

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, August 30, 2010, at 9:00 O'clock A.M.

MINUTES

- ITEM 1: CALL TO ORDER:
Chairman 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: August 23, 2010
Commissioner Helm made a motion to approve the minutes from August 23, 2010, as presented with Commissioner DeLozier 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 Annual Memorandum of Agreement by and between the Cherokee Nation, P.O. Box 948, Tahlequah, Ok 74465 and the Board of County Commissioners of Rogers County - ***NOTE***the Memorandum of Agreement enables Cherokee Nation to work with the County on road improvement projects, including Indian Reservation Roads (IRR) Projects*** - (D#3)
Chairman Thacker 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:
1. 005 – Use Tax – None presented.
2. 006 – Rogers County Courthouse & E911 Facility – None presented.
3. 101 – Unrestricted Highway - \$267,882.04
4. 105 – County Bridge and Road Improvement Fund (CBRIF) ***NOTE***
Last month was set up as Fund #102*** - \$49,183.23
5. 141 – Cellular Phone Usage - \$24,299.47 and -\$4,000.00
6. 142 – E911- \$10,738.48
7. 145 – Attendant Care – None presented.
Commissioner Helm made a motion to approve the cash fund estimate of needs as presented with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.
- ITEM 11: TRANSFER OF FUNDS:
1. District #2 Unrestricted Highway M&O to salaries - \$500.00
Commissioner Helm made a motion to approve with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.
- ITEM 12: UTILITY PERMITS:
1. Cellco Partnership, dba Verizon Wireless, 12223 State Farm Blvd., Tulsa, Ok 74146 – trenching and boring East Apache Verizon Site located in Section 24, Township 20 North, Range 15 East of the I.B.&M., Rogers County – (D#3)
Commissioner Helm stated this permit was in District #2, not District #3 as indicated on the agenda and made a motion to table this item for one week (September 7th) to allow

him time to review the permit with Chairman Thacker 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.

ITEM 14: BLANKET PURCHASE ORDERS:

1. Materials, Supplies, Parts, Groceries & Prescriptions – Sheriff: Medical Compliance Specialty, Inc., \$400.00; St. Francis Lab, \$1,200.00; PHS Mobile X-Ray, \$600.00; Diamond Medical Supply, \$500.00; Diamond Drugs, Inc., \$6,000.00; Correctional Dental Services, \$2,000.00; Warehouse Market, \$300.00; Sysco Foods, \$3,200.00; Sysco Foods, \$7,000.00; Farmers Bros. Coffee, \$400.00; Bimbo Bakeries, \$1,350.00; A & G Auto, \$500.00; Froman Oil Company, \$500.00; Comdata MasterCard, \$7,500.00; District #1 Warehouse, \$5,000.00; District #2 Warehouse, \$3,000.00; District #3 Warehouse, \$3,000.00; District #3: Lowe's, \$300.00; Emergency Management: Froman Oil, \$400.00; and E911 Addressing: Froman Oil, \$300.00 – Commissioner DeLozier made a motion to approve the blanket purchase orders as presented 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 Approval/Disapproval of Oklahoma Department of Commerce Office of Community Development Contract Certification Regarding Lobbying; Community Development Block Grant Contract Number 14322 CDBG 10 in the amount of \$159,950.00 and Budget; Authorization for Mailing Correspondence; and Cash Fund Estimate of Need for Fund #172 for CDBG application by Rural Water District #3 for waterline replacement project – (Clerk)

Andy Armstrong with INCOG explained last spring we came before with a waterline project for Rural Water District #3 located in District #1 on East 410 road; a \$300,000.00 project was put together to replace the line and Department of Commerce has awarded a grant to Rogers County for \$159,950.00 and recommended the Board approve the contract. 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 with possible action regarding Approval/Disapproval of schematic design of New Courthouse (D#3)

Kim Reeve and Billy Knowles with BKL, Inc. were present at the meeting along with Evan Anderson, Pre-Construction Manager for Flintco; Reeve reported the presentation today was not to say they were complete, but requesting Board approval of schematic design so they can move on to the next phase, design development and within that phase we will be testing the mechanical systems, working out issues with getting that installed, the structural system, etc.; will be presenting two different options today: Option #1 includes 2-story wing on each end of a 4-story courthouse; 1st floor 26,786 square feet with expanded front lobby with two elevators and staircase to serve all four floors housing the Assessors' Office, Planning Commission, Treasurer, Commissioner's Office, Sheriff's Office and County Clerk. 2nd floor is 26,593 square feet housing OSU Extension, District Attorney's Office, Court Clerk's Office, multi-use room and vending machines and place to sit down. 3rd and 4th floors are 19,933 square feet for court rooms, eight court rooms have been designed for the new courthouse with only six to be completed at this time.

Reeve continued with Option #2 that included a basement of 21,920 square feet to house OSU Extension, Sheriff's Office and E911 Center; the 2-story wings will go away; 1st floor of 22,596 square feet to house Assessor's Office, County Clerk, Treasurer, Commissioner's Office and Planning Commission. 2nd floor of 22,601 square feet to house District Attorney's Office, Court Clerk, and multi-use room with the 3rd and 4th floors remaining the same.

