

**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, June 28, 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: June 21, 2010, regular meeting and June 21, 2010,

Chairman Thacker made a motion to approve the regular and special meeting minutes of June 21, 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 Resolution #2010-59, whereas, the Board of County Commissioners of Rogers County, Oklahoma, recognize and support the City of Claremore, in a partnership to study, construct, and maintain roads in Rogers County; and whereas, the City of Claremore intends to partner with Rogers County to construct a roadway traffic loop in and around the City of Claremore and Rogers County; and whereas, both the City of Claremore and Rogers County will benefit from this project; and whereas, the Rogers County Commissioners are supportive of this project and its intended goals of traffic reduction and economic development along said roadway, and whereas, it is the direction of Rogers County Commissioners that this project be supported through a combined effort of manpower, equipment, materials and funding – (D#3)

Chairman Thacker stated Assistant District Attorney, Barry Farbro, has informed the Board that one of the criteria was for this project be on the 5-year plan; and I have asked this to be done through the Circuit Engineering District.

Farbro commented, if you look at the legal opinion, there is more than just putting a project on the 5-year plan; there is also some exceptions, you have to read the whole paragraph; put it on the 5-year plan and be identified as a functionally classified county collector route, as determined by the Department of Transportation in cooperation with the Board of County Commissioners and approved by Federal Highway Administration; all of those requirements must be satisfied in order for this project to be included under this criteria.

Chairman Thacker replied, but it is not accepted by those other entities when it's a plan, it's accepted when it's built, because they won't accept roads that aren't constructed.

Farbro replied, he was reading it as the plan for the project approved in advance; and if you know otherwise I defer to your expertise, but at the same time I do not know who the author of the resolution is, it contains some legal terms that have legal significance that I could not recommend the Board use, such as partnership, that has legal significance; and words and terms used in the statutes are cooperative agreements and those are the terms I would prefer to use; and not having discussed this resolution with anybody before this morning, although I did read it, was not sure of what the Commissioner's intent was in proposing it whether or not you were attempting to agree in principal or philosophically with the idea of the outer loop route study or actually agree to financially participate in the study; not clear of the intent the Board is trying to take.

Chairman Thacker stated in his opinion, participate at least philosophically. Farbro continued, if that is the Board's intent, the resolution needs to be more clear in that respect;

too broadly drafted, using legal terms that have legal significance that should not be used in an agreement between a municipality and a county.

Chairman Thacker asked, is there anything in this current resolution that binds the county? Farbro stated in his reading of the resolution, it was uncertain. Chairman Thacker continued, if a motion is made and seconded today, which would it be, a philosophical resolution of saying we're with you or would it be to where the City of Claremore comes back later and says we have a legal binding contract? Farbro pointed out in the middle of the resolution where it says, "it is the direction of the Rogers County Commissioners that this project be supported through a combined effort of manpower, equipment, materials and funding" that reads like you have agreed to sign on to support it with money. Chairman Thacker asked, at this point, this is not a contract, this is a resolution stating we are working together. Farbro stated, if that is what the Board wants, recommends drafted to clearly reflect that, because in reading it I have some uncertainty about the intent of the resolution.

Commissioner DeLozier inquired from Farbro, if you had the time to draft a resolution and check with the City of Claremore and make sure they agree with the content of the resolution, on a non-binding resolution, and have ready for next meeting. Farbro commented, if the Board considers a resolution, that we philosophically or support in principal the outer loop route study; that needs to be more specific; could not recommend the Board consider this resolution as currently drafted.

Chairman Thacker asked, on what legal basis would you recommend this not be passed? Farbro replied, the use of the word "partnership" has legal significance, partners and general partnership are generally jointly and severally liable for the liabilities of the other, it is a legal term of art; concerns over combined effort of manpower, equipment materials and funding, it is looking like an agreement to participate; this Board knows the County Commissioners can only provide equipment, labor and supplies to municipalities having a population of 5000 or less than 15,000 if there is a one-cent sales tax dedicated to roads; and the City of Claremore has a population exceeding 15,000 and has for the last 2 or 3 years according to the data I have reviewed; would much rather draft a resolution for the Commissioners that would say exactly what the Board intends it to say.

