

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, January 25, 2010, at 9:00 O'clock A.M.

MINUTES

ITEM 1: CALL TO ORDER:

Chairman Kirt Thacker 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 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 19, 2010

Commissioner Helm made a motion to approve the minutes from January 19, 2010, as presented with Chairman Thacker 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:

1. Discussion with possible action regarding Approval/Disapproval of Bi-Annual Inspections of county road system bridges in Rogers County, District #3, Contract #EC1232E; Project #BR-NBIS(070)CO; State Job #12996(12); bridge inspection invoice #66-BI-3-09 in the total amount of \$13,631.28; travel invoice; INV2 inspection form; invoice bridge listing report and ODOT claim form 324A - (D#3)

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

2. Discussion with possible action regarding Approval/Disapproval of Independent Contractor's Agreement by and between Board of County Commissioners of Rogers County, Oklahoma, and Cinnabar Service Company, Inc., for land and right-of-way acquisition services on Little Dog Creek bridge and approach, Federal Aid Project #BRF-166C(219)CO; J/P#25744(04) (D#1)

Commissioner DeLozier stated this was for right-of-way acquisition on E/450 Road and made a motion to approve with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

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

1. 005 – Use Tax - \$55,337.61
2. 006 – Rogers County Courthouse & E911 Facility - \$82,209.06
3. 007 – Health Supplemental Fund – July 2009 = \$11,055.43 and \$12,379.51
4. 101 – Unrestricted Highway - \$269,271.03
5. 141 – Cellar Phone Usage - \$46,587.40
6. 142 – E-911 - \$11,505.30
7. 145 – Attendant Care - \$1275.00

Commissioner DeLozier made a motion to approve with cash fund estimate of needs as presented with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

After the motion was made and roll call Commissioner Helm questioned the amount of \$682,553.18 listed on the cash fund estimate of need for Unrestricted Highway and stated there was an error, because that was way too much money.

Commissioner DeLozier rescinded his previous motion for approval to allow the Treasurer's Office to review the cash fund and bring back before the Board with Commissioner Helm rescinding his second of the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

The corrected cash fund estimate of need for Unrestricted Highway was presented before the Board with the corrected amount to read \$269,271.03. Commissioner DeLozier made a motion to approve the cash fund estimate of needs as presented with the correction being made to Unrestricted Highway and Commissioner Helm seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

ITEM 11: TRANSFER OF FUNDS: None presented.

ITEM 12: UTILITY PERMITS:

1. Oklahoma Natural Gas Company – boring/crossing Keetonville Road 1797 feet south of the north section line of the NE/4 of Section 16, Township 21 North, Range 15 East of the I.B.&M., Rogers County, Oklahoma, in District #2 – (D#2)

Commissioner Helm informed the Board this was a boring only taking place on Keetonville Road and the applicant is to have the utility permit on them at all times for inspection and the ditches be put back the way they were before with sod. Commissioner Helm made a motion to approve with Commissioner Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

2. A T & T – trenching & boring beginning at the SE/4 SW/4 SE/4 of Section 20, Township 20 North, Range 15 East (East Apache & Old Highway 66), commencing northeast/north paralleling the west side of Old Highway 66 and Old Highway 66/North 225th East Avenue, approximately 7 tenths of a mile; at SE/4 NE/4 of Section 20, Township 20 North, Range 15 East, cross Old Highway 66/North 225th East Avenue to east side of road; SW/4 NW/4 of Section 21, Township 20 North, Range 15 East, add one 24 strand fiber to existing crossing – (D#2)

Commissioner Helm commented this permit was for boring/trenching only and made a motion to approve with Commissioner Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

ITEM 13: CLAIMS:

1. Salaries – January 2010

Commissioner Helm stated he terminated Joe Esposito and Ron Colburn at District #2. There were no other terminations in the January 2010 salary claims being presented. Chairman Thacker made a motion to approve the January 2010 salary claims as presented with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

2. Attendant Care – Nick Epperson, Homebound Detention - \$1320.00

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

ITEM 14: BLANKET PURCHASE ORDERS:

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

Rogers County Fairboard: Stillwater Milling, \$250.00; Pixley Lumber Company, \$250.00; Lowe's, \$250.00; Sheriff's jail vehicle maintenance: District #1 Warehouse, \$5000.00; District #2 Warehouse, \$3000.00; District #3 Warehouse, \$6000.00; Board of Prisoners: Bimbo Bakeries, \$1350.00; Farmers Bros. Coffee, \$300.00; Sysco Foods, \$3200.00; Sysco Foods, \$7100.00; Warehouse Market, \$300.00; Sheriff's jail medical: Correctional Dental Services, \$2000.00; Diamond Medical Supply, \$1000.00; Diamond Drugs, Inc., \$6000.00; St. Francis Lab, \$1200.00; PHS Mobile X-Ray, \$600.00; Medical Compliance Specialty, Inc., \$400.00; District #1: County Building Center, \$100.00 – Commissioner DeLozier 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 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, with Southwestern Bell Telephone, d/b/a A T & T Oklahoma, by adding of Bixby, Oklahoma, as a party to the agreement – (D#1) ***NOTE***this item was tabled from January 19, 2010, meeting***

Commissioner DeLozier commented that an interlocal agreement was done a few months back and addendum No. 6 is adding Bixby, Oklahoma, and clarifying the payment terms in the agreement; I tabled this item last week because there was a mistake in the agreement in payment terms where Rogers County was not mentioned. This is the correct copy with Rogers County mentioned in the heading and payment terms. Commissioner DeLozier made a motion to approve with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

2. Presentation for Annexation in the Matter of the Annexation of property to the Rural Sewer District No. 1 of Rogers County, Oklahoma, on tracts of land located in Section 19, Township 21 North, Range 16 East of the I.B.&M., Rogers County, Oklahoma, according to the U.S. Government Survey thereof; and Approval/Disapproval of Setting Hearing Date – (Clerk)

County Clerk, Peggy Armstrong, presented the petition for annexation to the Board. Assistant District Attorney, Barry Farbro, was aware of the petition for annexation and informed the Board standard procedures for setting a hearing is 30 days, unless otherwise specified in the state statutes. Commissioner Helm inquired as to whom would be paying for the publication and Peggy Armstrong, Rogers County Clerk, stated Claremore Public schools would be paying for the publication. Chairman Thacker made a motion to set the Hearing Date for March 1, 2010, with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

3. Discussion with possible action regarding Approval/Disapproval of Resolution for Disposing of Equipment for Rogers County Sheriff's Office to be declared as surplus property and sold by sealed bids at a date to be determined later with all persons wishing to bid must have at least a Class 1 Federal Firearms License, as follows: Colt Frontier Scout 22 LR, sn#53655P; Colt Trooper 111 357 Mag, sn#55597J; High Standard Sentinel Deluxe 22 LR, sn#2120604; Jennings J-22, sn#208079; Jennings J-22, sn#128552; Jennings J-22, sn#122524; Marlin 444, sn#70-65248; Mauser VZ24 7MM, sn#9082E3; Mossberg 500A 12 ga, sn#K077637; Remington 870 12 ga, sn#A09881M; Remington 870 12 ga, sn#A098801M; Remington 870 12 ga, sn#V510730V; Remington 870 12 ga, sn#V760645V; Remington 870 12 ga, sn#V52878V; Remington 870 12 ga barrel only; Revelation 99 22 LR, sn#1527063; Ruger Mark 11 22 LR, sn#19-45071; Ruger Mark 11 22 LR, sn#213-08721; Ruger Blackhawk 22 LR, sn#46608; Ruger Mark 1 22 LR, sn#15-74652; Ruger Bearcat 22 LR, sn#91-34986; Ruger Security Six 357 Mag, sn#153-10621; 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 38 Snub, sn#445853; S & W 4586 45 ACP, sn#THC3333; S & W 4586 45 ACP, sn#TFK8204; S & W 4586 45 ACP, 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 45 ACP, 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, 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 - ***NOTE***this item was tabled from November 30, 2009, meeting and December 7, 2009, meeting*** (Sheriff)

Sheriff Walton commented that a few of the guns are service weapons and some are evidentiary guns that are no longer needed and the reason for putting the bid out to dealers is to limit Rogers County's liability. Sheriff Walton continued the reason this item was tabled previously was because there was some discussion about possibly replacing them and all the legal requirements have been met and the matter was discussed the District Attorney, Gene Haynes. Chairman Thacker made a motion to approve with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

Commissioner Helm asked Sheriff Walton to get a copy for the county's records on the persons that submit bids that have a federal license Class I holders.

