

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, May 3, 2010, at 9:00 O'clock A.M.

MINUTES

ITEM 1: CALL TO ORDER:

Chairman Kirt Thacker called the meeting to order at 9:01 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: April 26, 2010

Chairman Thacker reported the minutes from April 29, 2010, special meeting have not been typed yet and therefore, the Board cannot approve them. Commissioner DeLozier pointed out T Highway cash fund estimate of need approved by the Board last Monday, April 26th, had an error on it; a fuel reimbursement in the amount of \$697.45 was moved to one-cent for District #2 after the error was noticed. Commissioner Helm made a motion to approve the minutes with the noted correction 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 and possible action regarding Approval/Disapproval of ODOT Claim Form 324a for District #1 request for payment for right-of-way staking completed February 12, 2010, on Bridge #79 over Dog Creek; Project #BRF-166C(219)CO; State Job #25744(05) for \$2,500.00 – (D#1)

Commissioner DeLozier stated before we changed things where we pull the funds out of our CBRI funds, this would have been previously encumbered. Commissioner DeLozier made a motion to approve with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

2. Discussion and possible action regarding Approval/Disapproval of ODOT Claim Form 324a for District #2 request for reimbursement on right-of-way acquisition costs on Bridge #98 over Elm Creek, Project #STP-166C(210)CO: State Job #25427(05) for \$112,860.00 – (D#2)

Commissioner Helm reported this is on the STP contract and does not affect any of our money, and is a portion of the \$1,000,000.00 granted in the STP grant. 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. Election Board personal services \$17,530.00 and part-time salaries \$1,750.00 to travel \$3,000.00; M&O \$5,280.00; and capital outlay \$11,000.00 for a grand total of \$19,280.00 -

Roy Hancock, Assistant Election Board Secretary, explained this transfer is to purchase additional furniture for new staff; replacement of some furniture/equipment and completion of furniture for offices. Hancock further stated the office had 100% turnover with the staff in the last year and have accumulated approximately \$19,000.00 in surplus salaries that won't be used for this fiscal year. We are trying to utilize the money well, and placing \$3000.00 into travel to help accommodate state mandated training; \$5000.00 to finish the renovation of the building; and the

rest is to purchase additional furniture, equipment, etc. Ms. Dealy will be willing to return some money to courthouse building fund within general fund if funds are available. Commissioner Helm made a motion to approve with Commissioner DeLozier 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/road crossing at 24612 Well Ranch Road, north of county road EW/530 in Section 34, Township 21 North, Range 16 East of the I.B.& M., Rogers County – (D#3)

Chairman Thacker stated he'd reviewed the permit and made a motion to approve with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

2. Rural Water District #8, Rogers County – boring/road crossing on county road NS/4160 lying between county road EW/500 and Flint Road between Sections 21 & 22 of Township 21 North, Range 16 East of the I.B.& M., Rogers County – (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.

Chairman Thacker inquired from legal counsel, Assistant District Attorney, Barry Farbro, what could the county do about having difficulties with some utility companies not following the permit requirements, such as the right-of-ways being cleaned up and put back like they were before the permitting began. Farbro suggested one option would be to have the utility company post a performance bond, as stated in the permit application. Farbro stated he would review the permit form and get back with the Board. Discussion only, no action taken.

3. Chelsea Gas Authority – boring county road EW/450 approximately 1750 feet east of county road NS/4180 lying between Sections 24 and 25 of Township 22 North, Range 16 East of the I.B.& M., Rogers County – (D#1)

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

4. KAMO Power – construction of an aerial fiber optic cable route to parallel on county road NS/4120 and a buried crossing across county road NS/4120 located in Sections 1, 2 and 12 of Township 21 North, Range 15 East of the I.B.&M., Rogers County – (D#3)

Chairman Thacker expressed concerns over a buried crossing of a county road. Bill Hunter with KAMO was present at the meeting and stated the permit reflect is would be a 60' directional bore only, not buried crossing. 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. Discussion and possible action regarding Notice of Tort Claim filed by Mr. & Mrs. Clyde Hicks for damages to home, out-buildings and real property located at 22944 South Pecan Street, Claremore, Ok 74019, caused by May 1, 2009, flooding – (Concord Heights) (Clerk)
NOTEthis item was tabled from April 26, 2010, meeting***

Barry Farbro, Assistant District Attorney, recommended the Board acknowledge receipt of the claim and take no action. The claim has been submitted to Traveler's Insurance to see if there is coverage, it will depend upon the claim. Acknowledged, no action taken.