Chairman Thacker asked, it is legally binding if it is passed today and Farbro replied, the resolution reads it shall take effect and be in force from and after the earliest period allowed by law and it looks like binding resolution, not a contract. Farbro continued, the Commissioners might recall a resolution being drafted by the District Attorney's Office that philosophically supported the idea of the elevated railroad tracks and this would be in similar form, until it has been decided the Commissioners can legally participate in this proposed study; the Board has passed a resolution of support, but not a financial commitment.

Chairman Thacker stated he believes the City of Claremore, in conversations with them, want basically a show of good faith and at the special meeting with the city on Monday, June 21, I stated somebody has got to make the first move; this has been held up too long; the City council is made up of reasonable people and if we don't have the funding, for example, even if we have a resolution, if we don't have the money to do it, they are not going to come back and say we said we would; this is a show of good faith between the City of Claremore and the Board of County Commissioners; and this is all the council is asking for, is for someone to say we're together, we are not working against each other.

Commissioner DeLozier expressed that he does not believe we are working against each other; we are trying to work together; there are legal issues that have to be addressed and followed; good faith would be a resolution in support of loop, but with our legal counsel having a problem with the current resolution as it is drafted; DeLozier is for a resolution supporting this in good faith, but our legal counsel is informing us he feels there is a problem with it in the current draft.

Chairman Thacker opened this item up for discussion from the audience; local attorney Bill Higgins, courthouse and E911 center committee chairperson stated, if the resolution contained a provision contrary to law, it is not going to be enforceable anyway, it seems a resolution is just merely a statement of support, as opposed to anything that would be legally binding; we are absolutely running out of time. Farbro stated, if it is the desire of the Commissioner's to pass or consider a resolution that is a statement of support, then the resolution should be clear and state that is exactly what they want.

Chairman Thacker continued, if this loop is constructed, some people believe that this is just to help the City of Claremore; which it will help the City of Claremore; the reality of it is, it helps more people in District #3 and District #1 than it does in the City of Claremore, because they can get around in town to get home, to get to work, etc.; most of the loop, depending on the study, would be constructed in the county, not in the city limits of Claremore, so in turn, it looks like the city is really doing more for this project outside of their jurisdiction, because it is about helping the people in the city limits and the people outside the city limits. Commissioner DeLozier added, as long as we are using some county roads. Chairman Thacker continued, the City of Claremore is all for making this loop to where it benefits the people in the city as well as the people in the county, and it will actually benefit more people outside, because we have approximately 70,000 people in the county; and approximately 17,000 within the city; and you take out District #2 because it does not affect them as much, Districts 1 & 3 will benefit greatly if there is a loop constructed.

Commissioner DeLozier made a motion to pass a resolution after the District Attorney's Office makes the necessary changes on it to meet legal requirements, that we all feel

comfortable with, even the City of Claremore, in support of this loop with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried. Commissioner DeLozier requested this newly drafted resolution be ready for the next meeting on Tuesday, July 6, 2010.

2. Discussion and possible action regarding Approval/Disapproval of Rogers County Rural Water District #8's Utility Relocation Agreements (replacements); a letter of authorization from Rogers County Rural Water District #8 to alter the amount to \$78,320.00 from the original amount of \$79,520.00 on the Utility Relocation Agreements **and** sign the Cover Letter on Project No. BRO-166D(139)CO; State Job No. 21490(04) on Bridge #96 – Tributary to Panther Creek in District #3 – (D#3) - **\*\*\*NOTE\*\*\***this item was tabled from June 21, 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.

3. Discussion and possible action regarding Approval/Disapproval of Federal-Aid Project Agreement by and between the State of Oklahoma Department of Transportation and the Board of County Commissioners for Rogers County, Oklahoma, on Project No.: BRO-166D(140)CO; State Job No: 21491(04) for a bridge over Inola Creek approximately 1.2 miles south and 1.1 miles west of Inola, Oklahoma – (D#3)

Chairman Thacker reported this job is almost ready to go and 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 Resolution #2010-56, whereas, Rogers County Board of County Commissioners have entered into a Contract Agreement(s) with the Oklahoma Cooperative Circuit Engineering Districts Board for certain road and bridge construction projects, and the expiration date of the Contract Agreement(s) is the 30<sup>th</sup> day of June, 2010, unless it is renewed in the manner provided in the said Contract Agreement(s), and it is the desire of the Board of County Commissioners to extend the Contract Agreement(s) until the 30<sup>th</sup> day of June, 2011 for the following described project(s) and reasons(s):

Project Number:

- a. ETRCR1-66-3(01)10
- b. ETRCB1-66-2(02)10
- c. ETRCB1-66-2(03)10
- d. ETRCB1-66-2(04)10

Chairman Thacker, Commissioner DeLozier and Commissioner Helm discussed whose project numbers were listed and they were not sure as to why four projects were listed. Chairman Thacker made a motion to table this item for one week (July 6<sup>th</sup>) to allow time to review the resolution with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

5. Discussion with possible action regarding Approval/Disapproval of Resolution #2010-57, Rogers County requests their unencumbered balance 250C (CBRI) funds be left at ODOT for use on Project BR#126 Inola Creek, ODOT JP# 21491(04); ODOT Contract #BRO-166D(140)CO for use on the project letting in August, 2010 – (Comm. Office)

Chairman Thacker stated the project letting date is in September, according to the last update given at the CED meeting and 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 Resolution #2010-58 County Road Machinery and Equipment Revolving Fund Lease Renewal, whereas, the Board of County Commissioners of Rogers County, have entered into a Lease-Purchase Agreement with the Oklahoma Department of Transportation for certain road construction machinery or equipment, whereas, the expiration date of the Lease-Purchase Agreement(s) is June 30, 2010, unless it is extended; if it is the desire of the Board of County Commissioners to renew, extend and revitalize the Lease-Purchase Agreement(s) for the following: 99-2022; 99-2023; and 99-2028, commencing July 1, 2010, and ending June 30, 2011, **and** Approval/Disapproval of signing of Letter verifying that each active lease the county has through Oklahoma Department of Transportation County Road Machinery and Equipment Revolving Fund is covered by all risk physical damage insurance - (Comm. Office)

Commissioner Helm reported this is a lease agreement through the revolving account with ODOT and the equipment does have insurance on it. Commissioner Helm made a motion to approve with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

7. Discussion with possible action regarding Approval/Disapproval of Federal-Aid Project Agreement by and between the State of Oklahoma Department of Transportation and the Board of County Commissioners for Rogers County, Oklahoma, on Project No. BRO-166C(210)CO; State Job No: 25427(04) for a county bridge over Elm Creek approximately 2.4 miles south of State Highway 20 and 1.0 mile east of Tulsa County Line – (D#2)

Commissioner Helm reported this is the STP project we have through the federal government and ODOT on Elm Creek and 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:  
1. 101 - Unrestricted Highway - \$283,308.20

2. 141 – Cellular Phone Usage - \$28,299.47
3. 142 - E911 – Addendum \$8,431.71 and \$19,894.70
4. 145 - Attendant Care – None presented.
5. 007 - Health Supplement Fund – minus \$52,168.00 move to general fund
6. 013 – Energy Grant Courthouse/E911 Project – (DE-SC0004068) – new account - \$3,475.00 –

Commissioner Helm made a motion to approve Items 1, 2, 3, 5 & 6 under cash fund estimate of needs as presented with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

ITEM 11: TRANSFER OF FUNDS:

1. District #2 One Cent Sales Tax M&O to Lease/Purchases - \$3,711.29
2. District #2 General Fund Cemetery Account capital outlay to salaries - \$2,491.00

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

ITEM 12: UTILITY PERMITS:

1. A T & T – starting at the NW/corner of Section 1, Township 20 North, Range 15 East of the I.B.&M., Rogers County, to place an aerial fiber optic cable on pole line paralleling Franklin Road from Highway 66 south for approximately 2000 feet; then buried fiber optic cable approximately 50 feet in road right-of-way paralleling Franklin Road; then bore Franklin Road placing a 4-foot steel casing approximately 40 feet south of Vintage Trace into fiber handhole in right-of-way in front of A T & T site – (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.

2. A T & T – beginning at the NE/4 of the NW/4 of Section 30, Township 22 North, Range 17 East of the I.B.&M., Rogers County, east approximately 1500 feet to the NW/4 of the NE/4 of Section 30, Township 22 North, Range 17 East of the I.B.&M., and relocate copper cables for Rogers County bridge project BRF-166C(219)CO and cables with parallel the south side of county road EW/450; Project 7682374 in District #1 – (D#1)

Commissioner DeLozier reported this permit sets up and re-aligns the telephone cables for the Dog Creek Bridge Project; Commissioner DeLozier made a motion to approve with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

ITEM 13: CLAIMS:

