

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: Tuesday, January 19, 2010, at 9:00 O'clock A.M.

MINUTES

ITEM 1: CALL TO ORDER:

Chairman Kirt Thacker 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 Kirt Thacker, Commissioner Dan DeLozier and Commissioner Mike Helm 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 Helm said a prayer.

ITEM 5: APPROVAL OF MINUTES: January 11, 2010

Commissioner DeLozier made a motion to approve the minutes from January 11, 2010, as presented with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-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 #2 Unrestricted Highway capital outlay to travel - \$10,000.00

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

2. Election Board travel to M&O - \$2500.00 –

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

3. Court Clerk salaries to part-time salaries - \$11,000.00

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

ITEM 12: UTILITY PERMITS: None presented.

ITEM 13: CLAIMS:

1. Salaries – John Heape - - \$888.00

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

2. Attendant Care – None presented.

ITEM 14: BLANKET PURCHASE ORDERS:

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

Rogers County Fair Board: Claremore Expo Center, \$1500.00; 911 Addressing: Froman Oil Company, \$300.00; and Emergency Management: Froman Oil Company, \$400.00 – Chairman Thacker made a motion to approve the blanket purchase orders as presented with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

2. Orders Exceeding Amount of Issuance – None presented.

ITEM 15: AGENDA ITEMS:

1. Discussion with possible action regarding agreement for Architectural Services for Rogers County Courthouse and E-911 Facility with BKL, Inc., 1623 East 6<sup>th</sup> Street, Tulsa, Ok 74120 – (DA) - \*\*\*NOTE\*\*\*this item was tabled from December 21, 2009, meeting; December 28, 2009, meeting and January 11, 2010, meeting\*\*\*

District Attorney, Gene Haynes, recommended the Board approve the contract as written, there were some changes that were made over time and this is the final contract being presented today. Chairman Thacker made a motion to approve the contract being presented today with the amendments. Commissioner DeLozier inquired if the amendments were already in the contract. Haynes replied there has been negotiations have been going on back and forth for several weeks between Mr. Farbro and the architects and the contract being presented today contains all the amendments that were results of those discussions.

Chairman Thacker stated originally when we interviewed the architects, the original interviews were for feasibility study only, will there be any legal problems arise from this. Haynes replied, no, that is at the Board's discretion to do if you wanted to do that, but this is a professional contract, so there is nothing that the law requires you to do that and I don't see any legal problems with doing this.

Commissioner DeLozier pointed out the Board did accept the committee's recommendation to use BKL, Inc., anyway. Commissioner DeLozier seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

2. Discussion and possible action to authorize the county's financial adviser The Baker Group to proceed with structuring the proposed financing for the new Courthouse and 911 Facility, including but not limited to, consultation and negotiations with existing bond underwriters without first having to request written proposals from all known potential bond underwriters – (DA)

Gene Haynes, District Attorney, explained this item was discussed at the building for the courthouse committee meeting about whether or not Mr. Greg Nieto should be required to request written proposals from potential bond underwriters and the committee recommended waiving this process in order to speed things up and for Mr. Nieto to negotiate with underwriters that he has experience dealing with and take the best offer from those. The other way would be getting proposals from very large number of people and appointments would have to be scheduled in order for them to come in and then the Board would probably follow Mr. Nieto's recommendation.

Commissioner Helm inquired as to how much are we talking about, how much are we financing? Mr. Nieto explained the discussions that have been talked about with the committee is approximately \$20,800,000.00 in the bank for the projects which includes the architects, engineers, everything. This amount of money is what we are trying to strive for at the end of the day of have on deposit. Mr. Nieto elaborated on Haynes' comments, we have just been through this process as far as bidding and we keep coming back to the same core/group of people that we negotiate with, because it is a sales tax transaction only and we do have some concerns about interest rates and the inflation of construction projects. It would add time if we did go out for proposals and get them in and review them and make recommendations. This is the driving force behind it.

