

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, November 1, 2010, at 9:00 O'clock A.M.

MINUTES

ITEM 1: CALL TO ORDER:

Chairman Thacker 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.

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

ITEM 3: FLAG SALUTE:

Commissioner Helm led the salute and Pledge of Allegiance to the American Flag.

ITEM 4: PRAYER:

Chairman Thacker said a prayer.

ITEM 5: APPROVAL OF MINUTES: October 25, 2010

Commissioner Helm made a motion to approve the minutes from October 25, 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: None presented.

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. Rural Water District #8, Rogers County – boring Meadow Circle located within Section 36, Township 21 North, Range 16 East of the I.B.&M., Rogers County, Oklahoma, in District #3 –

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

2. Chelsea Gas Authority – boring county road EW/330, starting at 6th Street and Oak street at city limits of Chelsea, Oklahoma, boring east side of Oak Street across 6th Street (aka EW/330 road) and laying main line going east on south side of county road EW/330 for approximately 600 feet being located in Section 30, Township 24 North, Range 18 East of the I.B.&M., Rogers county, Oklahoma, in District #1 –

Commissioner DeLozier explained this permit was a revision of a previous permit that had been approved within the last two weeks; permit is a bore only and made a motion to approve 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's Office: Bimbo Bakeries, \$1350.00; Farmers Bros. Coffee, \$400.00; Sysco Foods, \$7000.00; Sysco Foods, \$3200.00; Warehouse Market, \$300.00; Correctional Dental Services, \$2000.00; Diamond Drugs, Inc., \$6000.00; Diamond Medical Supply, \$500.00; District #1 Warehouse, \$3000.00; District #2 Warehouse, \$1000.00; District #3 Warehouse, \$1000.00; Comdata

Mastercard, \$8500.00; Speedy Lube, \$500.00; PHS Mobile X-Ray, \$600.00; St. Francis Lab, \$1200.00; Medical Compliance Specialty, Inc., \$400.00; District #3: Tri-Star Roll-Off, \$1800.00; R & S Auto Parts, \$500.00; and Lowe's, \$300.00; District #1: Tri-Star Roll-Off, \$1050.00; E911 Addressing: Froman Oil, \$300.00 and Emergency Management: Froman Oil, \$400.00 –

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.

Commissioner Helm inquired from Bob Anderson, Emergency Management Director, how come we are still using Froman Oil for fuel when the Board instructed you to apply for a Comdata Mastercard fuel card three months ago? Anderson replied, Johnny O'Mara with the Sheriff's Office has been working with them and still waiting for the paperwork to be sent; talked to O'Mara last week and he is still waiting to hear back from Comdata, took the Sheriff's Office several months to get their application also.

2. Orders Exceeding Amount of Issuance – None presented.

ITEM 15: AGENDA ITEMS:

1. Discussion with possible action regarding Approval/Disapproval of 2011 employee benefits on medical, dental, vision, life, Senior Health Plan and EAP renewals with Employee Benefit Professionals, LLC and Community Care – (Comm. Office)

Myra Rogers, Senior Health Plan Marketing Representative, explained on retiree benefits there was an increase this year from \$153.00 on retiree to \$206.00 and retiree + spouse was \$306.00 and went to \$412.00; there are some dramatic changes for the retirees that are better for them which includes outpatient mental health care; immunizations; preventive care such as mammograms, pap smears and pelvic exams and prostate screening exams; and chiropractic care; those are some of the differences we see for 2011; the co-pay on prescription drugs are much less than if there were on our individual senior plan, as well as the fact, hospitalization per day co-pay is also quite a bit less; feel it is a very rich plan for the retirees and would like to continue to provide this service for them.

Commissioner Helm asked, is any of the changes on this health care plan because of the new health care legislation? Rogers replied, some of the differences is the benefits from 2010 to 2011 are as a result of the legislation, so we are governed to make those changes.

Commissioner Helm continued, so if the citizens of the State of Oklahoma vote to opt out of Obamacare, could this be revisited? Rogers answered, as far as she knows, it is the standard cost factor, because we do not know what is going to happen in the future and cannot address that at this point, but we could certainly take another look at it at that time.

