

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, March 15, 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: March 3, 2010 and March 8, 2010

Commissioner DeLozier made a motion to approve the minutes from March 3, 2010, and March 8, 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:

1. Discussion with possible action regarding Approval/Disapproval of Bi-Annual Bridge Inspection Report of County Road System Bridges in Rogers County, Oklahoma, in District #1 to be submitted to ODOT Bridge Division in Oklahoma City – (D#1)

Commissioner DeLozier 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. District #3 Unrestricted Highway M&O to travel - \$500.00
2. Election Board M&O to capital outlay - \$2100.00
3. Assessor Visual Inspection salaries (\$9000.00) travel (\$5000.00) and M&O (\$40,000.00) to Contract Appraiser account = \$54,000.00
4. Sheriff Commissary M&O to capital outlay - \$5000.00\

Chairman Thacker made a motion to approve Items 1, 2, 3 & 4 under transfer of funds as presented with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

ITEM 12: UTILITY PERMITS:

1. Rural Water District #8, Rogers County – boring county road EW/520 lying between county road NS/4170 and Highway 88 lying between Sections 26 and 35 of Township 21 North, Range 16 East of the I.B.&M., Rogers County, Oklahoma – (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.\

ITEM 13: CLAIMS:

1. Salaries – None presented.
2. Attendant Care – None presented.
3. Claim to State of Oklahoma Office of Juvenile Affairs District G JSU in Pryor, Oklahoma, for February 2010 Alternatives to Detention/Transportation Claim in the amount of \$1486.00 – (Clerk)

Commissioner DeLozier made a motion to approve Item #3 under claims as presented 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 –
R & S Auto Parts, Chelsea - \$600.00 – Commissioner DeLozier made a motion to approve 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 a Resolution relating to the incurring of indebtedness in the amount not to exceed \$23,500,000 by the Trustees of the Rogers County Industrial Development Authority; authorizing the sale of revenue obligations; waiving competitive bidding with respect thereto; Approving a Project Agreement; and Related Matters – (DA)

Tom Hilborne, bond counsel and Greg Nieto, financial adviser were present. Assistant District Attorney, Barry Farbros, stated he had reviewed the resolution being presented today. Nieto explained the incurring indebtedness by RCIDA, of which the county is the beneficiary of the public trust and Rogers County has to approve what RCIDA does as far as incurring debt. Strictly from a financial standpoint, this includes the different aspects of what we are obligating as far as debt service is concerned to make payment not to exceed \$23,500,000. We are going to maximize what we can get for the project on behalf of the county. Legal counsel has reviewed it and there has been some discussion as far as the amounts we are pledging of 1/6 of one cent, the entire use tax and \$200,000.00 from general fund. That is to be used to flow through the authority to maximize our coverage, which every time we can increase our coverage it will help the interest rate. We have projected no growth on the debt and if there is an increase in sales tax it would offset any amount of commitment from other revenue funds and shorten the debt.

Chairman Thacker made a motion to approve and Assistant District Attorney, Barry Farbros, inquired was this for the resolution only, because there is also a Project Agreement included in the item and there should be some discussion about the Project Agreement.

Hilborne stated the Resolution also approves the form of the Projects Agreement which is the agreement whereby Rogers County agrees on fiscal year to year basis initially to June 30, 2010, and every year that the bonds are outstanding it would be renewed annually. Rogers County would agree to pledge all the sales tax revenue excise tax (use tax) and \$200,000.00 from general fund for the payment of the bonds, and if would flow through there as we have indicated and all of the excise tax (use tax) except for \$200,000.00 a year would come back out to the county on a monthly basis. We would take a little over \$16,000.00, which is a 1/12 of \$200,000.00 per month for debt service and any excess would come right back out to the county. The sales tax and general fund money would stay in there for debt service and if it builds up an excess from those two sources, then we would retire the debt early. It is assumed when you approve the resolution you are approving the Projects Agreement, because that is one of the sections in the resolution.

Chairman Thacker made a motion to approve Item 15 Agenda Items #1 and Farbros asked for discussion. Farbros stated he hoped the Board had time to review the Projects Agreement and wanted to make sure the Board understood what it says, because he has some concerns about it. These are things that have been discussed from very early on in regards to the courthouse project discussions. Section 2 of the Projects Agreement says the county shall deposit all proceeds of the sales tax, which has been 100% dedicated from the very beginning. Section 3 requires the county to deposit all proceeds of the excise tax (use tax), it's mandatory because it reads shall and the county agrees subject to availability and appropriation of funds, but as I read it from a legal standpoint, requires the county to deposit 100% of the use tax into the revenue fund at the trustee bank. Section 4 also requires the county, subject to availability of funds, \$200,000.00 in addition to the sales tax and the excise tax (use tax), an additional \$200,000.00 from general fund deposited on or before May 1 of the current fiscal year. Farbros continued that he wanted to make sure the Board understood that is what the Projects Agreement says and it was his understanding from comments made in previous open meetings was there was not \$200,000.00 excess in the county's general fund budget. My concern is, I read that agreement and it's saying one thing, but as it is being explained to me it is being said another way. Each paragraph reads shall.

