner DeLozier made a motion to table this item for another week (December 28th) with Commissioner Thacker seconding. 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: None presented.

ITEM 12: UTILITY PERMITS: None presented.

ITEM 13: CLAIMS:

1. Salaries – None presented.
2. Attendant Care – None presented.
3. Claim of Dealy & Associates Construction, LLC - \$9125.27 – (glass for 11 windows = \$5600.00; lift rental = \$1125.27; labor 16 hours @ \$75.00 = \$1200.00; supervision/labor 8 hours @\$150.00 = \$1200.00) (DA)

Assistant District Attorney, Barry Farbros, reported to the Board a request for payment of this claim was submitted by attorney, Mack Greever, on behalf of Dealy & Associates and hand delivered to my office on December 16, 2009, at approximately 4:30 P.M. and I brought the claim down to the County Clerk's Office so it could be date stamped in and my understanding was upon receipt of an itemized statement it would be provided to the D.A.'s office and then a legal opinion would be provided and there was not time between December 16th and today to provide a written legal opinion. Farbros recommended the Board table this item until a written opinion could be provided by the D.A.'s office.

Chairman Helm made a motion to table this item with recommendation from legal counsel until further notice and the item will be placed back on the agenda once the D.A. has had time to give a written legal opinion with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

4. Alternatives to Detention/Transportation Claim to State of Oklahoma Office of Juvenile Affairs for November 2009 in the amount of \$4404.75 – (Clerk)

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

ITEM 14: BLANKET PURCHASE ORDERS:

1. Materials, Supplies, Parts, Groceries & Prescriptions –
District #1: Everett Terry, \$200.00 and Cabin Diesel Services, \$2500.00 –
Chairman Helm made a motion to approve the blanket purchase orders as presented with Commissioner Thacker 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. Presentation of election results on Resolution #2009-78, a resolution authorizing and directing the calling and holding of a Special Election in Rogers County, Oklahoma, for the purpose of submitting to the registered, qualified voters of said county the question of levying and collecting a one-sixth of one percent (.167%) sales tax to provide funds for the purpose of erecting, furnishing, equipping, renovating, operating and maintaining county buildings and facilities and acquiring sites therefore and/or to be applied or pledged toward the payment of principal and interest of any indebtedness, including refunding indebtedness, incurred by or on behalf of Rogers County for such purpose, providing ballot title; providing for notice to Rogers County Election Board, polling places and conduct of such election; and providing for commencement and duration of such sales tax – (Clerk)

County Clerk, Peggy Armstrong, presented the Board with the official certificate of votes from the Rogers County Election Board and the five proof of publications from the Claremore Daily Progress showing the resolution being published. Armstrong also reported that Thomas G. Hilborne, Jr., bond counsel had sent a letter to the Oklahoma Tax Commission notifying them of the levying of the sales tax.

Chairman Helm made a motion to accept 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 Contract by and between BKL, Inc. and Rogers County Board of County Commissioners for providing architectural services on the proposed Rogers County Courthouse as per Resolution #2009-78 – (D#3)

Assistant District Attorney, Barry Farbros, reported to the Board he spoke with Kim Reeve this morning and told him I had not had a chance to review the contract and all the exhibits, I know they were here last week to discuss the fees with the Commissioner's individually.

Hopefully, I will have time this week to review and place it back on the agenda for next week. Commissioner Thacker made a motion to table this item for another week (December 28th) 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 Resolution #2009-89 directing County Treasurer, Cathy Pinkerton Baker, to deposit funds from Town of Oologah and Oologah Municipal Authority into the one-cent sales tax fund for distribution into District #2 maintenance and operations to continue on a year to year basis, ending with the fiscal year 2009-2010 **and** reimbursement form as per Resolution #2009-89 in the amount of \$783.09 and \$16.01 into the one-cent sales tax fund for distribution into District #2 maintenance and operations – (D#2)

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

4. Discussion with possible action on Approval/Disapproval of Resolution #2009-90 directing County Treasurer, Cathy Pinkerton Baker, to deposit funds from the Town of Talala into the one-cent sales tax fund for distribution into District #2 maintenance and operations to continue on a year to year basis, ending with the fiscal year 2009-2010 **and** reimbursement form as per Resolution #2009-90 in the amount of \$556.43 into the one-cent sales tax fund for distribution into District #2 maintenance and operations – (D#2)

