

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 22, 2010, at 9:00 O'clock A.M.

MINUTES

ITEM 1: CALL TO ORDER:

Chairman Kirt Thacker 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 Kirt Thacker and Commissioner Mike Helm were present and quorum established. Commissioner Dan DeLozier arrived at 9:04 A.M.

ITEM 3: FLAG SALUTE:

Chairman Thacker 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 15, 2010

Commissioner Helm made a motion to approve the minutes from March 15, 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 Bridge Inspection of County Road System Bridges in Rogers County, Oklahoma, in District #2 to be submitted to ODOT Bridge Division in Oklahoma City – (D#2)

Commissioner Helm 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 Easement for Public Highway by and between Ernest Wayne Pauley and Linda Sue Pauley, husband & wife, grantor and County of Rogers, grantee, on a tract of land situated in the South 300 feet of the West 363 feet of Tract #4 of Morgans Acres Second, a subdivision in Section 23, Township 21 North, Range 14 East of the I.B.&M., Rogers County, Oklahoma, according to the recorded Plat thereof, containing 0.28 acres on Project #STP-166C(210)CO Job Piece #25427(04) Parcel #2 – (D#2)

Commissioner Helm commented with the help of Assistant District Attorney, Barry Farbro, and Peggy Armstrong, Rogers County Clerk, we are now ready for the meeting on Wednesday, for the \$1 million dollars on this project. Commissioner Helm made a motion to approve with Commissioner DeLozier 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. General Government Building Improvement to District #1 One Cent Sales Tax Fund M&O = \$62,386.35; District #2 One Cent Sales Tax Fund Lease-Purchase = \$62,386.35 and District #3 One Cent Sales Tax Fund = \$75,227.30 for a grand total of \$200,000.00 – (Clerk)

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

2. County Clerk salaries \$12,000.00; County Clerk part-time salaries \$7,000.00 and County Clerk travel \$1000.00 to General Government – with discussion and possible action on transferring to General Government M&O or Building Improvement a grand total of \$20,000.00 – (Clerk)

Commissioner DeLozier made a motion to transfer the monies to building improvements within general fund with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

ITEM 12: UTILITY PERMITS:

1. Rural Water District No. 2, Mayes County – open cutting a gravel surface roadway beginning at the Southeast ¼ of Section 31, Township 19 North, Range 17 East 25 feet north of the intersection of county road NS/419 and EW/65 in District #3 – (D#3)

2. Rural Water District No. 2, Mayes County – open cutting a gravel surface roadway beginning at the Southeast ¼ of Section 31, Township 19 North, Range 17 East, 2000 feet east of the intersection of county road NS/419 and EW/65 in District #3 – (D#3)

Chairman Thacker made a motion to table Items 1 & 2 under utility permits as presented until further notice because of open cutting a gravel roadway surface with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

ITEM 13: CLAIMS:

1. Salaries – Pam Smith, Sheriff's Office - \$1046.52

Commissioner DeLozier made a motion to approve as presented with Commissioner Helm 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 – None presented.

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)

NOTEthis item was tabled from March 15, 2010, meeting***

Assistant District Attorney, Barry Farbros, reminded the Board this item was discussed in detail at last week's board meeting and the original resolution is the same as presented last week. The Projects Agreement has been amended based upon discussions with Tom Hilborne, who is present today. The one area that was of some concern to the Commissioners had to do with the additional appropriations of \$200,000.00 from general fund and that language has been softened. The specific amount has been removed and the agreement basically says, if there is an insufficiency in the proceeds from the sales tax and the excise tax (use tax) the County Commissioner's agree to appropriate sufficient funds to make the payments on the principal and interest on the bond indebtedness.

Hilborne concurred and stated Farbros stated it absolutely correctly. We have taken the \$200,000.00 a year appropriation out of the agreement and what it says now is in any unlikely event the sales tax and the excise tax (use tax) are insufficient, the board will use their best effort subject to availability of appropriation of funds to find the money to make up the shortfall and pay the bonds.