Chairman Thacker made a motion to renew CommunityCare Senior Health Plan retiree benefits for January 2011 thru December 31, 2011, as presented with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

Terry Stover, MS, LBP, CEAP, MAC, SAP, Senior Manager, Behavioral Health Services/Employee Assistance Program, presented the Board with a copy of Rogers County's utilization report; there are no changes in the benefits costs, five employees utilized the EAP this year; feel more training needs to be done; DOT training is a federal mandate needs to be looked at this year; more training and awareness now that we are going to have mandatory meetings.

noteno paperwork to sign by Board***

Cindy Giddings with CommunityCare, explained the coverage to the Board; in working with Chairman Thacker along with Rebecca Vonfeldt and Mike O'Brien with Employee Benefit Professionals, LLC, worked to get the renewal down from the originally calculated 14% down to 4% with some minor changes, but at the same time keeping Rogers County in a very rich realm of benefits; the current program Rogers County has today does not have a calendar year deductible; the plan we are presenting today does have a \$250.00 deductible, but once the deductible is met, then many of the co-pays underneath the deductible are smaller than the plan we have now; plus the overall out-of-pocket comparisons on the two plans, you are actually reducing the overall liability of all your membership going from an out-of-pocket maximum of \$2000.00 to an out-of-pocket maximum of \$1250.00; we feel this is a really good move for the Board to consider; another change is, your current plan has PPO-Split 6, that is a plan CommunityCare is no longer going to support, so we must ask for a mandatory change, which will impact currently nine employees. Commissioner Helm inquired about urgent care for in network under Value Advantage 1 and Giddings explained the process.

Rebecca Vonfeldt presented a comparison of CommunityCare PPO benefit plan options for Rogers County vs. OSEEGIB plan; the benefits offered to Rogers County is a lot richer than OSEEGIB's are; and overall the county would save \$115,367.40; and total annual savings of \$213,352.44; on mail order prescriptions on the new plan we are recommending with the \$250.00 deductible, instead of a one-time co-pay for a mail order, it will be a 2 x copay; there is less than 25% of Rogers County employees utilizing the mail-order prescriptions. If Rogers County does decide to make a plan change, we will have enrollment meetings for all the employees to go over the benefits so they understand the new benefits in detail. Chairman Thacker met with us several different times and was very instrumental in getting the estimated annual county savings of \$128,808.72 for Rogers County; the biggest difference for the employees is the \$250.00 deductible once a year per person or \$500.00 per entire family; if any claims occur in October, November, December, that goes towards

your deductible for any of the members, will be carried forward for the next calendar year to help them meet the new deductible that will start again in January; extra benefit we are providing, most carriers have done away with that, CommunityCare still feels that is a great benefit. Vonfeldt stated the 2006-2011 OSEEGIB-Community Care cost savings comparison amounts were for illustrative purposes only and not based on actual enrollment for each plan year; total = \$903,121.08 Rogers County saved.

Vonfeldt explained the rates with Delta Dental will not change for 2011, the rates will remain the same; rates will remain the same for vision (VSP) for 2011 and life insurance with The Standard will remain the same for 2011.

Commissioner Helm made a motion to approve Community Care-alternate (4%) plan offering HMO-IDEA Plus Plan 250 and Value Advantage 1 as presented with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

Commissioner Helm stated he would like the \$250.00 deductible to be discussed on next week's agenda with legal counsel about possibly using fund 007 Health Supplemental Fund monies and cigarette tax and tobacco tax monies to reimburse the employees for the \$250.00 deductible.

2. Discussion and possible action to request a transfer of the sum of \$143,716.80 from the County Use Tax Fund to the County General Fund, and to request that the Excise Board amend the County Budget for fiscal year 2010-2011 to include a line-item appropriation of the sum of \$143,716.80 to the Rogers County Industrial Development Authority for contractual economic and industrial development services provided to the County – (DA)

Gene Haynes, District Attorney, explained after the D.A.'s office reviewed this item in more detail, we have decided it is not necessary to transfer this money over to the county general fund; the Board has voted to pay \$143,716.80 and that can be paid directly from the use tax fund that is a cash account and not go through general fund; however, we suggest you do not transfer until we get an actual contract with RCIDA so the Board will know what you are getting for the money; the D.A.'s office was sent a proposed contract by RCIDA's attorney a week ago Friday, and Barry (Farbro) has been reviewing it and working on it; we would like to put it on the agenda for next week for the Board to consider; we are suggesting some changes to it and the Board will have to decide if they want to fund RCIDA in the manner that RCIDA proposes, there are several options on that.

Chairman Thacker asked, the county appropriates them monies and has been doing that for several years; is there a tangible way to measure what the taxpayers are getting? Haynes replied, it might be best to have RCIDA officials answer that question, do you mean is it a tangible way to figure out that they create x number of jobs or x amount of sales tax, they could better answer that. Chairman Thacker continued he would like to see some kind of measurement on that. Haynes reminded, RCIDA does provide the Board with a monthly report.

