

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 4, 2010, at 9:00 O'clock A.M.

MINUTES

ITEM 1: CALL TO ORDER:

Chairman Mike Helm called the meeting to order at 9:03 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 and Commissioner Kirt Thacker were present.

Commissioner Dan DeLozier was late and arrived at 9:07 A.M.

ITEM 3: APPOINTMENT OF CHAIRMAN:

Commissioner Helm stated in keeping with tradition in Rogers County, made a motion to appoint Kirt Thacker as Chairman for 2010 with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye. Motion carried.

ITEM 4: FLAG SALUTE:

Chairman Thacker led the salute and Pledge of Allegiance to the American Flag.

ITEM 5: PRAYER:

Commissioner Helm said a prayer.

ITEM 6: APPROVAL OF MINUTES: December 28, 2009

Commissioner Helm made a motion to approve the minutes from December 28, 2009, as presented with Chairman Thacker seconding the motion .Roll Call: Thacker-aye, Helm-aye. Motion carried.

ITEM 7: UNFINISHED BUSINESS: None presented.

ITEM 8: ZONING: None presented.

ITEM 9: PLATS: None presented.

ITEM 10: ROADS AND BRIDGES: None presented.

ITEM 11: CASH FUND ESTIMATE OF NEEDS AND REQUEST FOR APPROPRIATIONS:
None presented.

ITEM 12: TRANSFER OF FUNDS: None presented.

ITEM 13: UTILITY PERMITS: None presented.

ITEM 14: CLAIMS:

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

ITEM 15: BLANKET PURCHASE ORDERS:

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

Assessor Reval: District #3 Warehouse, \$400.00 for fuel – Chairman

Thacker made a motion to approve the blanket purchase order as presented with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, Helm-aye. Motion carried.

2. Orders Exceeding Amount of Issuance – None presented.

ITEM 16: AGENDA ITEMS:

1. Discussion and possible action to enter Executive Session for the purpose of: Confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest, as authorized by Title 25 O.S. § 307(4), regarding “James Darrin Hester vs. Board of County Commissioners, et al”, Case No. 09-CV-394-TCK-FHM, in the United States District Court for the Northern District of Oklahoma (requested by Best & Sharp Law Firm)

Assistant District Attorney, Barry Farbro, recommended the Board enter Executive Session. Chairman Thacker made a motion to adjourn regular session and enter

Executive Session with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, Helm-aye. Motion carried and the Board adjourned regular session and entered Executive Session at 9:06 A.M. with Thomas LeBlanc, attorney, with Best & Sharp Law Firm, along with Assistant District Attorney, Barry Farbro, Sheriff Scott Walton and County Clerk, Peggy Armstrong.

NOTECommissioner Dan DeLozier arrived at 9:07 A.M.***

2. 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.

3. Discussion and possible action with respect to the pending claim and litigation in “James Darrin Hester vs. Board of County Commissioners, et al” Case No. 09-CV-394-TCK-FHM, in the United States District Court for the Northern District of Oklahoma –

Discussion only, no action taken.

4. Discussion and possible action to enter Executive Session for the purpose of: Confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest, as authorized by Title 25 O.S. § 307 (4), regarding pending claim of Dealy & Associates Construction, LLC, against the Board of County Commissioners for the sum of \$9,125.27 (requested by D.A.)

Chairman Thacker made a motion to adjourn Regular Session and enter Executive Session with the recommendation of Assistant District Attorney, Barry Farbro, with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried and the Board adjourned Regular Session and entered Executive Session at 9:55 A.M. with Assistant District Attorney, Barry Farbro and County Clerk, Peggy Armstrong.

5. 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 10:03 A.M.

6. Discussion and possible action with respect to the pending claim of Dealy & Associates Construction, LLC, against the Board of County Commissioners for the sum of \$9,125.27-

Chairman Thacker stated based upon legal advice made a motion to deny the claim as presented due to the fact of having no contract and proof of insurance with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

7. Discussion with possible action on Approval/Disapproval of Resolution #2010-1 setting filing period and election date for Fair Board Members for 2010 – (Clerk)

Peggy Armstrong, Rogers County Clerk, informed the Board that a Notice for filing for Fair Board Election has to be published ten (10) days before the filing period can begin and the filing period is five (5) consecutive business days and commence in January. Chairman Thacker made a motion to set the filing period commencing on January 25, 2010 at 8:00 A.M. and end at the close of business on January 29, 2010, at 4:30 P.M. and hold the election on Saturday, February 6, 2010, at 10:00 A.M. with elections being held for District #1 at Foyil Schools; District #2 County Warehouse in Oologah and District #3 at the Commissioner's Office Meeting Room 1-109 on the first floor of the courthouse. Commissioner DeLozier seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

8. Discussion with possible action on Approval/Disapprove of Reimbursement form as per Resolution #2009-76 directing County Treasurer, Cathy Pinkerton Baker, to deposit funds from County Assessor's Office for fuel reimbursement in the amount of \$731.71 into the one-cent sales tax fund for distribution for District #2 – (Comm. Office)

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

9. Acknowledgement and receipt of check #1328 from Grand Gateway Economic Development Association E-911 for October 2009 E-911 services fees in the amount of \$22,811.97 – (Clerk) – Acknowledged for public record only, no action taken.

10. Discussion with possible action on Approval/Disapproval of County Clerk's Cash Book Summary Report to the Board of County Commissioner's for December 2009 – (Clerk)

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

ITEM 17: 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 -

Joy Hampton with the Claremore Daily Progress inquired about Item 16
Agenda Items #6.

ITEM 18: 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 4, 2010***Commissioner Helm

made a motion to approve payment of all purchase orders from all departments as presented and write a letter to the Rogers County Health Department inquiring about purchase order #4858 opened to All Maintenance Supply, Inc., for 8 - 50 lb. boxes of ice melt was bought for \$30.00 unit price when 40 lb. ice melt can be bought at Lowe's for \$7.98 each (see purchase order #4786 opened to Lowe's by District #3) why are we not buying locally at the cheaper price. Commissioner DeLozier seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

ITEM 19: 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 20: 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 10:44 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 Wednesday, December 30, 2009, at 3:15 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.