Chairman Thacker made a motion to approve Item #1 as presented 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 Integrity Steel Works and Board of County Commissioners on behalf of Rogers County Sheriff's Office –

Assistant District Attorney, Barry Farbros, stated he had not reviewed the agreement and didn't know what type of work is proposed and if it is public construction there is certain requirements that have to be fulfilled with respect to bidding. Commissioner Helm made a motion to table this item until further notice to allow time for Assistant District Attorney, Barry Farbros, to review the agreement 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 #2010-12 and Reimbursement form directing Rogers County Treasurer to deposit funds from Rogers County Election Board into the general fund for distribution in the amount of \$785.46 - (Clerk)

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

4. Discussion with possible action regarding Approval/Disapproval of Reimbursement form as per Resolution #2009-90 directing Rogers County Treasurer to deposit funds from Town of Talala for fuel reimbursement in the amount of \$296.74 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.

5. Discussion with possible action regarding re-appointment of Michael Martin to the Rogers County Planning Commission Board for another 4-year term from March 2010 through March 2014 – District #3 appointment (P.C.)

Chairman Thacker stated he has spoken with Mr. Martin and he is willing to serve another 4 years. Magan Green, Planning Commission Director, stated Mr. Martin is currently

the co-chair to the Planning Commission Board and is a member who shows up and attends regularly to have a quorum present. Chairman Thacker made a motion to approve 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 signing of Corporate Resolution whereas, RCB Wealth Management changed from PrimeVest to Raymond James & Associates, Inc.- (Clerk)

County Clerk, Peggy Armstrong, explained this item was received in the mail and was not sure exactly it was. Commissioner DeLozier made a motion to table this item for one week (March 29) to allow someone from RCB Wealth Management explain this item to the Board with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

7. Acknowledgement for public record receipt of check #105022666 from State of Oklahoma, State Treasury, Oklahoma City, 309 Department of Civil Emergency Management in the amount of \$100,000.00 on State Disaster #SO-9023 April/May 2009 #1488 spring flooding for District #3 – (Clerk)

Acknowledgement for public record only, no action taken.

8. Discussion with possible action regarding Approval/Disapproval of Resolution #2010-13 and Reimbursement form directing Rogers County Treasurer to deposit funds from State of Oklahoma, 309 Department of Civil Emergency Management for FEMA reimbursement in the amount of \$100,000.00 into the one-cent sales tax fund for distribution for District #3 – (Comm. Office)

Chairman Thacker 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 Resolution #2010-14 and Reimbursement form directing Rogers County Treasurer to deposit funds from Rural Water District No. 4, Rogers County for fuel reimbursement in the amount of \$618.58 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.

10. Acknowledgement for public record whereas Commissioner Kirt Thacker is returning the Election Board Office key presented to him personally by Rebecca Dealy, Election Board Secretary, back to the Election Board Office – (Comm. Office)

Chairman Thacker stated he wanted it made a matter of public record he was returning back to the Election Board's office the key he was given earlier in the year.

NOTEthe key was returned to Roy Hancock, Assistant Secretary to the Rogers County Election Board.

11. Discussion with possible action regarding Approval/Disapproval of Independent Contractor's Agreement by and between A Anderson Electric; Akin Plumbing; Air Comfort and B. J.'s Remodeling & Construction and Board of County Commissioners on behalf of the Rogers County Health Department – (Health Dept.)

Peggy Armstrong, Rogers County Clerk, explained these are companies the Health Department has been doing business with and Armstrong sent out a memo advising departments to make sure they had Independent Contractor's Agreements on companies they are presently doing business with and that is why the Health Department is turning these in now. Farbro inquired if this was for construction contracts or remodeling? Commissioner DeLozier explained it was his understanding these Independent Contractor's Agreements were for general routine maintenance or annual maintenance. Farbro inquired if the contract listed amounts and is it a project for which the work is needed now. Farbro recommended he look at the contracts first before the Board took action on. Commissioner Helm made a motion to table this item until further notice to allow Assistant District Attorney, Barry Farbro, to review with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

12. Discussion with possible action regarding Approval/Disapproval of new U.S. Cellular Service Agreement on behalf of Rogers County Health Department – (Health Dept.)