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

3. Discussion with possible action regarding Independent Contractor Agreement by and between Board of County Commissioners of Rogers County and Morrow Mechanical, Inc., 11362 East 60<sup>th</sup> Place, Tulsa, Ok 74146 – regarding annual preventative maintenance on courthouse heating/cooling unit – (D#3) \*\*\*NOTE\*\*\* this item was discussed at 1-11-2010 meeting\*\*\*

Arthur Mathews, maintenance supervisor, reported to the Board he had an original signed independent contractor's agreement from Morrow Mechanical, Inc. Chairman Thacker inquired if Assistant District Attorney, Barry Farbro, had seen the agreement and Peggy Armstrong, Rogers County Clerk, reported this was the form that he originally drafted and drew up. Armstrong also reported certificate of liability insurance was included.

Commissioner DeLozier inquired from Mathews that the scope of work is what you normally do and Mathews replied, yes sir, nothing new. Commissioner DeLozier made a motion to accept the contract as presented with Commissioner Helm seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

4. Discussion with possible action regarding Approval/Disapproval of Resolution #2010-02 directing County Treasurer, Cathy Pinkerton Baker, to deposit funds from interest earned on Emergency & Transportation Revolving Fund Program in the amount of \$254.42 to be deposited into the one-cent sales tax fund for distribution for District #3 – (#3)

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

5. Discussion with possible action regarding Resolution #2010-03 to allow Rogers County to buy or sell machinery and/or equipment at the Statewide County Equipment Auction in Elk City, Oklahoma, Elk City Conference Center at I-40 Business, (across from airport) on Friday and Saturday, March 12<sup>th</sup> and 13<sup>th</sup>, 2010 – (Clerk)

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

6. Discussion with possible action regarding Resolution #2010-04 to allow Rogers county to buy or sell machinery and/or equipment at the Statewide County Equipment Auction at

Pittsburgh County Fairgrounds, McAlester, Ok, off of US270 (SH1) near the Indian Nations Turnpike on Friday, May 8, 2010 – ( Clerk)

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

7. Discussion with possible action regarding adopting Application for Rogers County Indigent Cremation – (D#3)

Chairman Thacker explained he placed this item on the agenda for discussion because there have been some issues in the past as to whether or not the person(s) were truly indigent. And before the county pays for cremation for someone, we need a record of their actual status. Gene Haynes, District Attorney, stated that he had not seen the application and was not aware of Farbro had seen it either. Haynes continued that he felt it was an excellent idea the county have something in writing about the person(s). Chairman Thacker stated we are trying to eliminate problems we've been having. Haynes reviewed the application and stated the form looked okay to him.

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

8. Discussion with possible action regarding County Officer's Monthly Reports for December, 2009 – (Clerk)

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

9. Discussion with possible action regarding signing of Certificate of Authorized Signatures form from Oklahoma Department of Commerce so they will know who is authorized to request funds and/or sign contracts and contract modifications – (D#3)

Commissioner Helm made a motion to approve the certificate of authorized signature form as presented with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

10. Discussion with possible action regarding Approval/Disapproval of Addendum No. 6 to the Master Services Agreement between the Regional 911 Board the Cities of Claremore, Collinsville, Glenpool, Jenks, Owasso, Rogers County, Sand Springs, Sapulpa, Skiatook and Tulsa, Southwestern Bell Telephone, d/b/a A T & T Oklahoma, adding of Bixby, Oklahoma, as a party to the agreement – (D#1)

Commissioner DeLozier stated there was a mix up making sure this addendum is the right one and he could not reach Darita Huckabee with INCOG before the meeting started for verification. Commissioner DeLozier made a motion to table this item for one week (January 25<sup>th</sup>) to allow time to clarify with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-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 Tuesday, January 19, 2010\*\*\*Commissioner DeLozier made a motion to approve payment of all purchase orders from all departments as presented with the exception of purchase order #4819 issued on December 19, 2009, to PTS of America, LLC, in the amount of \$1369.50 for transporting a prisoner from Utah to the Rogers County jail and check with the D.A.'s office to see if it is a legal expenditure and if an independent contractor's agreement is required with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-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 –

Commissioner's discussed items they wanted placed on the agenda for next Monday, January 25<sup>th</sup>, as follows: letter from Health Department; discuss emergency situations at the Rogers County courthouse as per legal standpoint and application for burial in county cemetery. No action taken.

ITEM 19: RECESS OR ADJOURNMENT:

Commissioner DeLozier made a motion to adjourn the meeting with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried and the meeting was adjourned at 10:29 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, January 14, 2010 at, 3:25 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.*