Haynes recommended no action be taken on this item and next week's agenda for review and possible approval of a contract for services with RCIDA. Discussion only, no action taken.

3. Discussion with possible action regarding Update and Progress of E911 Trust – (D#1)

Gene Haynes, District Attorney, advised the D.A.'s office has been having a problem trying to figure out how to fit this situation into the statute, because the public trust statute deals specifically with financing as opposed to merely overseeing the management of something; public trusts are used throughout the state as a financing vehicle for the issuance of bonds and the financing of the E911 Center has already been done through the bonds that have already been issued; we have not quite given up on this; I'll take the blame for, it has been in our court and Commissioner DeLozier has tried to stay on top of us to get this done and is very important to him, but we are still working on it and maybe there is a way we can figure out how to do this; I know it's important to the entities that want to get involved with the E911 Center would like to feel that they have some vehicle where they govern the center and have a say so over its management.

Randy Atchley, fire chief of Foyil Fire Department, asked where would this trust authority be any different from the Criminal Justice Authority? Haynes replied, the jail trust authority issued bonds for the building of the jail and the bonds in this case have already been issued. Atchley continued, is the trust authority something we don't need to be looking at, maybe a board? Haynes replied, that is an alternative, and if you did that the board would have only recommending authority and it was his understanding, some of the entities that would be involved wanted more than just a recommending authority. Atchley replied, we just want to have an E911 Center. Haynes continued, this item we are discussing today is not holding up the potential construction of the E911 Center, what is holding that up is coming up with the location, which was recently approved, then getting the documentation to complete that purchase. Atchley asked, what is the time line on this? Haynes replied, he would try to have something done on this this week and have on the agenda for next week.

Chairman Thacker asked Atchley, you said you just want the E911 Center, the way that can happen very quickly is to do away with the trust, purchase the land and we start building it; which is more important to the firemen and the other entities, do you want to be on another board or do you want something to happen. Atchley commented the fire fighters haven't had a meeting, we don't know, we have not had any input on this whatsoever for quite some time; we had

two meetings right after the election and we haven't met since then, unless we call ourselves and inquire we don't know nothing.

Bob Anderson, Emergency Management Director replied, I cannot give out any information until we know about the trust and the land. Atchley continued, there has been this committee formed that ought to keep every potential department or user in the group informed on what steps are being taken; where are we at on the hiring of a director? Chairman Thacker responded, the E911 committee has not recommended a director yet; everybody says they want a trust so they can have a voice; they have a voice; they elected three Commissioners to take care of that for them; you get so many people involved that pretty soon it is like having a city council that can't get along with each other, that is what it comes down to and if you want action or do you want a E911 Center?

Haynes interjected whether or not you have a trust to manage the E911 Center or not, that is a whole separate issue from the construction of the E911 Center, because that is progressing probably not as fast as everyone would like it, obviously, but as you know until a couple of weeks ago, this Board had not found a sight for the center and that is what has held it up; the bond issue passed, the bonds have been sold, all the financing has been done, and now a proposed location has been found, whether or not we create this management trust or not, is not slowing down the process. Chairman Thacker replied, actually, it is slowing it down, because the committee wanted to look at all the different sights for the center and different ones have said it is the Board of County Commissioners holding it up, and that is not exactly true, we have not been holding it up; we are waiting for all the input and somebody has to make a decision and when you are waiting on everybody else to get recommendations and that is not happening, then somebody needs to step up and do something about it and that somebody just happens to be the three County Commissioners.

David Puckett, Fire Chief of Northwest Fire Protection District, you said a trust authority has a financial responsibility to do once that is set in place; do we not get E911 and land line monies every month that a trust could delegate out and the remittance from all the entities involved? Haynes replied, we are looking into that to see if that will qualify and we will try to have an answer for you and put it back on the agenda next week.

Kelly Deal, OTEMS Director, commented we do want oversight and we want input, but we need to get the ball rolling and if we can get the land approved that we have identified, that would be a huge step and buy us some time to make these other decisions.

Vicki Atchley asked Haynes if he had looked at other public trusts, because Muskogee County has a public trust that runs their E911 Center and Haynes replied he has only looked at the statutes and that public trust may have built that center.

Discussion only, no action taken.

4. Discussion with possible action regarding entering into Inter-local Agreements with participating entities on E911 services – (D#1)

notethis item was discussed under Agenda Item #3 – No action taken.