4. Discussion with possible action regarding Approval/Disapproval of Independent Contractor Agreement by and between Board of County Commissioners for Rogers County, Oklahoma, and Rogers County Abstract, for title search on land for right-of-way purchases – (D#1) –

Commissioner DeLozier commented this independent contractor's agreement was with Rogers County Abstract for right-of-way purchases on Bridge #79 and made a motion to approve with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

5. Discussion with possible action regarding Approval/Disapproval of Sheriff's Annual Report for Sheriff's Revolving Funds Commissary 127 for the year ending December 31, 2009 – (Sheriff)

Pam Rue, Sheriff's office deputy, reported to the Board this report is due annually and it is any monies taken in or spent. Commissioner Helm made a motion to approve the report as presented with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

6. Discussion with possible action regarding Approval/Disapproval of Reimbursement form as per Resolutions #2009-89 and #2009-90 directing County Treasurer, Cathy Pinkerton Baker, to deposit funds from Town of Oologah for fuel reimbursement in the amount of \$903.58; Town of Talala fuel reimbursement in the amount of \$416.11; and Oologah Municipal Authority fuel reimbursement in the amount of \$162.18 for a grand total of \$1481.87 into the one-cent sales tax fund for distribution for District #2 – (Comm.)

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

7. Discussion with possible action regarding Approval/Disapproval of Reimbursement form as per Resolution #2009-76 directing County Treasurer, Cathy Pinkerton-Baker, to deposit funds from the County Assessor's Office for fuel reimbursement in the amount of \$331.69 into the one-cent sales tax fund for distribution for District #3 – (Comm.)

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

8. Discussion with possible action regarding Approval/Disapproval of

Reimbursement form as per Resolution #2009-76 directing County Treasurer, Cathy Pinkerton-Baker to deposit funds from Sheriff's Office for fuel reimbursement in the amounts of \$613.28 and \$27.06 into the one-cent sales tax fund for distribution for District #2 – (Comm.)

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

9. Discussion with possible action regarding Approval/Disapproval of Reimbursement form 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 \$2285.85 into the one-cent sales tax fund for distribution for District #1 – (Comm.)

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

10. Discussion with possible action regarding Approval/Disapproval of Reimbursement form 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 \$5993.81 into the one-cent sales tax fund for distribution for District #3 – (Comm.)

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

11. Discussion with possible action regarding Approval/Disapproval of Resolution #2010-05 directing County Treasurer, Cathy Pinkerton-Baker to deposit funds from John Deere Credit in the amount of \$1374.17 into the one-cent sales tax fund for distribution for District #3 – (Comm.)

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

12. Discussion with possible action regarding fund 007 Health Supplement Fund (cigarette tax) that prior to July 1, 2010, was being deposited into general fund and appropriated as general fund money – (Clerk)

Marilynn Gibson, 1st Deputy County Clerk and Purchasing Agent explained to the Board the County Clerk's Office was asking for direction as to where monies from the cigarette tax that were being deposited into fund 007 Health Supplemental Fund, where were the monies to be deposited now, since we have a ruling from the D.A.'s office explaining we could not use public funds for a county wellness program.

Gibson continued that prior to July 1, 2010, this money was being deposited into general fund and when the budget was calculated and approved, this money was picked up and spent as revenue for the general fund budget. July 1, 2010, Angela Owens in the Treasurer's Office was instructed to put the monies into a separate fund, 007 Health Supplemental Fund. It is the understanding of the County Clerk's Office that this money is to all go into general fund, because it cannot be used for a county wellness program.

Gibson continued that the County Clerk's Office is asking for clarification as to what this money can be spent for should it be kept as a separate fund or is it suppose to go into general fund and be kept separate.

Commissioner Helm stated he would like to see the Chairman of the Board of County Commissioner's to do a letter to the District Attorney's Office and ask them to ask the Attorney General for a ruling on where these funds can be spent, because it doesn't say with the committee people that are on it, the Governor, Senate Pro Tempore, Speaker of the House of Representatives, Attorney General and there are two more.

Assistant District Attorney, Barry Farbro, asked Commissioner Helm for clarification if he was talking about the Tobacco Settlement Endowment Trust Fund, because there is two different things, and I don't feel that is what we are talking about on this agenda item. This is the tobacco and cigarette tax that is an additional surcharge on the sale of those products, which goes into the county general fund, it is not designate for any particular fund.

