

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, February 16, 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: February 8, 2010

Commissioner DeLozier made a motion to approve the minutes from February 8, 2010, as presented with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

ITEM 6: UNFINISHED BUSINESS:

1. Award Bid #530 – Pipe & Drape for Rogers County Fair Board

NOTEthis bid was opened at the February 8, 2010, meeting***

Ron Burrows with the Rogers County Fair Board was present at the meeting. Chairman Thacker stated the Rogers County Fair Board recommended accepting the low bid of Georgia Expo Manufacturing, 3264 Saturn Court, Norcross, GA 30092, for \$12,022.98. Chairman Thacker made a motion to accept the low bid as presented with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

ITEM 7: ZONING: None presented.

ITEM 8: PLATS: None presented.

ITEM 9: ROADS AND BRIDGES:

1. Discussion with possible action regarding Approval/Disapproval on corrective bridge postings in District #1 on bridge #26535 (.2E of NS419); #05066 (0.3 MI S of E0380); #26534 (.3N of E410); and #02844 ((1.5 MI W of SH 66) -

Commissioner DeLozier noted the postings had been corrected as presented and made a motion to approve with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

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

None presented.

ITEM 11: TRANSFER OF FUNDS:

1. Sheriff's general fund travel to part-time salaries (\$10,000.00) and M&O (\$20,000.00) = \$30,000.00

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

ITEM 12: UTILITY PERMITS: None presented.

ITEM 13: CLAIMS:

1. Salaries – a. Jon Doug Riddle - \$3410.38
b. Kenny Breshears - \$5100.64

Chairman Thacker made a motion to approve the 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 Claim for January 2010 = \$375.00

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

3. Alternatives to Detention/Transportation Claim to the State of Oklahoma Office of Juvenile Affairs District G JSU for December 2009 in the amount of \$2896.00 -
Commissioner DeLozier made a motion to approve with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

ITEM 14: BLANKET PURCHASE ORDERS:

1. Materials, Supplies, Parts, Groceries & Prescriptions – None presented.
2. Orders Exceeding Amount of Issuance – None presented.

ITEM 15: AGENDA ITEMS:

1. Discussion with possible action regarding Notice of Intent to Cancel Provision of FY2010 Interagency Agreement regarding the Alternatives to Detention/Transportation Contract due to lack of funding and Discussion with possible action on Approval/Disapproval of Modification of FY2010 Contract Renewal for Alternatives to Detention/Transportation - ***NOTE***this item was tabled from February 8, 2010, meeting***

Peggy Armstrong, Rogers County Clerk, explained that Assistant District Attorney, Barry Farbo, had requested reviewing the original contract that was being amended, but as of date had not reviewed it. Commissioner Helm inquired if amending the contract would keep the county from being paid for Items #2 & #3 under claims as the Board had already approved. Gene Haynes, District Attorney, replied the modification would take effect February 1, 2010, that OJA will no longer reimburse the Contractor for Own-Home Detention Services. Commissioner Helm inquired if the judges were aware of this modification and if not, they should be informed before they made any sentencing decisions. Chairman Thacker made a motion to table this item for one more week (February 22nd) with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

2. Discussion with possible action regarding publication of county employees annual salaries paid in calendar year 2009, pursuant to Title 19 O.S. § 444 – (Clerk) ***NOTE*** this item was tabled from February 8, 2010, meeting ***

Gene Haynes, District Attorney, informed the Board the statute says once a year in February it shall be mandatory duty of the Board of County Commissioners to cause to be published a full and complete report of all the county employees and their salaries paid annually, and that an asterisk shall be placed in front of the names of employees paid for less than the full twelve (12) months of the preceding calendar year and the publication is just in a newspaper in the county that meets the requirements (Title 25 Section 106) of being a legal publication. The statutes do not say the paper with the largest circulation, any newspaper that meets the general requirements for legal publication would be eligible to have it published.

Assistant District Attorney, Barry Farbro, informed me this morning that he has not completed a written opinion on this issue. Ms. Hampton with the Claremore Daily Progress raised the issue of whether or not it could be bid, and Haynes continued that he has not researched the statutes on that particular matter, believes there is a set rate for publications in a legal newspaper and it is really something that should not be bid. But we would like to get the Board a full opinion on that matter.

Haynes continued, for the immediate issue as to publishing the county employees annual salaries, it would be up to the Board to select one of the newspapers to publish that notice. There is nothing that says you can't publish in more than one newspaper, although there would be additional costs to the county. There are five (5) newspapers in Rogers County that qualify. The question today is, since the monthly publication of the proceedings are going to Inola Independent, does the Board publish this annual report in Inola Independent? Haynes continued that the Board would not necessarily be bound by that to do that, you just have to publish it in some legal newspaper.

Peggy Armstrong, Rogers County Clerk, reminded the Board when bids were sent out for the annual publication of proceedings last year, whether it is legal or not, the newspaper with the lowest bid will usually chose the months for publication that includes February, because they know the salaries have to be published annually. And Inola Independent purposely chose to publish the months of January, February and March of 2010, so they would be getting extra income from the annual publication of salaries. It has been common practice for the past several years to publish in whatever newspaper that has the publication of proceedings for the month and the Claremore Daily Progress also. Haynes again, pointed out to the Board that all they are required to do is publish it in a newspaper that meets the legal requirements for legal publications and that could be any of the five (5) newspapers in Rogers County.