1. Salaries – June 2010

Peggy Armstrong, County Clerk, reported an employee from District #1 is retiring; termination in Treasurer's Office of Lindsey Hobbs and Wesley Hull at District #3. Chairman Thacker made a motion to approve the salary claims for June 2010 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 –  
June 28, 2010, blanket purchase order from Sheriff's vehicle maintenance to Froman Oil Company for \$1,000.00; July 1, 2010, blanket purchase orders from Assessor's Visual Inspection: Rogers County District #3 Warehouse, \$400.00; Route 66 Carwash, \$100.00 and Speedy Lube, \$150.00; Sheriff's Office: Medical Compliance Specialty, Inc., \$400.00; St. Francis Lab, \$1200.00; PHS Mobile X-Ray, \$600.00; Diamond Medical Supply, \$500.00; Diamond Drugs, Inc., \$6000.00; Correctional Dental Services, \$2000.00; Warehouse Market, \$300.00; Sysco Foods, \$3200.00 for produce; Sysco Foods for food \$7000.00; Farmers Bros. Coffee, \$400.00; Bimbo Bakeries, \$1350.00; Froman Oil Company, \$1000.00; District #1 Warehouse, \$5000.00; District #2 Warehouse, \$3000.00; District #3 Warehouse, \$6500.00; A & G Auto, \$500.00; Speedy Lube, \$500.00 and Comdata MasterCard, \$6500.00 for unleaded fuel –

Chairman Thacker questioned the blanket purchase order issued to Comdata MasterCard, why are they doing that when they get fuel from all the county warehouses? Marilynn Gibson, 1<sup>st</sup> Deputy County Clerk, reported the last purchasing class she went to in May, there was discussion about the Sheriff's Office being able to use a fuel card (Mastercard), which would allow them to fill up anywhere that takes MasterCard when they are on a transport. Commissioner Helm asked, wouldn't they be a contract and Gibson reported this is on GSA, which is approved by the auditor's office, but didn't know for sure about a contract needing to be signed before hand.

Commissioner DeLozier made a motion to approve as presented, but motion died for lack of second. Chairman Thacker inquired if legal counsel had reviewed the Comdata MasterCard and Farbro replied, no. Chairman Thacker continued he did not like it, because they have fuel stations at the county warehouses in the county and they already credit cards.

Commissioner Helm made a motion to approve all blanket purchase orders

presented, except ComData MasterCard and have someone from the Sheriff's Office be present at the meeting to explain to the Board and answer any questions with Commissioner DeLozier 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 to consider and approve Resolution #2010-54 relating to the incurring of indebtedness by the Trustees of the Rogers County Educational Facilities Authority for Catoosa Public Schools; authorizing the sale of revenue obligations, waiving competitive bidding with respect thereto and related matters – (Comm. Office/DA)

Farbro reported this is action from the trustees of the educational facilities authority; last week the trustees approved incurring bond indebtedness for Catoosa Public Schools and Rogers County is the holder of the beneficial interest in this trust and is required by law for the Board of County Commissioner's to approve this indebtedness, although the Board and the county have no personal liability on the indebtedness. Commissioner Helm made a motion to approve with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

2. Discussion with possible action to consider and approve Resolution #2010-55 relating to the incurring of indebtedness by the Trustees of the Rogers County Educational Facilities Authority for Oologah-Talala Public Schools; authorizing the sale of revenue obligations; waiving competitive bidding with respect thereto and related matters – (Comm. Office/DA)

Farbro reported this is the same as Item #1 and recommended approval by the Board. Commissioner Helm made a motion to approve with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

3. Discussion with possible action regarding Approval/Disapproval of job description/qualifications for the position of Rogers County E911 Administrator – (D#1)

Commissioner DeLozier stated he visited with Farbro one day last week about this project and he has not completed the job description. Farbro stated when he has the description completed he will send copies to Kelly Deal, Stan Brown, County Commissioners, Peggy Armstrong, County Clerk and anyone else whose e-mail address I have that is on that committee; this item will be placed back on the agenda when the job description has been completed by the District Attorney's office. No action taken.