Commissioner DeLozier inquired about the Tobacco Settlement Endowment Trust Fund and asked for clarification from Farbro. Farbro explained that applications for grants are made to that fund and there is no automatic payment to the seventy-seven counties out of that tobacco settlement trust fund. The cigarette and tobacco tax is surcharges for the sale of tobacco products.

Commissioner Helm stated his idea was to reward employees, just like we do with sick leave and comp time when they are sick. In this instance is a wellness program that is trying to improve the betterment of people's lives and a more healthier person is happier and more productive and the conclusion is to ask if we may. We do reward when they are sick and it seems to me we should also award for employees that are healthy that are always here and always on time and they don't have to be off for sick because they are always consistent and a wellness program would move everybody forward to that same position.

Farbro continued that he already handed down a decision that the county may not pay the dues of employees for exercising at the rec center. There may be other permissible programs, but this is not one of them. Commissioner DeLozier inquired about finding a grant for a well program and Farbro replied the county could make application to the Tobacco Settlement Endowment Trust Fund for this. I previously sent an e-mail to everyone (Oklahoma Constitution, Article 10, Revenue and Taxation Public Indebtedness; Article 10 Section 40 – Tobacco Settlement Endowment Trust Fund) saying these are the appropriate and legal uses for those funds and most of the programs were for children, elderly and for health education/training. But there was not anything about health club memberships. This particular tax I presume we are talking about is the tobacco &

cigarette tax, there is two of them and they are two different things. They are non-restricted, non-designated taxes and it is my opinion those funds go into the county general fund. And if the County Treasurer or County Commissioner's want to track the funds they can be kept into a separate account, that is okay. Chairman Thacker stated he wants the funds to be tracked.

Commissioner Helm asked if there was not an option within the opinion given by Farbro, to be used on the medical side of the county's policies to pay for health care for the employees? Farbro stated he was not aware of any statute that would allow that. Commissioner Helm continued that none of the cigarette and tobacco tax has been used in the past to help pay for the employees benefits. My understanding is those monies become a part of the general fund county revenues and it is budgeted for whatever, it is blended into the other revenues for budget purposes.

Chairman Thacker asked for clarification from Commissioner Helm, that he is looking at using this tax money for health premium benefits, and Commissioner DeLozier commented if the money is going into general fund it is being used for that anyway. Commissioner DeLozier commented if the funds cannot be used for anything else, the money needs to go into general fund.

Marilynn Gibson, County Clerk 1st Deputy, commented the money can be tracked within general fund. And Commissioner DeLozier stated the money could be left in the 007 Health Supplemental Fund and at the end of the year it just goes into general fund and that way it could also be tracked, because we already have this account set up.

Chairman Thacker commented he would like to see the money go into the new courthouse project. Farbro continued at one time it was stated it went into a courthouse improvement fund.

Chairman Thacker made a motion that all the monies from the 007 Health Supplement Fund be put into the courthouse expansion project within general fund and track the funds with a different source code (9175) and said funds are not to be used as budget revenue with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-nay. Motion carried.

13. Discussion with possible action regarding where cigarette tax monies are to be deposited and lawful expenditures – (Clerk)

Marilynn Gibson, 1st Deputy County Clerk, explained to the Board the County Clerk's Office was asking for direction on where to deposit future cigarette tax monies? Farbro pointed out that it should be made clear that all future receipts of the tobacco and cigarette tax be placed into the courthouse expansion project account, because item #12 only dealt with what was on deposit.

Melissa Anderson, Rogers County Assessor, asked for clarification and stated it was her understanding that all the monies are to go into the courthouse expansion project where every year you are asking the budget-maker to leave the dollars that are in there and put all the new dollars into the courthouse expansion project also. Commissioner Thacker replied, yes. Anderson asked, what happens if a shortfall is created, can the monies be used to fund general fund? Chairman Thacker commented that the money is not ear-marked specifically for courthouse expansion project and if it needs to be taken out of there if there is a budget shortfall it can be used and appropriated. By doing it this way it just doesn't go into general fund and get spent out and I feel this is a better way to track it.