5. Discussion with possible action regarding Approval/Disapproval of Board of County Commissioners entering into a contract with John Williams for purchase of land for E911 Center – (D#1)

Commissioner DeLozier explained he has talked with Mr. Williams and we finally got the land the committee wanted, we had to move up out of a ravine, we are now looking at good flat ground; the purchase price is \$12,500.00 per acre; and we need four acres and would equal \$50,000.00 and any extra he would take as a tax credit; there is a waterline issue. Commissioner DeLozier made a motion to approve the purchase of four acres of land from John Williams located on Highway 88 and Lowry Road with Chairman Thacker seconding the motion.

Before the vote Haynes asked if Commissioner DeLozier had a legal on what the county is proposing to purchase and Commissioner DeLozier answered he had an aerial map with the legal description on it. Haynes continued, the D.A.'s office has not seen the legal description on it, because we need it for title purposes and appraisal.

Commissioner Helm asked, with District #1 and District #3 Commissioner election races, is the county able to enter into a contract to buy this land? Farbro answered, if the money is not coming out of general fund and will come from the proceeds from the bond issue, which those monies are designated for the purpose of purchasing land and constructing improvements, it is not really tied to any budgetary restrictions.

Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

6. Discussion and possible action regarding Approval/Disapproval of Resolution #2010-82 authorizing application for financial assistance from the Rural Economic Action Plan Fund through Grand Gateway on behalf of Rogers County District #2 for community resource building for community, benefiting the historical importance of Will Rogers birth place in said Rogers County, in the amount of \$50,000.00 in District #2 – (D#2)

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

7. Discussion and possible action regarding Notice to Proceed and the Certificate of Authorized Signature on REAP Grant Contract #042-RP-2010 in the amount of \$50,000.00 - ***NOTE***the Contract dated December 16, 2009***(D#2)

Commissioner Helm explained this is a REAP grant we went after last year through Grand Gateway for the construction of engineering right-of-way acquisition for Highway 20 and Golf Club Road; District #2 was awarded the grant and simply a Notice to Proceed and Certificate of Authorized Signatures on behalf of Mr. Kellogg and his engineering fees.

Commissioner Helm made a motion to approve with Chairman Thacker seconding the motion. Commissioner DeLozier asked if there was any engineering through ODOT that they will have to come up with the funds to do since it is on Highway 20 and Commissioner Helm replied, yes, ODOT will have to help the City of Claremore with that road. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

8. Discussion with possible action regarding confirmation of Reappointment of Mr. John C. Smith as a Trustee on Tulsa's Port of Catoosa Facilities Authority for a five-year term effective November 1, 2010, and Mr. Steven J. Dowty was appointed to succeed Mr. Jack D. Mooney for his unexpired term ending October 31, 2014 – (Comm. Office)

Commissioner DeLozier commented Mr. Dowty's appointment was approved by the Board on September 13, 2010, because he was District #1 appointment and made a motion to approve. Commissioner Helm asked whose district was Mr. John C. Smith's, because he was not aware of him and if it is an appointment for District #2 would first like to visit with him. Commissioner DeLozier rescinded his motion to approve. Chairman Thacker made a motion to table this item for one week with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

NOTEafter Agenda Item #11 was discussed, Commissioner Helm asked for the Board to re-visit Item #8 under Agenda Items, because the letter the Board received was for confirmation purposes only, the appointments had already been done. Chairman Thacker made a motion to rescind his previous motion to table the item for one week with Commissioner DeLozier rescinding his second of the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

9. 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, Bob Anderson, Emergency Management Director, 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 Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried and the Board entered Executive Session at 9:56 A.M. with District Attorney, Gene Haynes and County Clerk, Peggy Armstrong.

10. 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 adjourned Executive Session and entered Regular Session at 12:36 P.M.

11. Discussion and possible action regarding the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee: Bob Anderson, Emergency Management Director –

Chairman Thacker reported the Board discussed with Bob Anderson, Emergency Management Director, and clarified job duties and scope of work. Discussion only, no action taken.

NOTEThe Board re-visited Item 15 Agenda Item #8***

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.

Chairman Thacker made a motion to recess the meeting to break for lunch with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried and meeting recessed at 12:42 P.M. to come back at 1:30 P.M.

Chairman Thacker called the recessed meeting back to order at 2:06 P.M. with Commissioner DeLozier and Commissioner Helm present and quorum established.

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, November 1, 2010***Commissioner DeLozier made a motion to approve payment of all purchase orders from all departments as presented 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 Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried and meeting adjourned at 2:08 P.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 28, 2010, at 3:32 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.