Assistant District Attorney, Barry Farbro, commented he has looked at the contract, it's an amendment to an existing contract that expands the scope. Farbro did write on the service agreement that is for a proposed 2-year term, subject to fiscal year limitations. Chairman Thacker made a motion to approve with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

13. Discussion with possible action regarding Approval/Disapproval of posting of signage on the 2nd Floor and 3rd Floor of the Rogers County Courthouse in reference to the use of audio and visual recording in court rooms – (Sheriff)

Captain Mike McElhaney with the Rogers County Sheriff's office stated they just wanted to post some signs on the 2nd and 3rd floors in addition to the ones the Board has already approved. It has been brought to my attention by some of the judges that certain people are sitting through court sessions and are tape recording, which is prohibited for them to do that by the judges. I have conferred with Assistant District Attorney, Barry Farbro, about the matter and he e-mailed me the 2007 revised court rules of the Northeast Judicial Administrative District: Rule 1.5 – Disruptive Activities in Courtroom or in Chambers reads "without leave of court, eating, drinking (except water allowed by the Court) chewing gum, reading newspapers or magazines, or use of tobacco in any form is forbidden by all persons in chambers, or in the courtroom whether Court is in session or not. Use

by any person or any device to send or receive messages, or record sound or images in courtrooms or chambers is prohibited without consent of the Court. All electronic devices brought into courtrooms or chambers shall be set on a "silent" mode. Any activity or noise in or near the courtroom which disrupts or disturbs the proceedings is prohibited and may result in a citation for contempt or sanction".

Commissioner Helm asked for clarification, if a judge agrees they may, they can still record. Farbro replied, yes. Captain McElhaney stated that is what we would like for the sign to read, prohibited without the express consent of the presiding judge. Farbro suggested the sign should probably reflect the identical words from the District Court rules. Commissioner Helm commented in his reading of the rule he felt it was unclear. Farbro replied, the content of the sign, if it recites language of the District Court rule, feels it would be a legal sign and the courts have that ability to enforce that rule. Captain McElhaney by request of the judges, is wanting to put the citizens on notice that the rules exist and will be enforced by the judges.

Commissioner DeLozier made a motion to approve posting of signage on the 2nd floor and 3rd floor of the courthouse with Chairman Thacker seconding the motion. Chairman Thacker stated he does not agree with the rule and does not see whom it would harm for persons to keep track of what is going on inside the courtrooms. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

14. Discussion with possible action regarding Approval/Disapproval of Letter of Resignation of Melissa Anderson as Rogers County Assessor effective April 1, 2010 – (Assessor)

 Melissa Anderson, Rogers County Assessor, presented the Board with a letter tendering her resignation as Rogers County Assessor effective April 1, 2010. (see letter)

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

15. Discussion with possible action regarding Appointment of Rogers County Assessor to fill the unexpired term of Melissa Anderson – (Assessor)

 Chairman Thacker stated in the letter of resignation presented by Melissa Anderson, Rogers County Assessor, she stated she would like to recommend Scott Marsh to fill her unexpired term. Scott has received his Assessor Advanced Accreditation through the Oklahoma Accreditation Program and he is capable of performing the duties of the County Assessor.

 Assistant District Attorney, Barry Farbro, stated he would be pre-mature for the Board of County Commissioners to appoint anyone to that office today, primarily because there is no vacancy in the office and there won't be until April 1st. It's conceivable that a county officer tendering resignation could change his or her mind prior to that date. The Board would be better served to wait until the next regular Commissioner's meeting following April 1st before any appointment is made. You can't fill the office until there is a vacancy, in the event of an absence or vacancy in the office caused by a resignation the 1st deputy shall continue to run the office and the Board shall make an appointment to fill the unexpired term at a later time.

 Anderson explained when former County Clerk, Andrea Willis, resigned, we were following the same procedures as conducted then. Commissioner DeLozier asked if a special meeting could be called next Thursday, April 1st? Farbro stated he didn't feel it was necessary to call a special meeting, because Friday, April 2nd is a county holiday and the next regular board meeting would be Monday, April 5th, you would have a person who would be handling the duties of the office for two days and the official appointment could be made at the next regular Commissioner's meeting.

 Discussion 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 -

 Joy Hampton with the Claremore Daily Progress commented on Item 15
Agenda Items #13.

ITEM 17: 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 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 22, 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:

 Chairman Thacker 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 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, March 18, 2010, at 3:28 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.