Evan Anderson, Pre-Construction Manager for Flintco explained the total project budget based upon Option 1 of a total of 91,700 square feet which = \$181.13 per square foot approximately; land costs = \$1,760,000.00; architect and engineering fees = \$1,410,000.00; demolition and sitework to be done by Rogers County; relocate storm sewer \$500,000.00; off-sight E911 Center, \$1,500,000.00; courthouse \$16,610,000.00 for a total project budget of \$22,130,000.00; did look at the option of putting the E911 Center in the basement of the new courthouse just to see what savings that would give for Rogers County, there are some savings, because you would not have to develop a 2nd sight, bring in utilities and other sight work; but the savings was not significant enough to us to sway our direction. Reeve pointed out that the Energy Efficiency & Conservation Block Grant of \$339,800.00 was not included in the budget, the intent is to keep it as a separate project for drilling ground source wells to supplement the mechanical system for the courthouse.

Chairman Thacker expressed the county should go with Option #1, because these projects were presented to the public as two separate facilities when we asked for their vote and Flintco says there is not a significant amount of savings going with a basement; discussions held about any way to reduce costs savings.

Commissioner Helm stated right now we have no land acquired for the E911 Center, the Health Department has no land to give to the county for the E911 Center to be built on, so

we are sitting here with no land and the total proposed budget is at \$22,130,000.00 and we are waiting on the E911 Center; we need to find land before we can even get started, we have land that we have purchased, it belongs to Rogers County, the land across the street and the whole project would come together now so we would not have to wait, because if we find the land we will have to design the roads, sewer, utilities, etc., where are we at on this?

Commissioner DeLozier reported there are two locations being looked at; was not prepared to discuss this today, because we are still in negotiations; have a woman interested in possibly donating five acres for the E911 Center and the other sight is secure and we will have to pay for it, but negotiations are ongoing at this point; but will not be a problem on finding land; we could possibly pay for the one sight from the building improvement fund; hopefully will be an agenda item for next week.

Chairman Thacker made a motion to select Option #1, no basement, the original intent and presentation to the taxpayers for the schematic design with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-nay. Motion carried.

3. Discussion with possible action regarding Approval/Disapproval of 2010-2011 county budget – (D#3)

Rebecca Dealy, Election Board Secretary, presented the Board with a spreadsheet showing budget comparisons for fiscal year 2010-2011 by department, budget requested, budget proposed, budget proposed as a % of requested budget, 2009-2010 carryover and carryover as % of proposed budget; discussions were held about the spreadsheet and Dealy recommended the Board re-think the budget to where it could be re-distributed more equitable amount; Election Board is requesting a 5th employee to help do voter outreach, to get more registered voters out to vote; we have only two part-time employees, we don't have four full-time employees with three full-time employees and my salary is reimbursed by the state; for the record I want it known and I don't think you Commissioner's realize the discrepancy in the approval, but when you get it on paper and you see those percentages that have been calculated. Chairman Thacker stated he did not doubt the figures and agreed with them, but you are talking about if you were budgeted proposed as a percent of your requested budget, so it is really not relevant how much you ask for, it is how much given; we went back to last year's budget and basically gave everybody their budget from last year; you keep referring to part-time employees, but they draw full-time benefits, which is approximately \$24,000 a year drain on general government for two employees whether they are part-time or full-time; back in February 2010, there was an Excise Board meeting where, if I remember correctly, you were instructed you could have four employees with benefits, whether they are part-time or full-time. Dealy answered, that was implemented twelve to thirteen years ago and I am familiar with that meeting, because I have a copy of the minutes; we had projected an excess of \$17,000 approximately and Mr. Payne, who is chairman of the Excise Board and the other members went ahead and approved that fifth employee on those projections. Chairman Thacker stated they approved it, because you had already hired that employee and that was only for the remainder of fiscal year 2009-2010 and it would be re-visited at budget time for fiscal year 2010-2011, and that was only to keep that person from being terminated at that time. Dealy continued, to keep up with the web site, the military and keep the people abreast of what is going on, we need that extra individual, because it involves a lot of detail work.

Sheriff Scott Walton presented a letter to the Board on needs the Sheriff's Office have for staffing equipment, technical support, etc.

Chairman Thacker stated for the record, in order to balance the budget, these particular cuts were made by the budget-maker and if approved today will be sent to the Excise Board for approval. Chairman Thacker made a motion to approve the budget for fiscal year 2010-2011 as presented. Motion died for a lack of second.

Melissa Anderson, budget-maker for fiscal year 2010-2011 stated that starting with last year's budget was only a starting point in order to balance it; the practice of adding carry-over money back in has been done since around 1992 or 1993; requests were \$1.2 million over the budget; and now you have approximately \$200,000.00 that needs to be appropriated if you choose to use last year's budget with the carry-over added in. Chairman Thacker stated his theory is, that just because you have it don't mean you should spend it.