4. Discussion with possible action regarding Approval/Disapproval to rescind previous approval by the Board of County Commissioners on June 14, 2010, regarding selection(s) of a Rogers County newspaper(s) for publication of legal notices and proceedings for Rogers County fiscal year 2010-2011 – (D#2)

Commissioner Helm reported he placed this item back on the agenda to re-discuss, because when we discovered what it was going to cost by the previous Board action. Armstrong reported the County Clerk's Office figured it has cost the county in the past approximately \$25,000 annually; to publish at the new statute rate will probably increase to approximately \$50,000; and if we publish in all 5 newspapers as approved by the Board on Jun 14<sup>th</sup>, will cost the county approximately \$250,000.00 annually. Also, the County Clerk's Office has been receiving e-mails from Mary Bransford with Value News has asked to be included in the consideration for publication.

Commissioner Helm explained his thought process was to publish with the local county seat local newspaper and then bid with the other four newspapers like we have been doing. Commissioner DeLozier stated we cannot bid, we would also have to pay the same rate to all the other newspapers.

Farbro stated the requirement for the Board is the publications be placed in one newspaper, but you are not restricted, you could probably rotate the publications throughout the other 4 newspapers if you choose to do so, it is not a bid, it is a no bid cost. Commissioner DeLozier stated in order to show transparency, we need to publish also in the other newspapers on a rotating basis; it is too expensive to publish in all the newspapers on a weekly basis, but everyone needs an opportunity to have the publications in their local newspapers. Commissioner Helm suggested the Board just meet once a month, then we would only have publications once a month, instead of four times a month; Helm continued instead of spending \$250,000.00 annually to publish in all five newspapers, I would like to request the Board to rescind the previous motion and we publish in the local county seat newspaper.

Chairman Thacker stated he had a good idea of what it was going to cost last week, because he checked into it; I gave my word to the public and I won't back up on it, so a motion and second will have to be made by the other two Board members. Commissioner Helm made a motion to publish the proceedings in the local county seat newspaper. Motion died for a lack of second.

Commissioner DeLozier stated he believes in transparency, but we are talking about an additional \$150,000.00 to print in all the newspapers, and the way it was done in the past, everyone had a chance.

Commissioner DeLozier made a motion to print the publications in the Claremore Daily Progress and rotate the publications to the other four newspapers in Rogers County, which includes Inola, Catoosa, Chelsea & Oologah with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

5. Discussion with possible action regarding Approval/Disapproval on Automatic

Renewal of Agreement dated September 4, 2007, and approved by the Board of County Commissioners on September 17, 2007, whereas, Pafford EMS is providing ambulance services to the citizens of Rogers County and Rogers County has previously agreed to share the costs of dispatching said ambulance service on an equal basis of one-third (1/3) share and Rogers County shall pay their portion on a monthly basis by remitting to Pafford EMS the sum of \$1,067.00 per month – (Clerk)

Armstrong reported she placed this item on the agenda because for the last several years it has been an end of the fiscal year action taken by the Board; and for the Board to discuss today. Commissioner DeLozier stated this is the same item we have approved for several years. Armstrong reported the contract reads shall renew automatically for each successive fiscal year, unless terminated by any of the parties thereto. Commissioner DeLozier stated he believes the City of Claremore pays 1/3; Pafford EMS pays 1/3 and the county pays 1/3. Commissioner DeLozier 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 Approval/Disapproval of Resolution #2010-46, whereas, it is the opinion of the Board of County Commissioners for Rogers County, State of Oklahoma, to hereby elect to contribute to the Oklahoma Public Employees Retirement System (OPERS) an amount equal to 15.5% (employer's share) of the allowable compensation for each employee and each employee member shall contribute 4.5% (employees share) for a total contribution of 20% as required by 74 O.S. § 920a, as hereinafter amended; and the aforementioned amounts will be contributed from the time period beginning July 1, 2010, until changed by the governing body – (Clerk)

Armstrong reported this resolution is in conjunction with the action the Board took last week and needs to be sent into OPERS. Commissioner DeLozier made a motion to approve with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

7. Discussion with possible action regarding Approval/Disapproval of Resolution #2010-47 directing County Treasurer to reimburse the county Election Board General Fund for expenses as properly submitted beginning July 1, 2010, thru June 30, 2011 – (EB)

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

8. Discussion with possible action regarding Approval/Disapproval of Resolution #2010-48 whereas, The Board of County Commissioners have appointed Rogers County Commissioner District #3 Kirt Thacker to serve on the Board of Circuit Engineering District #1, until such time as the Board of County Commissioners of Rogers County appoints a replacement – (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. Discussion with possible action regarding Approval/Disapproval of Agreement for Enhanced Emergency Number (E-911) Services entered into by and between Cox Oklahoma Telcom, LLC, dba Cox Communications, a Delaware corporation, having its principal place of business as 6301 Waterford Blvd., Suite 200, Oklahoma City, Ok 73118 and the Board of County Commissioners of Rogers County, Oklahoma, having its principal place of business at 219 South Missouri, Claremore, Ok 74017 –

