

## 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, December 13, 2010, at 9:00 O'clock A.M.

### MINUTES

ITEM 1: CALL TO ORDER:

Chairman Kirt 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, 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.

Chairman Thacker introduced the Commissioners-elect from Sequoyah County and Wagoner County; Tim Kelley; James Hanney and Jim Rogers and welcomed them to the meeting.

ITEM 5: APPROVAL OF MINUTES: December 6, 2010, and December 10, 2010

Commissioner DeLozier made a motion to approve the minutes from December 6, 2010, with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

\*\*\*NOTE\*\*\*there were no minutes from December 10, 2010, for the Board to approve due to lack of quorum\*\*\*

ITEM 6: UNFINISHED BUSINESS:

1. Award Bid #292 – Galvanized Posts

Commissioner DeLozier reported he and Lee Francis, sign person, reviewed the bids one day last week. Commissioner DeLozier made a motion to accept the low bid of Custom Products Corp., P.O. Box 54091, Jackson, MS 39288-4091 with price per bundle of 25 = \$562.50 and Chairman Thacker seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

ITEM 7: ZONING:

1. Public hearing with discussion and possible action regarding application for a change of zoning by Terra Nitrogen-Subsidiary of CF Industries from AG and RS-40 to I-L (I-1) for correct zoning requirements for existing rail and construction of new rail. Legal Description as follows: all that part of the E/2 of the NW/4 lying south of the City of Tulsa-Spavinaw water line and north and west of St. Louis San Francisco Railroad, less a tract of land described in Book 1873 Page 257 to Public Service Company of Oklahoma and less the North 325 feet thereof and less the East 325 feet thereof and the S/2 of the SW/4 of the NW/4 of Section 10, Township 20 North, Range 15 East and the N/2 of the SW/4 lying north and west of St. Louis San Francisco Railroad in Section 10, Township 20 North, Range 15 East of the I.B.&M., Rogers County – Address: 6606 East 540 Road, Claremore, Ok 74019 –

Magan Green, Planning Commission Director, stated this item was heard by the Planning Commission board on December 7, 2010, and approved by a six to zero vote. Chairman Thacker asked if there was opposition present at the Planning Commission meeting and Green replied, there were two individuals in opposition at the meeting.

Steven Mellott 27405 South Highway 66, Claremore, Ok, spoke in opposition; this facility was planned, zoned and constructed in the early 1970's; during the Planning Commission meeting last week, Terra maintained this was just cleaning up the zoning that was missed during the original planning stages; I am requesting the Commissioners to ask Terra to provide documentation that the existing rail spur was indeed approved to be placed in an agricultural and residential zone to begin with; it is my opinion that the current rail spur was not properly placed in the correct zones, and to change for agricultural and residential to I-1 was not permitted decades ago and should not be permitted today; according to information gathered on EPA website, Mellott described chemicals that have been released on sight since 2008; expressed concerns for people traveling Highway 66, golfers and children at the schools close to the plant.

Michael Binder 6688 Yonkipin Drive, Claremore, Ok, also spoke in opposition; stated that Yonkipin Corporation was in existence before Terra and has concerns about the wildlife and wetlands in the area; the citizens need more time to gather information to present before the Board, there is a lot of work to do; requests Board to give them sixty days because of the holidays coming up; this rail spur will also be crossing the City of Tulsa Spavinaw flow line; feels

the purpose for this request is they want to bring in larger and heavier rail cars, which has the potential to carry a lot more stuff; this zoning change is not to just clean up a mess, it is opening the doorway to huge projects; concerns over the lighting and noise in the area, also, because this happens 24/7.

Gary Driver, 6702 East Yonkipin Drive, Claremore, Ok, expressed the same concerns as presented, but also the negative impact it will have on the residents; they will increase their bottom line, because basically what they are doing is creating a storage yard to store these rail cars and the residents in the area will suffer because of.

Gary Collins represented this item for Terra; presented the Board with a map of the proposed railroad lay-out; there is a lead of the rail road that has a sharp turn coming into the plant across from the Nuthouse in Verdigris and it does not conform to Burlington Northern's standards; would like to straighten the curve out; Terra also realized that this property was not rezoned to Industrial years ago; they would like to rezone to low industrial to conform to the surrounding Terra zoning; Terra plans on leaving a 325 foot buffer zone to the north, between the proposed zoning and residential zoning; Collins reminded the only individuals Terra is legally obligated to notify are ODOT, PSO-AEP, Burlington Northern and Agriculture Minerals; an applicant is legally obligated to notify individuals who are within three hundred feet of the proposed zoning.

Chairman Thacker asked for a clarification of Green what other properties in the area were zoned and Green presented the Board with a zoning map showing that everything that abuts to the north and to the east is some form of industrial zoning; to the northeast it does abut to RS-40 zoning, however there is a 325 foot buffer zone. Chairman Thacker asked if it was possible, if the zoning was denied, if Terra could just go around and Collins replied, we could, it is very difficult for me to speculate if the zoning is denied, because this is a very important project; feels spur is going to happen anyway; we have planned on having a meeting with Yonkipin Corporation residences to discuss the issues of lights and noise, but meeting has not happened to date. Chairman Thacker stated he would like to see the concerns of the residences addressed first before the Board voted.

