

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 25, 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: October 18, 2010

Commissioner DeLozier made a motion to approve the minutes from October 18, 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 payment of Invoice to Oklahoma Department of Transportation, Comptroller Division, 200 N.E. 21st Street, Oklahoma City, Ok 73105-3204 – in the amount of \$2,054.14 for the 2009-2010 bridge inspection project State J/P No. 12996(12) and which fund to pay from - (D#2)

Commissioner Helm explained this invoice is related to the bridges ODOT inspected in July 2010; 80% of the costs were paid by federal fund amounting to \$8,216.58; Rogers County has to pay the remaining 20% of \$2,054.14.

Commissioner Helm made a motion to approve payment of Invoice to Oklahoma Department of Transportation in the amount of \$2,054.14 for the 2009-2010 bridge inspection project State J/P No. 12996(12) from fund 105 CBRIF with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

2. Discussion with possible action regarding Approval/Disapproval Oklahoma Department of Transportation Federal Emergency Relief Project Damage Statement on State Job/Piece #25524(04) at Winganon Crossing over Oologah Lake on county road EW/320 replacing rip rap on north side of road when flood waters has eroded embankment in the amount of \$39,341.00 (D#1)

Commissioner DeLozier stated this is an ongoing ER project on Winganon Crossing; another embankment has eroded while we are waiting for the engineering to be done in order to be able to replace the entire embankment; anytime District #1 has to do work on the embankment, District #1 can be reimbursed through ODOT, which comes from federal highway. Commissioner DeLozier 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 - \$29,157.73
2. 006 - Rogers County Courthouse & E911 Facility – None presented.
3. 101 - Unrestricted Highway - \$337,332.20
4. 105 - County Bridge and Road Improvement Fund (CBRIF) - \$593,374.84
5. 141 - Cellular Phone Usage - \$24,157.04
6. 142 - E911- \$1,207.68
7. 145 - Attendant Care – None presented.

Commissioner DeLozier made a motion to approve Items 1, 3, 4, 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 #3 One Cent Sales Tax M&O to Salaries - \$135,000.00

Chairman Thacker stated District #3 would be paying October salaries from one cent funds and made a motion to approve the 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. Stephen L. Woolever, 2194 South 4190 Road, Chelsea, Ok 74016 – boring county road NS/4190 (northwest to southwest) located in the SE/4 of the NW/4 of the NW/4 of Section 7, Township 24 North, Range 17 East of the I.B.&M., Rogers County, Oklahoma – (D#1)

Commissioner DeLozier stated he reviewed the location of this permit; it is to put in a new water line and is a bore only. Commissioner DeLozier made a motion to approve with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

2. Cox Communications, 11811 East 51st Street, Tulsa, Ok 74146 – street bore North 145th East Avenue between East 110th Street North and East 110th Place North, located in Section 16, Township 21 North, Range 14 East of the I.B.&M., Rogers County, Oklahoma – (D#2)

Commissioner Helm stated they contacted Cox Communications to let them know North 145th East Avenue is the dividing line between Tulsa County and Rogers County and the street is maintained by Tulsa County; informed Cox Communications a utility permit needs to be sent to Tulsa County also; and since they have come over into the county's ditch, we have asked them to continue to meet the conditions and requirements, that before placing a utility facility on any county right-of-way, a permit must first be obtained, using the standard form furnished by Rogers County. Commissioner Helm 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 – October 2010

Peggy Armstrong, Rogers County Clerk, presented a termination letter from the Sheriff's Office on Bobby Walker, 96 hours worked = \$1676.16 salary and 153.75 hours comp time = \$2607.60 (see letters attached). After discussions with Assistant District Attorney, Barry Farbro, Commissioner Helm made a motion to approve the October 2010 salaries as presented with recommendation from legal counsel, Assistant District Attorney, Barry Farbro, with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

2. Attendant Care – None presented.

3. Detention Transportation Claim to State of Oklahoma, Office of Juvenile Affairs for September 2010 in the amount of \$1,910.50 -

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 asked Chief McElhaney if \$1,910.50 was adequately giving the Sheriff's Office money back for their staffing in all they do for juvenile transportation? McElhaney replied, doubtful, last week we had four people doing juvenile transports.

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 Mutual Nondisclosure Agreement, State of Oklahoma, OERSSIRF (ID#1000004684) Grant by and between Interact Public Safety, a Silk Road Technology, Inc., corporation and Rogers County, Oklahoma – (E911 & D#1)

NOTEthis item was tabled from October 18, 2010, meeting***

Vicki Atchley explained this is a nondisclosure agreement that seven counties in northeast Oklahoma participate in, the EMS training grant; the nondisclosure agreement will give the data to Interact Public Safety to evaluate and compare the data and make recommendations to go on with the training and the goal is to eventually have the server where all seven counties have access to the data; Interact Public Safety will give the data back once they are finished; does not cost the county any money; is being paid for by the EMS grant secured by the seven counties. 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 with possible action regarding Approval/Disapproval of Resolution #2010-81 and Reimbursement form directing County Treasurer to deposit funds from Rural Water District No. 4 in the amount of \$596.99 into one cent sales tax fund for distribution for District #2 and
 - a. Reimbursement form for Sheriff fuel reimbursement to District #2 in the amount of \$343.02 into one-cent sales tax fund for distribution – (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.

3. Acknowledgement for public record receipt of check #1399 from Grand Gateway Economic Development Association E911 for August 2010 E911 service fees in the amount of \$24,157.04 – (Clerk)

Acknowledged for public record only, no action taken.

4. Discussion and possible action to enter Executive Session for the purpose of discussing the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee, Earl Hensley, Maintenance Department Supervisor, as authorized by Title 25 O.S. § 307 (B) (1) –

Chairman Thacker made a motion to adjourn Regular Session and enter Executive Session with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried and the Board entered Executive Session at 9:28 A.M. with Assistant District Attorney, Barry Farbro; Peggy Armstrong, Rogers County Clerk and Earl Hensley, Maintenance Department supervisor.

5. Motion and vote to adjourn Executive Session and enter Regular Session –

Chairman Thacker made a motion to adjourn Executive Session and enter Regular Session with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried and the Board entered Regular Session at 10:32 A.M.

6. Discussion and possible action regarding the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee: Earl Hensley, Maintenance Department Supervisor –

Chairman Thacker stated Earl Hensley has worked as maintenance supervisor for six months and he was told he would be reviewed in ninety days; purpose of the Executive Session was to discuss if he was an exempt or non-exempt employee and possible raise in pay. Chairman Thacker made a motion for Earl Hensley, maintenance department supervisor to be a non-exempt employee who will receive comp time in lieu of overtime and his monthly pay will be raised to \$3348.00 per month effective November 1, 2010, with Commissioner DeLozier seconding the motion. Chairman Thacker stated the non-exempt status come from Fact Sheet #17A from the U.S. Department of Labor Wage and Hour Division that was discussed with legal counsel in Executive Session. 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 – 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.

NOTECommissioner DeLozier left the meeting at 10:36 A.M. to attend a funeral***

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 25, 2010***Chairman Thacker made a motion to approve payment of all purchase orders from all departments as submitted with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, Helm-aye. Motion carried.

ITEM 20: RECESS OR ADJOURNMENT:

Commissioner Helm made a motion to adjourn the meeting with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, Helm-aye. Motion carried and meeting adjourned at 11:10 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, October 21, 2010, at 3:38 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.