Hilborne commented, that is exactly what it says, that is what has been discussed all along, and as I indicated to you, all the sales tax goes in, all the excise tax (use tax) goes in and what we have talked about since day one with the committee was the county trying to come up with \$200,000.00 out of general fund for coverage purposes. We've got about 1.4 times coverage with all three of those sources pledged to the bonds and far as the general fund appropriation goes, with that excise tax coming back out every month in the flow of funds, if you wanted to re-appropriate the \$200,000.00 general fund appropriation out of that, you could certainly do it. That is exactly what it says, that is what these agreements always say, there is nothing unusual about the agreement, I've done a hundred of them on financing. It is a year to year pledge and have to renew July 1st of every year. The excise tax is going to come back out, because we are going to use the sales tax and use \$200,000.00 a year from the excise tax for debt service and maybe \$200,000.00 of the general fund money for debt service, but all the rest of the excise tax comes back out monthly to the county. Farbros asked if there was another document that stated this and Hilborne replied, yes, that is in the bond indenture between the trustee (bank) and RCIDA authority. Farbros stated his concerns were that the Projects Agreement didn't provide a mechanism for the money to be received back by

the county. Hilborne stated that is in the flow of funds section of the bond indenture and Farbro stated he has not seen it or reviewed it. Farbro continued that he is comfortable relying on statements of bond counsel and financial adviser as long as the Board is comfortable and understands what it says.

Commissioner Helm commented all the monies have to be pledged first. Has the problem been cleared up where \$200,000.00 was appropriated to the Rogers County general fund in error and the amount should be stated in the one cent sales tax fund? If not, we are really talking about \$400,000.00 instead of \$200,000.00. Farbro stated it was his understanding it was a pledge according to Mr. Hilborne, and the bond indenture agreement says all this. Does this require the county to make a \$200,000.00 deposit on or before May 1st of this year? Nieto replied, yes, sir. Hilborne countered and stated it could be after the new fiscal year. Nieto stated we can definitely do that, and put it beginning July 1, 2010.

Commissioner Helm again asked, the \$200,000.00 that was not appropriated to the one cent sales tax fund and was appropriated to general fund, has the correction been made? Farbro answered that he did not know, that was a financial question. Marilyn Gibson, County Clerk 1st Deputy, stated she has been working with Chairman Thacker on the matter. Commissioner Helm asked, is there any reason why Section 4 couldn't be removed completely and live with Section 3 in taking all the use tax, instead of using any of general fund money?

Farbro commented that bond counsel and financial adviser suggest it is necessary to obtain a better rating. Nieto explained that you could do it, but it drops your coverage down dangerously close and the rating would suffer. That is the only reason we are trying to put it in there. When you appropriate this money it's going to help our interest rate up front and rating up front with every dollar we can pass over above our actual debt service coverage, that enhances our position. That directly affects our interest rate, it will drop down. With a lower interest rate up front, that is going to make it easier to make those payments throughout the life of the issue and it's going to make less of an impact if a problem should arise on down the line, because you start out with a lower rate and you keep that lower rate. That is the only reason we are doing it this way for coverage purposes and try to get the highest rating possible.

Chairman Thacker made a motion to approve. Motion died for a lack of second. Commissioner DeLozier made a motion to table this item for one week (March 22nd) to allow him time to review the Resolution and Project Agreement and discuss with Mr. Hilborne with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

2. Discussion and possible action regarding the Execution of an Addendum to the Agreement for Economic Development Services with the Rogers County Industrial Development Authority for the balance of the 2009-2010 fiscal year, as considered and approved at a Special Meeting on March 3, 2010 – (DA)

Farbro commented the language in this addendum was considered and approved on March 3, 2010, and is on the agenda today for the Commissioner's to approve the execution of the written addendum to the contract. Chairman Thacker made a motion to approve as presented with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

3. Discussion and possible action regarding Presentations by Prospective Construction Manager At Risk Companies for the new County Courthouse and E911 Facility Project, to-wit: Crossland Construction Company, Inc.; Flintco, Inc.; Key Construction, Inc., and Manhattan Construction Company – (Comm. Office)

Chairman Thacker stated the county would like to pursue a Construction Manager at Risk construction method for the courthouse and E911 facility project. BKL, Inc., provided the county with their recommendations on possible firms to interview for this service. Kim Reeve, AIA, BKL, Inc., President was also present at the meeting and stated it is customary for companies/firms not to hear the other company's presentation. Gene Haynes, District Attorney, reminded the Board it was an open meeting and you cannot ask the companies/firms to leave while another is giving their presentation. All companies/firms voluntarily left the meeting while another company/firm was making their presentation. Firms making their presentations in order were Key Construction, Inc.; Manhattan Construction; Flintco, Inc., and Crossland Construction Company, Inc.