Chairman Thacker made a motion that all future cigarette tax monies are to be deposited into the courthouse expansion project within the general fund with a different source code (9175). Commissioner DeLozier pointed out the agenda only read cigarette tax monies, not tobacco monies. Farbro commented they are two separate taxes, cigarette and non-cigarette tobacco. Gibson commented it was her understanding it was all the same tax, and Farbro replied, no, they are two separate taxes. Chairman Thacker stated in keeping with the agenda, we are only discussing cigarette tax today, not the tobacco tax. The tobacco tax can be put on next week's agenda. Commissioner DeLozier seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-nay. Motion carried.

14. Discussion with possible action regarding Wellness Program monies set aside in fiscal year 2009-2010 Budget – (Clerk)

Marilynn Gibson, 1st Deputy County Clerk, explained to the Board that \$60,000.00 was set aside on the budget within general fund for 2009-2010 for a county wellness program. The County Clerk's office is asking for direction from the Board as to do you want to leave the \$60,000.00 in that particular account within general fund? Chairman Thacker commented he personally wanted to at this point, because Farbro stated there might be some other programs the money could be spent on.

Commissioner Helm commented if the county is going to do a health fair in the future, how would we pay for it, feels we should leave the \$60,000.00 there for now.

Chairman Thacker made a motion to leave the \$60,000.00 where it is for now with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-nay, Helm-aye. Motion carried.

15. Discussion with possible action regarding receipt of letter received from Rogers County Health Department regarding purchase order #4858 with All Maintenance Supply, Inc., and the purchase of ice melt from them. – (D#3)

Chairman Thacker read the letter out loud and acknowledged for public record. Acknowledgment only, no action taken.

16. Acknowledgement of receipt of check #1335 from Grand Gateway Economic Development Association E-911 for November E-911 services fees in the amount of \$23,775.43 – (Clerk)

Acknowledged for public record only, no action taken.

17. Discussion with possible action regarding Approval/Disapproval of Resolution #2010-06 directing County Treasurer, Cathy Pinkerton-Baker to deposit funds from Rural Water District No. 4 in the amount of \$842.58 into the one-cent sales tax fund for distribution for District #2 (Comm.)

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

18. Discussion with possible action regarding closing of Steve's Snack Shack by Steve Becker, in the basement of the Rogers County Courthouse – (D#3)

Chairman Thacker stated he placed this item on the agenda, because there was a note on the door Thursday, January 21st, stating they would be closed, but they want to leave the vending machines there. Commissioner DeLozier inquired if the county had been notified of this? Chairman Thacker replied, the note on the door and that was brought to my attention by an employee. The county has set him up down there and I'm not sure what the deal is. Bob Anderson, Emergency Management Director, stated the door is locked up today. We did not make the deal with Mr. Becker that he could leave his vending machines. Chairman Thacker inquired if the Board entered into a contract with Mr. Becker and Farbro replied, we typically enter into a written lease agreement. Peggy Armstrong, Rogers County Clerk, reported to the Board there was no written agreement entered into with Steve Becker or Steve's Snack Shack. Bid #507 for a snack shop for the courthouse was opened on February 23, 2009, and awarded to Steve Becker, Steve's Snack Shack on March 9, 2009, because he was the sole bidder.

Chairman Thacker made a motion to direct the District Attorney's office to draft a letter to send for notice to terminate the agreement with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

19. Discussion with possible action regarding an error that was made on the 2009-2010 Budget, whereas, \$200,000.00 was appropriated to the Rogers County General Fund in error and that amount should be stated in the 1 Cent Sales Tax Fund – (D#3)

Marilynn Gibson, 1st Deputy County Clerk, reported to the Board when she was balancing general fund and one-cent monies, it was found that \$200,000.00 check from State of Oklahoma, Force Account Project, was deposited into general fund which was a District #2 check. At the time the money was deposited with the Treasurer's Office, a resolution had been approved by the Board, being resolution #2008-61 on November 3, 2008, that gave the money to District #2.

Gibson continued at that point in time Commissioner Helm at District #2 received his \$200,000.00. When the 2009-2010 budget was made in July, general fund and one-cent sales tax were balanced together, therefore, the error was not discovered at that time. Technically the one-cent sales tax money goes into general fund, but Rogers County keeps it separate for tracking purposes and for accounting purposes. Now general fund is over-stated by \$200,000.00 and one-cent sales tax is under-stated by \$200,000.00. So when the \$200,000.00 is given back to one-cent, since the \$200,000.00 was already given to Commissioner Helm at District #2, that \$200,000.00 needs to be divided between the three commissioners. The \$200,000.00 will need to come from general fund.