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

10. Discussion with possible action regarding Approval/Disapproval of Agreement for Enhanced Emergency Number Service (E911) (Features and Associated Equipment) entered into between Oklahoma Communications Systems, Inc., an Oklahoma Corporation, hereinafter referred to as "TDS" and the Board of County Commissioners of Rogers County, Oklahoma – (D#1)

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

Commissioner Helm requested that the home office of Cox Communications and TDS be sent a copy of the county's utility permit form so they would be informed of this requirement of Rogers County, anytime their company is installing utilities in Rogers County, this utility permit form is required to be submitted to the Board for approval.

11. Discussion with possible action regarding Approval/Disapproval of Detention Services Agreement by and between ROCMND Area Youth Services Inc., operating the Craig County Juvenile Detention Center and Board of County Commissioners of Rogers County, Oklahoma, with term of this agreement being for fiscal year 2010-2011, ending June 30, 2011 - (Clerk)

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

12. Discussion with possible action regarding Approval/Disapproval of Detention Services Agreement by and between Canadian County Juvenile Detention for services at Canadian County Juvenile Detention Center and Board of County Commissioners of Rogers County, Oklahoma, with term of this contract for fiscal year 2010-2011, ending June 30, 2011 – (Clerk)

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

13. Discussion with possible action regarding Approval/Disapproval of Detention

Services Agreement by and between Osage County Juvenile Detention Center and the Board of County Commissioners of Rogers County, Oklahoma, with term of this contract for fiscal year 2010-2011, ending June 30, 2011 – (Clerk)

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

14. Discussion with possible action regarding Approval/Disapproval of Detention Services Agreement by and between Muskogee Youth Services and the Board of County Commissioners of Rogers County, Oklahoma, this agreement will expire on June 30, 2011 – (Clerk)

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

15. Discussion with possible action regarding Approval/Disapproval of Detention Services Agreement by and between Texas County Juvenile Detention Services and the Board of County Commissioners of Rogers County, Oklahoma with term of this contract for fiscal year 2010-2011, ending June 30, 2011 – (Clerk)

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

16. Discussion with possible action regarding Approval/Disapproval of Independent Contractor Agreements by and between Rogers County on behalf of the Rogers County Health Department for July 1, 2010, thru June 30, 2011, with B. J.'s Remodeling & Construction; Charles McCaskey (C & M Landscape); Robyn Harris; Fran Hrdlicka; Jo Ann Ramirez; Darryl D. Reed, DDS; Lynn Robinson; and Celene Windle – (HD)

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

17. Discussion with possible action regarding Approval/Disapproval of Resolution #2010-49 directing County Treasurer to deposit funds from Rural Water District #4, Rogers County, in the amount of \$619.99 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.

18. Discussion with possible action regarding Approval/Disapproval of Resolution #2010-50 directing County Treasurer to deposit funds from Welch State Bank for refunds and reimbursements of overpayments in the amount of \$762.78 on warrant #29719; \$780.88 on warrant #29720; and \$15.50 on warrant #29726 into the one-cent sales tax fund for distribution for District #3- (Clerk)

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

19. Discussion with possible action regarding Approval/Disapproval of Resolution #2010-51 directing County Treasurer to deposit funds from Cherokee Nation in the amount of \$156,726.00 for reimbursement of Asphalt Project conducted on South 4240 Road, aka "Fish Farm Road" into the one-cent sales tax fund for distribution for District #3 – (Clerk)

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

20. Discussion with possible action regarding Approval/Disapproval of Resolution #2010-52 directing County Treasurer to deposit funds from James Marrs on check #2234 case #CM-2009-250 for restitution into the one-cent sales tax fund for distribution for District #2 – (Clerk)

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

21. Discussion with possible action regarding Approval/Disapproval of Resolution #2010-53 directing County Treasurer to deposit funds from Town of Oologah for mowing in the amount of \$11,000.00 into the one-cent sales tax fund, error, should read general fund, for distribution for District #2 – (Clerk)

Commissioner Helm made a motion to approve with the funds being deposited into the general fund instead of one-cent sales tax fund for distribution as the agenda reads, with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

