

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, October 4, 2010, at 9:00 O'clock A.M.

MINUTES

ITEM 1: CALL TO ORDER:

Vice-Chairman Dan DeLozier called the meeting to order at 9:02 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.

Vice-Chairman Dan DeLozier and Commissioner Mike Helm were present. Chairman Kirt Thacker arrived at 9:03 A.M.

ITEM 3: FLAG SALUTE:

Captain Mike McElhaney led the salute and Pledge of Allegiance to the American Flag.

ITEM 4: PRAYER:

Commissioner Helm said a prayer.

ITEM 5: APPROVAL OF MINUTES: September 27, 2010

Commissioner Helm made a motion to approve the minutes from September 27, 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 Resolution #2010-77, whereas the BIA and FHWA have suggested a change to Rule 10 as published in Volume 69, No 137 of Monday, July 19, 2004 of the Federal Register, addressing the utilization of IRR funding restrictions to Tribal and BIA owned lands, would diminish a Great Native American State's participation in IRR fund; and whereas, the Board of County Commissioners of Rogers County oppose the proposed changes to this rule, with the continued goal of provision of fairness for all Native Americans regardless of their State of residency – (D#1)

Commissioner DeLozier explained the Commissioner's received a letter last week from Association of County Commissioners (ACCO) of Oklahoma, Gayle Ward, Executive Director, informing the Commissioner's last week 45 County Commissioners attended a meeting relating to potential loss of Tribal Funds to Oklahoma; the BIA has made an interpretation to policy that will affect the distribution of federal funds to all 562 tribes in the nation; the ACCO Board of Directors requested that since this issue has the potential to further devastate funding for the county road and bridge system, that each county be notified and a resolution be signed by the Board opposing the proposed changes to this rule.

Commissioner DeLozier made a motion to pass Resolution #2010-77 with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

ITEM 10: CASH FUND ESTIMATE OF NEEDS AND REQUEST FOR APPROPRIATIONS: None presented.

ITEM 11: TRANSFER OF FUNDS: None presented.

ITEM 12: UTILITY PERMITS:

1. Inola Public Works Authority, P.O. Box 249, Inola, Ok 74036 – open cut 5 feet to 8 feet inside the south right of way line to parallel the south right of way line of Industrial Blvd. from the intersection with State Highway 33 southeasterly for 1647 feet, being located in the NE/4 of Section 5, Township 19 North, Range 17 East of the I.B.&M., Rogers County, Oklahoma – (D#3)

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

2. Rural Sewer District No. 1, Rogers County – boring and installing 24 inch steel

casing crossing county road EW/510 approximately 0.3 miles west of the intersection of county road EW/510 and State Highway 66, located along the north section line of Section 30, 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.

3. Cox Communications – boring, cable maintenance relocate aerial to u/g crossings along 177th East Avenue from 96th Street North to 106th Street North between Sections 13 and 14 of Township 21 North, Range 14 East of the I.B.&M., Rogers County – (D#2)

Commissioner Helm stated he visited with Cox Communications about their utility permits and made a motion to approve the permit as presented along with instructing the District Attorney's Office to draft a letter to be sent to Cox Communications informing them that all utility permits must come through the Board of County Commissioners of Rogers County, they are under the impression they are not required to apply for a utility permit and we are having more and more problems with Cox Communications not applying for permits, because the permits originate from the Tulsa office and they are being told at the Tulsa office they do not have to apply for a utility permit in other counties and Commissioner Helm informed Cox Communications they would not be able to do any further work in District #2 without applying for a utility permit. Commissioner DeLozier seconded 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 –
District #1: County Building Center, \$100.00 and Tri-Star Roll-Offs, \$1,050.00; District #3: R & S Auto Parts, \$500.00; E911 Addressing: Froman Oil, \$300.00 and Emergency Management: Froman Oil, \$400.00 – Chairman Thacker made a motion to approve the blanket purchase orders as presented with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

Commissioner Helm inquired from Bob Anderson, Emergency Management Director, about the use of the Comdata Mastercard fuel card and Anderson replied he is stilling working with Johnny O'Mara in the Sheriff's Office to acquire the paperwork.

2. Orders Exceeding Amount of Issuance – None presented.

ITEM 15: AGENDA ITEMS:

1. Discussion with possible action regarding proposal submitted by Terracon Consultants, Inc., for geotechnical engineering services on Rogers County Courthouse (Terracon Proposal No. P04100416) – (D#3) ***NOTE***this item was tabled from September 27, 2010, meeting***

Assistant District Attorney, Barry Farbro, commented he drafted a letter to supplement and modify the agreement for services submitted by Terracon regarding proposed geotechnical engineering services to be delivered to Rogers County as follows: paragraph 4. Compensation and Terms of Payment; paragraph 5. Third Party Reliance; paragraph 7. Limitation of Liability; and Paragraph 11. Dispute Resolution - ***NOTE***see letter for complete supplement and modification***If Terracon Consultants, Inc., accepts the modifications to the agreement as set forth herein, execute this letter agreement in the space provided. Chairman Thacker 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 Authorization and Certificate of Authorized Representative of Authority and Form of Requisition to be sent to RCB Bank for Invoice #16286 from Payne Surveying Service, P.C., for initial boundary and topographic survey of Rogers County Courthouse property described as: Lots 5, 6, 7 & 8 in Block 129 and all of Block 130 of the City of Claremore, Rogers County, Oklahoma, according to the U.S. Government Survey thereof, in the amount of \$10,000.00 –

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

3. Discussion with possible action on Approval/Disapproval of Resolutions for Disposing of Equipment for Sheriff's Office on 2007 boat Brunswic/180GD 18 feet 2 inches, sn#WCG00281D707 and 2007 trailer Boatmaster BC18GST-50, sn#42XBK182X7F112274 declare surplus to be turned over to Oklahoma Highway Patrol and returned to the Rogers County Sheriff's Office at a later date – (Sheriff)

Assistant District Attorney, Barry Farbro, stated he has been talking with Johnny O'Mara at the Sheriff's Office about these resolutions and advised him he would have to wait until the day after the County Commissioners for District #1 and District #3 were sworn into office in January 2011 ***see Title 19 O.S. § 421.2 Transfer of Surplus Machinery, Equipment, or Vehicles*** Discussion only, no action taken.

4. Discussion with possible action regarding Approval/Disapproval of County Clerks' Cash Book and Summary Report for September 2010 – (Clerk)

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

5. Acknowledgement for public record receipt of Rogers County Industrial Development Authority September, 2010, Activity Report – (Clerk) – Acknowledged for public record only, no action taken

ITEM 16: PUBLIC COMMENTS AND RESPONSES FROM BOARD MEMBERS: Limited to specific items on the Agenda that are listed and discussed at this meeting and limited in duration at the discretion of the Chairman – None presented.

ITEM 17: 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 - 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, October 4, 2010***Chairman Thacker made a motion to approve payment of all purchase orders from all departments as submitted 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 Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried and the meeting adjourned at 10:05 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, September 30, 2010, at 3:12 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.