Chairman Thacker stated offices typically have surplus monies and don't spend all they budgeted, so we can go before each officer or department head and ask them to give up some of their money to help with the \$200,000.00.

Commissioner DeLozier inquired if the county's budget-maker was aware of the situation and Gibson, replied, yes, we have talked to him several times and the auditor's office is also aware of it.

Chairman Thacker made a motion to have a letter drafted to all officers and department heads requesting that each department check their general fund appropriations and determine if they have extra monies to reimburse the one-cent sales tax fund and the Chairman will meet individually with each office personally to explain what has happened with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

20. Discussion with possible action regarding Approval/Disapproval of Application for Burial in Cemetery Owned and Maintained by Rogers County – (D#3)

Chairman Thacker reported he would like the Board to approve and adopt the application form, before someone is buried in a county maintained cemetery, we need something showing that they live in Rogers County and are a citizens of Rogers County, because it is paid for by tax dollars of Rogers County.

Peggy Armstrong, Rogers County Clerk, inquired if they were a person that lived here for years and moved and away and wanted to be buried in Rogers County, what happens then? Chairman Thacker replied, they don't live here and the only exception would be for the spouse, because we only reserve spaces for the spouse, other than that we do not reserve spaces. This is for Rogers County citizens only.

Assistant District Attorney, Barry Farbro, inquired if legal had seen the application and Chairman Thacker stated Mr. Haynes had reviewed this application also last week. Farbro inquired as to what offices would be filing the applications for record and Chairman Thacker replied he thought both the Commissioner's office and the County Clerk's Office. Farbro inquired as to whom was maintaining the records now as far as who is buried where. Chairman Thacker replied each district keeps their own.

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

Commissioner Helm inquired about the letter to all offices and departments that had been drafted by Chairman Thacker and was concerned about the wording of the letter. The County Treasurer has made their correction concerning the cash deposit on October 30, 2009, when the error was discovered. Gibson stated appropriated funds and actual cash are two different things and we need to correct the appropriations.

21. Discussion and possible action to enter Executive Session for the purpose of discussing the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee, as authorized by Title 25 O.S. § 307(1), Vicki Atchley, part-time E911 addressing – (D#1)

Chairman Thacker made a motion to adjourn regular session and enter Executive Session upon the advice of Assistant District Attorney, Barry Farbro, with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

Chairman Thacker made a motion to recess the meeting for ten minutes with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried and the meeting was recessed at 10:21 A.M.

Chairman Thacker called the meeting back to order at 10:29 A.M. with Commissioner DeLozier and Commissioner Helm present and the Board entered Executive Session at 10:30 A.M.

22. Motion and vote to adjourn Executive Session and enter Regular Session –

Chairman Thacker made a motion to adjourn Executive Session and enter Regular Session with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried and the Board adjourned Executive Session and entered Regular Session at 11:52 A.M.

23. Discussion and possible action with respect to the employment, hiring, appointment, promotion, demotion, disciplining or resignation of Vicki Atchley, part-time E911 addressing –

Chairman Thacker made a motion for the E911 Addressing to be completed on or before June 30, 2010; any information for the E911 Addressing on your personal computer will be downloaded daily onto a county computer; limit your work week to 30 hours per week from 8:00 A.M. to 5:00 P.M. Monday thru Friday; and continue to train Shelly Epperson, E911 Addressing employee. Commissioner DeLozier seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

Assistant District Attorney, Barry Farbro, inquired from Vicki Atchley if she accepted those terms the Board had just approved and she said yes, she did.

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 - None presented.

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, January 25, 2010***Commissioner Helm made a motion to approve payment of all purchase orders from all departments as presented and also purchase order #'s 4549 and 5040 issued to Air Comfort, Inc., from the Rogers County Health Department, have Independent Contractor's Agreement completed before next payment can be made; and purchase order #2768 to Integrity Steel Works in the amount of \$8391.25 have a single source letter attached from the District Attorney's office, also and Commissioner DeLozier seconded 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 Helm stated for the County Clerk's Office to research any employees that are working for more than one county entity or department in Rogers County and present this information back to the Board.

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 adjourned at 12:30 P.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 21, 2010, at 3:18 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.