Commissioner Helm made a motion upon the advise of legal counsel to publish with the Inola Independent only, since we were provided information today that they chose February for a reason. Chairman Thacker inquired are we going to publish in the Claremore Progress also, and Commissioner Helm answered, we don't have to according to legal, so my motion is for the Inola Independent only. Haynes continued that you are only required to publish in one newspaper, but you could publish in more than one if you chose to do so, it would be additional cost to the county.

Chairman Thacker stated, he keeps going back to the fact of the common practice the county has used, whether right or wrong, and we don't even know at this point whether

we are suppose to be bidding this item or not. Armstrong answered, yes, that's correct, but we did bid it and to not publish in the newspaper, who in good faith bid, because they thought they could possibly get to publish the annual salaries, and to not allow that would be unfair to all the newspapers involved. Haynes commented on the common practices in the past is not legally binding on you, but sometimes that is a guide for you to go by in fairness. We actually do quite a few things that are not legally required, but they are common practice or policy the Board has done in the past because of fairness. Chairman Thacker inquired as to what is the intent of publishing the annual salaries and Haynes replied to inform the public pursuant to Title 19 O.S. § 444 for transparency.

Joy Hampton with the Claremore Daily Progress inquired, couldn't you publish in both newspapers, based upon the current bid rate, for less than the state mandated rate. Haynes replied, if the newspapers are willing to accept it for that rate, there is an argument that they have agreed to do it for less than the rate. Hampton continued, under the current rate that is being paid \$2.15 published inch, if the Board did decide to publish in the Inola Independent, whose turn it is by agreement, and the county seat paper, if the Board chooses to publish in both newspapers, to have the greatest amount transparency, would it still not be less than the state mandated rate? Haynes replied that he did not know what the state mandated rate was, but the cost could possibly be less. Haynes continued that the rate of publications had not been researched yet by the D.A.'s office. Commissioner Helm stated that he was going to stay with his motion. Motion died for a lack of second.

Commissioner DeLozier asked, why is this becoming an issue now, if we've been printing in the Claremore Progress and whoever won the bid for the past several years? Haynes commented the issue had been raised because of the fact that the rate that was being paid is lower than the legal rate, because of bids being put in and that may not be legal to do that, you may be required to pay the rates that is in the state statutes and that you can't pay less than the legal rate.

Chairman Thacker made a motion to publish the annual salaries in the Inola Independent and Claremore Daily Progress, the way it has been being done in the past, until the Board receives a legal opinion from the District Attorney's office. Commissioner Helm seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

3. Discussion with possible action regarding Approval/Disapproval of County Officers Monthly Reports for January 2010 –

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

4. Discussion with possible action regarding clarification and/or correction to 007 Health Supplemental Fund being moved to the courthouse expansion project within general fund source code 9175; Approval/Disapproval of changing source code 9175 to 9204 for cigarette tax and 9205 for tobacco tax for proper tracking purposes by the County Treasurer's Office –
NOTEdiscussed at January 25, 2010, meeting and February 8, 2010, meeting***

Armstrong explained that after visiting with Angela Owens in the County Treasurer's Office, for better tracking purposes, new source codes should be set up for the cigarette tax 9204 and tobacco tax 9205. Commissioner DeLozier 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 on Approval/Disapproval of Reimbursement form as per Resolution #2009-76 directing County Treasurer, Cathy Pinkerton Baker, to deposit funds from Rogers County Sheriff's Office Jail Account for fuel reimbursement in the amount of \$2623.99 into the one-cent sales tax fund for distribution for District #1 – (Comm. Office)

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

6. Discussion with possible action on Approval/Disapproval of Reimbursement form as per Resolution #2009-83 directing County Treasurer, Cathy Pinkerton Baker, to deposit funds from Town of Oologah in the amount of \$878.71 and Oologah Municipal Authority in the amount of \$55.52 for fuel reimbursement 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.

7. Discussion with possible action on Approval/Disapproval of Reimbursement form as per Resolution #2009-85 directing County Treasurer, Cathy Pinkerton Baker, to deposit funds from Town of Talala in the amount of \$535.00 for fuel reimbursement 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.

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: NEW BUSINESS:

1. Consideration and possible action with respect to any other matters not know about or which could not have been reasonably foreseen prior to posting the agenda -

Commissioner DeLozier stated an agenda item for next Monday, February 22nd, would be to discuss paying for another dispatcher out of E911 funds.

Judge Dynda Post and Captain Mike McElhaney updated the Board about a meeting with Sheriff's office, Candi Czapansky, Gene Haynes and other judges talking about security in the courthouse and getting some ideas to address security issues more strenuously and actively than we have been. They plan on having monthly meetings now to discuss and address security issues. The plan is to have un-announced spot checks using magnetometers and also hand held wands. An agenda item for next week will be for the Board to discuss and possibly approve signage to be placed at all the entrances to the courthouse letting people know they are under video surveillance and that no weapons of any type will be allowed or permitted on the court room floors.

Commissioner Helm reminded everyone that in 2006 there was a civil rights complaint filed against Rogers County by the U.S. Department of Justice for violation of the Americans Disabilities Act of 1990 (ADA) and we needed to make sure that no further violations like this occur in the future and Commissioner Helm suggested making sure that Assistant District Attorney, Barry Farbro, who was also involved in the investigation be made aware of the plans to insure this does not happen again.

Discussion only, no action taken.

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 by the Board on Tuesday, February 16, 2010***
Commissioner Helm made a motion to approve payment of all purchase orders from all departments as submitted with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

ITEM 19: RECESS OR ADJOURNMENT:
Commissioner DeLozier made a motion to adjourn the meeting with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried and the meeting adjourned at 10:35 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, February 11, 2010, at 3:06 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.