Discussion only, no action taken.

4. Discussion with possible action regarding Approval/Disapproval of proposed Information Technology (IT) Supervisor job description to read - (1.) to report any *illegal, inappropriate, or improper use or* misuse of county owned computer properties & resources to the Board of County Commissioners and District Attorney - (2.) The Information Technology Department has the authority to block *and temporarily deny a county employee's access to the* internet and email from any *county-owned computer* without the *prior* approval of *the* employee's supervisor –

Commissioner Helm made a motion to approve with Chairman Thacker seconding the motion. Gene Haynes, District Attorney, asked, has the IT Director ever put out guidelines for the employees and Chairman Thacker replied, yes. Haynes continued that a reminder should be sent out by the IT Director to the employees, because even if it is in the personnel policy handbook, employees forget. Vernon Scogin, OSU Director, stated the office uses county owned equipment, but they are not county employees and they are not sure of the guidelines. Chairman

Thacker stated the guidelines would be shared with them. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

5. Discussion with possible action regarding Approval/Disapproval of Independent Contractor's Agreement for Professional Appraisal Services by Rogers County, Oklahoma, on behalf of the Rogers County Assessor and Thos. Y. Pickett & Company, Inc., - (Assessor) ***NOTE***This item was tabled from March 8, 2010, meeting***

Chairman Thacker 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 update from Bob Anderson, Emergency Management Director, for the submission of the Rogers County Hazard Mitigation Plan by Grand Gateway to Oklahoma Emergency Management and FEMA – (EM) ***NOTE***This item was tabled from March 8, 2010, meeting***

Bob Anderson, Emergency Management Director, explained the county received a final invoice for the submission of the Rogers County Hazard Mitigation Plan by Grand Gateway to Oklahoma Emergency Management and FEMA and that Rogers County received a \$5000.00 for final payment to Grand Gateway for the submission, research, corrections and updates to the Rogers County Hazard Mitigation Plan and \$800.00 is reimbursement to Rogers County for administrative fees. Grand Gateway is putting the plans in binders with CD's and will sent to the county and each community within Rogers County.

Peggy Armstrong, Rogers County Clerk, asked for instruction from the Board as to where to deposit the \$5000.00 and the \$800.00 respectively. Commissioner Helm suggested setting up a new fund to deposit the \$800.00 administrative fees into and for any future administrative fees received by the county.

Commissioner DeLozier made a motion to deposit the \$5000.00 into general fund and encumber a purchase order in the amount of \$5000.0 to reimburse Grand Gateway and set up a separate account in which to deposit the \$800.00 into the with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

NOTE\$800.00 was deposited into account #176 Hazard Mitigation Plan***

7. Discussion with possible action regarding Approval/Disapproval of Citation to Robert Heidlage, Rogers County Fair Board, is to be commended posthumously for his outstanding job of serving the citizens of Rogers County for 21 years as a member of the Rogers County Fair Board – (D#1)

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

8. Discussion with possible action regarding Approval/Disapproval of Resolution #2010-11 and Reimbursement form directing County Treasurer to deposit funds for reimbursement from Welch State Bank in the amount of \$22,942.62 into the one-cent sales tax fund for distribution for District #2 – (Comm. Office)

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 County Officer's Monthly Reports for February 2010 – (Clerk)

Chairman Thacker made a motion to approve as presented with Commissioner DeLozier 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 to deposit funds from Sheriff's Office for fuel reimbursement in the amount of \$2486.13 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.

11. Discussion with possible action regarding Approval/Disapproval of Reimbursement form as per Resolution #2009-89 directing County Treasurer to deposit funds from Town of Oologah for fuel reimbursement in the amount of \$633.57 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.

12. Acknowledgement for public record receipt of check #84770 from Grand Gateway Economic Development Assoc. in the amount of \$40,000.00 for FY 09 Reap Pass Thru Cont # 005-EF-09 for Sequoyah Public Schools – (Clerk)

Acknowledged for public record only, no action taken.

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 he wanted to commend all agencies involved in the meningitis outbreak at the Oologah-Talala Public School system for their quick response and the great job they did and for everyone to remember to pray for the families.

Bob Anderson, Emergency Management Director, informed the Board an applicants briefing for Rogers County on the January 2010 ice storms at the Case Community Center, 1050 West Wekiwa Road, Sand Springs, Ok 74063, on Tuesday, March 16, 2010, at 10:00 A.M.

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, March 15, 2010*** Chairman Thacker made a motion to approve payment of all purchase orders from all departments as presented with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

ITEM 19: RECESS OR ADJOURNMENT:
Commissioner Helm made a motion to adjourn the meeting with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried and the meeting adjourned at 12:11 P.M.

BOARD OF COUNTY COMMISSIONERS
ROGERS COUNTY, OKLAHOMA

By: _____
Peggy Armstrong, Rogers County Clerk

(SEAL)

Notice of said meting was filed in the Office of the County Clerk on Thursday, March 11, 2010, at 3:46 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.