Commissioner Helm asked you made a motion to approve with budget, does that include the carryover money and Chairman Thacker replied, yes. Chairman Helm continued, that it was discussed last year about the carryover money, going in and prioritizing each need; and I have concerns over the statement in paragraph three of Sheriff's Walton letter submitted to the Board, "each Sheriff's Office in Oklahoma was evaluated and compared to the population the Sheriff's Office served and sadly, Rogers County was listed as 77th of the 77 counties because the disparity between the number of peace officers and the number of citizens served was the vastest". Commissioner Helm recommended taking the carryover money and putting it in a separate fund and prioritize these needs, instead of doing what has always been done in the past, because things have changed since 1992 or 1993.

Commissioner DeLozier asked Dealy how many dollars did she spend on remodeling the Election Board Offices and new furniture? Dealy replied, she did not have figures right now, but because we did have another employee we did buy a new desk and computer which was all approved by the Board of County Commissioners. Commissioner DeLozier continued, if you had not bought all the new furniture and spent all the money, your carryover money would have been considerably bigger. Commissioner DeLozier stated he was for the offices keeping the carryover

monies, because it shows thrift and the officers are paying attentions to their budgets and you are not blowing all of your money at the end of the year and if you take everybody's money away at the end of the year, there will be a flurry of spending before the end of the fiscal year end and the office has been able to save money during the year, they will blow it. Chairman Thacker added, if the day ever comes and we do have to take the carryover monies and there is a flurry of spending, the Board needs to cut the budget the next year and agree with Commissioner DeLozier.

Commissioner Helm inquired about legal counsel with general government, did the amount get corrected from \$55,000.00? Anderson replied, I am just waiting for direction from the Board, right now only \$55,000.00 for legal counsel is listed in the proposed budget, and it is my understanding from Marilyn (Gibson) is should be around \$110,000.00; Commissioner Helm stated the amount was pro-rated from last year and suggested taking the \$60,000.00 in the Wellness Fund and put in general fund for legal counsel; Commissioner DeLozier stated he drives a county vehicle and does not need travel within general highway; and Commissioner Helm stated that could also be done for District #2 travel, because he also drives a county vehicle. Commissioner DeLozier stated for the record he had \$5923.75 left in his travel account, that will not be included in the carryover, which will go back into the budget. Anderson reported there are several accounts that do not take the carryover monies.

Chairman Thacker reminded the Election Board is requesting one new employee; Sheriff requesting at least four new employees and Court Clerk is asking for general government to cover the cost of eight employees.

Commissioner Helm made a motion to table this item for two weeks (September 13th) to allow more time to review the figures with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

4. Discussion with possible action regarding Approval/Disapproval of Publication Sheet, Rogers County, Oklahoma, Financial Statement of the various funds for the fiscal year ending June 30, 2010, and Estimate of Needs for fiscal year ending June 30, 2011, of the Governing Board of Rogers County, Oklahoma – (D#3)

No action taken.

5. Discussion with possible action regarding the newly established checking account at RCB Bank on behalf of the Rogers County Educational Facilities Authority for procedures on how to disburse the funds – (Clerk)

Peggy Armstrong, Rogers County Clerk, explained to the Board in order to open up in interest bearing account for the Rogers County Educational Facilities Authority a minimum of \$10,000.00 needs to remain in the account in order to avoid being charged \$10.00 monthly service charge. Commissioner DeLozier stated this was problem a decision the authority needed to make not the Commissioner's and Gene Haynes, District Attorney, agreed. No action taken. ***NOTE***Special Meeting was set under Announcements for Tuesday, September 7, 2010, at 11:00 A.M.***

6. Discussion with possible action regarding Approval/Disapproval of signing of Letter of Support for inclusion of Rogers County in Foreign Trade Zone #53 – (D#3)

Bob Portiss, Director of the Tulsa Port of Catoosa, explained to the Board the benefits for Rogers County Commissioner's to express their support for the inclusion of Rogers County in the Service Area of Foreign-Trade Zone No. 53. Chairman Thacker 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 County Officers Monthly Reports for July 2010 – (Clerk)

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

8. Acknowledgement for public record receipt of check #1384 from Grand Gateway Economic Development Assoc. E-911 on E-911 service fees collected and reported in June, 2010 and reported in August, 2010, in the amount of \$24,299.47 – (Clerk)

Acknowledged for public record only, no action taken.

9. Discussion with possible action regarding Approval/Disapproval of Reimbursement Form as per Resolution #2010-34 directing County Treasurer to deposit funds from Rogers County Sheriff's Office for fuel reimbursement in the amount of \$3,735.02 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.

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 inquired about the E911 Center and requested a copy of the letter submitted by Sheriff Walton.

ITEM 17: ANNOUNCEMENTS:

Commissioner Helm recommended the Board call for a Special Meeting of the Rogers County Educational Facilities Authority on Tuesday, September 7, 2010, at 11:00 A.M. to discuss Agenda Item #5.

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, August 30, 2010***Commissioner DeLozier made a motion to approve payment of all purchase orders submitted from all departments with Chairman Thacker 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 Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried and meeting adjourned at 11:23 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, August 26, 2010, at 3:19 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.