Chairman Helm 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/Disapproval of County Officers Monthly Reports for November 2009 – (Clerk)

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

6. Discussion with possible action on Approval/Disapproval of Rogers County paying ½ portion of county employee's membership fees/dues to the Claremore Recreational Center with the requirement of six (6) uses monthly as part of Rogers County Wellness Program –
NOTEthis item was tabled from December 14, 2009, meeting***

Assistant District Attorney, Barry Farbro, submitted a legal opinion to answer whether the county may pay a portion of county employees' monthly membership fees at the Claremore Recreation Center. There is no statutory authority for the county to use public funds for the purpose of funding a county employee wellness program. (see opinion)

Chairman Helm inquired as to what can the county use the funds for? Farbro replied the statute is very specific as to what it could and could not be used for, but I didn't provide that to you, I didn't provide a citation, as well as the provisions under Title 68 for the tobacco tax and cigarette tax and I examined them very closely and there was nothing in there that I saw would fit what has been proposed for a wellness program. Chairman Helm inquired if we could tie it together with our insurance and Farbro replied, no.

Commissioner DeLozier asked, if we do it as a group and as a group we can get the \$15.00 rate for employee and the employee pay for it, can we still do it? Farbro replied, as long as county government is not paying for it. Commissioner DeLozier continued that it could be done as a payroll deduction. County Clerk, Peggy Armstrong, replied, no, that is a lot for payroll to keep up with. Farbro continued if the county qualifies at a group rate, I don't see a problem with that, but, there is no authority for public funds to be used to pay for those fees. Discussion only, no action taken.

7. Discussion with possible action on request from The Standard Life Insurance Company on rescinding/continuation of earlier decision made by the Board of County Commissioners July 6, 2009, to remove the Standard Secure Access Checking Account provision from our policy and the SSA provision will be removed effective December 1, 2009 – (Clerk)

Marilynn Gibson, County Clerk 1st Deputy, reported to the Board that Standard Life was requesting confirmation on the Board's earlier decision to remove the Standard Secure Access Checking Account (SSA) provision from our policy and the SSA provision will be removed effective December 1, 2009. Commissioner DeLozier stated he had not had a chance to look over the letter and made a motion to table this item for one week (December 28th) with Chairman Helm seconding the motion. Chairman Helm asked Assistant District Attorney, Barry Farbro, to look over also. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

8. Discussion with possible action on Approval/Disapproval of appointment of a committee to consider the needs of the E911 Center and report findings to the Board of County Commissioner's regarding the same - (D#1)

Commissioner DeLozier stated there has been a committee for about two years to look over the 911 Center, Police Chief Mickey Perry, Assistant Police Chief Stan Brown, Sheriff Scott Walton and myself. We would like to have one representative from all the fire districts and one representative from the ambulance service to also serve on the committee. Commissioner DeLozier made a motion to table this item for one week (December 28th) to allow time to contact all the fire departments and ambulance service with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

9. Discussion with possible action on Approval/Disapproval of Resolution #2009-91 and reimbursement form directing County Treasurer, Cathy Pinkerton Baker, to deposit funds

from The State of Oklahoma, Civil Emergency Management in the total amount of \$120,937.50 of which \$60,468.75 is to be deposited into the one-cent sales tax fund for distribution into District #2 maintenance & operations account – (D#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. Discussion with possible action on Approval/Disapproval of Resolution #2009-92 and reimbursement form directing County Treasurer, Cathy Pinkerton Baker, to deposit funds from CMC Recycling in the amount of \$133.10 into the one-cent sales tax fund for distribution into District #3 maintenance & operations account – (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 -

Conrad Purdom of 1502 North Choctaw Place, Claremore, Ok 74017, commented on Item #9 Roads and Bridges #1.

Joy Hampton with Claremore Daily Progress also inquired about Item #9 Roads and Bridges #1.

NOTECommissioner DeLozier left the meeting at 10:15 A.M.***

ITEM 17: PAYMENT OF PURCHASE ORDERS FROM ALL DEPARTMENTS:
(Materials, Supplies, Parts, Groceries & Prescriptions)***NOTE***see attached list of claims that were approved for payment on Monday, December 21, 2009***Commissioner Thacker made a motion to approve payment of all purchase orders from all departments as submitted with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-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 Thacker made a motion to adjourn the meeting with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye. Motion carried and the meeting adjourned at 10:19 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, December 17, 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.