22. Discussion with possible action regarding Approval/Disapproval of Reimbursement form as per Resolution #2009-89 directing County Treasurer to deposit funds from the Town of Oologah for fuel reimbursements in the total amount of \$3,090.12 into the one-cent sales tax fund for distribution for District #2 – (Clerk)

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

23. 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 amounts of \$1,659.70 and \$373.67 into the one-cent sales tax fund for distribution for District #3 – (Clerk)

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

24. Discussion with possible action regarding Approval/Disapproval of Reimbursement form as per Resolution #2009-90 directing County Treasurer to deposit funds from the Town of Talala in the amount of \$394.32 into the one-cent sales tax fund for distribution for District #2 – (Clerk)

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

25. Acknowledgement for public record receipt of check #1370 from Grand Gateway Economic Development Assoc. E-911 for service fees for April 2010 in the amount of \$24,299.47 – (Clerk) – Acknowledged for public record only, no action taken.

26. Discussion with possible action on Approval/Disapproval of Commissioner's Accounts for Estimate of Needs for 2010-2011 fiscal year as follows: Genera Highway Districts 1, 2 & 3; County Cemetery's Districts 1, 2 & 3; One Cent Sales Tax Districts 1, 2 & 3; General Government (courthouse 20); Commissioner's Office general government fund (08); Charity Account (28) – (Clerk)

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

27. Discussion with possible action on Approval/Disapproval of Commissioner's Accounts for Temporary Appropriations for 2010-2011 fiscal year as follows: Genera Highway Districts 1, 2 & 3; County Cemetery's District 1, 2 & 3; One Cent Sales Tax Districts 1, 2 & 3; General Government (courthouse 20); Commissioner's Office general government fund (08); Charity account (28) – (Clerk)

Discussions about if it was necessary for the Board to ask for ½ of last year's budget for part-time Commissioner's office secretary help. Commissioner Helm made a motion to accept the temporary appropriations as presented with the exception of asking for ½ of last year's budget in part-time salaries for the Commissioner's office account with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

28. Resolutions for Disposing of Equipment for District #3 as follows: Stihl MS 260 Pro chainsaw, sn#272676885; Stihl MS 250 chainsaw, sn#272526663; Stihl FS-250 Bike weed eater, sn#276063862; Stihl MS 260 chainsaw, sn#273778366 – all to be junked

Chairman Thacker made a motion to approve with Commissioner DeLozier 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 -

Chris Edens with the Oologah Lake Leader commented on Item 9 Roads and Bridges #1.

Barbara with the Inola Independent commented on Item 15 Agenda Items #4.  
Kelly Deal with OTEMS, commented on Item 15 Agenda Items #5.

ITEM 17: ANNOUNCEMENTS: None presented.

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 -

Armstrong reported the Board needed to appoint requisitioning officers and receiving agents for the new account 013 Energy Grant Courthouse/E911 Project (DE-SC0004068) so a purchase order could be encumbered to cover an invoice submitted in the amount of \$3,475.00, which was an oversight being left of the agenda for fiscal year end.

Commissioner Helm made a motion to appoint Commissioners Kirt Thacker, Dan DeLozier and himself, Mike Helm as requisitioning officers for account 013 and appoint Christine Willhoite-Day and Robin Anderson as receiving agents for the account with Commissioner DeLozier seconding the motion .Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

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, June 28, 2010\*\*\*Commissioner DeLozier made a motion to approve payment of all purchase orders from all departments as submitted with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

ITEM 20: The Board of County Commissioner's will be attending the Rogers County Excise Board's Pre-Budget Conference and presentation of Estimate of Needs for 2010-2011 on Wednesday, June 30, 2010, at 1:00 o'clock P.M. in the Commissioner's Meeting Room 1-109, located on the 1<sup>st</sup> floor of the Rogers County Courthouse, 219 South Missouri, Claremore, Oklahoma, 74017 –

ITEM 21: Discussion with possible action on Approval/Disapproval of any **emergency** Transfer of Funds to be able to close-out fiscal year 2009-2010 – (Clerk)

ITEM 22: RECESS OR ADJOURNMENT:

Chairman Thacker made a motion to recess the meeting with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried and the meeting was recessed at 11:28 A.M. until 1:00 P.M. on Wednesday, June 30, 2010, to attend the pre-budget conference with the Excise Board.

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, June 24, 2010, at 4:06 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.*