4. Discussion and possible action regarding Notice of Governmental Tort Claim filed by Willie Edwards for the use of excessive force without factual and/or legal justification, and for the negligent actions of staff at the Rogers County Jail facility, compensation in the amount of \$175,000.00 – (Clerk)

Farbro stated all the allegation of the claim have been denied and has been turned over to Traveler's Insurance to conduct an investigation during the time in which a claim was made for a lawsuit to be required. Counsel recommends acknowledging and take no action. Acknowledged, no action taken.

ITEM 14: BLANKET PURCHASE ORDERS:

1. Materials, Supplies, Parts, Groceries & Prescriptions –
District #2: Boxcer Equipment, \$1000.00 – Commissioner Helm made a motion to approve with Chairman Thacker 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 and possible action regarding Approval/Disapproval of Resolution #2010-21 whereas, Rogers County with the assistance from Grand Gateway EDA, has gathered information and prepared a Rogers County Hazard Mitigation Plan – (EM)

Bob Anderson, Emergency Management Director, explained participating

governments were Rogers County, City of Catoosa, Town of Chelsea, Town of Foyil, Town of Inola, Town of Oologah, Town of Talala and Town of Verdigris. FEMA has approved the Rogers County Hazard Mitigation Plan, pending adoption by Rogers County of the resolution required by FEMA to gain formal approval of our plan. An electronic form of the resolution must be sent to FEMA 60 days from the date of a FEMA letter received by our office; at which time the documents will be reviewed and forwarded to FEMA for final approval.

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

2. Discussion and possible action regarding Approval/Disapproval of County Clerk's Cash Book and Summary Report to the Board of County Commissioner's for the month of April 2010 – (Clerk)

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

3. Discussion and possible action regarding Resolution #2006-24 adopted by the Board of County Commissioners on June 19, 2006, "establishing policies prohibiting certain types of political activities on county owned property and in the work place during working hours" – (D#3)

Chairman Thacker stated he placed this item on the agenda to remind everyone that an election year is approaching and the county has a policy in place prohibiting certain types of political activities on county owned property and in the work place during working hours and the Board needs to lead by example. Commissioner Helm reminded that sometime state candidates come into the courthouse. Farbro explained the policy is designed for the employees, but at the same time, we need to inform the candidates that Rogers County has a policy in place about no campaigning on county property; and signs are not permitted on vehicles that are parked on county property. Commissioner Helm inquired about a citizen attending a public meeting where they are wearing a campaign t-shirt. Farbro stated we need to inform them the county has a policy adopted prohibiting certain types of political activities, but it would have to be looked at on a case-by-case basis. 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 inquired about Item #15 Agenda Items #1 and #3.

ITEM 17: ANNOUNCEMENTS:

Chairman Thacker stated Greg Nieto with The Baker Group, financial adviser called earlier this morning and gave an update on the bonding for the new courthouse, the interest rate should lock-in today, if everything goes well, at 4.6%, which is less than expected. Money should be in the bank by the 14th of May and there should be approximately \$1.2 million to \$1.3 million more money in the bank because of the lower interest rate.

Commissioner Helm is asking all newspapers to assist informing the public about the importance of the census.

Commissioner DeLozier stated on next week's agenda the 911 committee will be asking to fund a 911 administrator and set a salary range.

ITEM 18: 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 – None presented.

ITEM 19: 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, May 3, 2010***Assistant District Attorney, Barry Farbro, presented the Board with a copy of Title 63 O.S. 6701 that provides that "*the public health authority shall provide information by all available and reasonable means calculated to bring the information promptly to the attention of the general public.*". Therefore, purchase order #6983 is a lawful expenditure by the Rogers County Health Department issued to Wylie Communications, Inc.

Farbro recommended notifying Mary Beth Murray, Rogers County Health Department Director, that Bob Anderson, Emergency Management Director, is trained as a P.I.O. (public information officer)

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 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 adjourned at 10:24 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, April 29, 2010, at 3:37 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.