Gary Driver, President of Yonkipin Corporation, expressed we have been trying to meet with them for a while; they want to meet during regular business hours and all of the residences are working people that would have to take off work in order to have the meeting; we would like a meeting after working hours. Collins stated he could put in a request to the plant manager for an after-hours meeting, but he does not control that.

Chairman Thacker made a motion to table this item until a meeting takes place with the residences of Yonkipin Corporation and their concerns addressed and place this item on the agenda again for January 10, 2011, with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

ITEM 8: PLATS: None presented.

ITEM 9: ROADS AND BRIDGES:

1. Discussion with possible action regarding Approval/Disapproval of Resolution #2010-83 regarding Letter of Choice for County Bridge Inspection Contracts concerning bridge inspection responsibility by local government for compliance with National Bridge Inspection Standards on Bridge Inspection Contracts for April 2011 to March 2013 – (D#3 Thacker) \*\*\*NOTE\*\*\*this item was tabled from November 15, 2010; November 29, 2010, and December 6, 2010, meetings\*\*\*

Commissioner Helm stated there was a special meeting scheduled on Friday, December 10<sup>th</sup> in order for the ODOT engineers interviews to be conducted and I could not make the meeting; was out of town at the last minute. Chairman Thacker stated he did not want to conduct the interviews without all Commissioners' being present because he felt this item was important enough to have input from all three Commissioners, because it will affect all of Rogers County. Commissioner DeLozier asked, do all the phone interviews have to be done at the same time? John Blickensderfer with Guy Engineering, Inc., answered yes.

Commissioner DeLozier made a motion to conduct the interviews after the Board has completed all the agenda items 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 the county 5-year Plan – (Circuit Engineering District #1) \*\*\*NOTE\*\*\*this item was discussed at the November 29, 2010, meeting\*\*\*

John Blickensderfer with Guy Engineering, Inc., stated he presented the Commissioners an 8-year Plan for them to review on Monday, November 29<sup>th</sup>; District #1 had 2 project that needed to be corrected on the report; District #2 and District #3 had no changes; recommends Board approve. 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 – Addendum to minus off amount of \$41,570.30 approved by the Board on November 29, 2010 –

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

2. 005 Use Tax – Addendum to reflect correct amount of \$12,033.25 – (money sent back from RCB Bank)

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

ITEM 11: TRANSFER OF FUNDS:

1. District #1 One Cent Sales Tax M&O to capital outlay - \$200,000.00

Commissioner DeLozier stated he is just moving money to capital outlay account because he was involved in an election and could not spend capital outlay money anyway; moving the money to do so now. Commissioner DeLozier made a motion to approve with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

ITEM 12: UTILITY PERMITS: None presented.

ITEM 13: CLAIMS:

1. Salaries – None presented.
2. Attendant Care – None presented.
3. Detention Transportation Claim to State of Oklahoma, Office of Juvenile

Affairs for November 2010, in the amount of \$1,977.50 – (Clerk)

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

Commissioner Helm pointed out attached to the claim was the transportation of juvenile to secure detention log showing the number of deputies transporting of these juveniles pulls out of the county; 2503 miles traveled for November 2010 and 60-1/2 hours spent also by the deputies; county is spending a lot of money each month to do these transports; just wanted to make the public aware of this.

ITEM 14: BLANKET PURCHASE ORDERS:

1. Materials, Supplies, Parts, Groceries & Prescriptions –

District #1: O'Reilly Auto Parts, \$600.00 and District #3: R & S Auto Parts, \$500.00 – Chairman Thacker 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. Update on waterway and port development activities from Bob Portiss, Port of Catoosa Director – (D#2 Helm)

Bob Portiss, Director of the Port of Catoosa, presented a power point presentation and gave an update on the progress of port development activities and waterway. Discussion only, no action taken.

2. Discussion with possible action for Rogers County to enter into a contract with the City of Catoosa for the establishment of a Tax Increment District (TIF) pursuant to the Local Development Act Title 62 O.S. § 850, et al – (DA) \*\*\*NOTE\*\*\*this item was tabled from November 15, 2010, and December 6, 2010, meetings\*\*\*

Gene Haynes, District Attorney, stated Dan McMahan, attorney who is working on this TIF was present at the meeting and would be making the presentation today; the agenda items states entering into a contract today, but I don't think that is actually what is being proposed by Mr. McMahan; he is just here to gauge where the county is on whether or not the Board is in favor of or not so he will know whether to go forward in preparing documents and such.

Dan McMahan, attorney for the City of Catoosa and Catoosa Economic Development Authority, P. O. Box 1212, Oklahoma City, OK 73101, stated he is not asking today to approve a specific agreement; under the statutes the Board's consent has to be evidenced by a written agreement, but I have not felt it was appropriate to ask the District Attorney's Office to do work on this until the Commissioners decided this was a direction they wanted to head into; and if this is something that is agreeable with the Commissioners, then we would prepare a draft for the District Attorney's Office to review; and we would expect following the District Attorney's approval, we would bring that written agreement back to the Board; and that would be the agreement you would actually be taking action on; we are just asking for preliminary approval for this concept and if the Board does agree we will get the District Attorney's office the agreement.

Chairman Thacker asked Haynes if that would create a problem with the way the agenda item was written? Haynes replied the agenda reads to enter into a contract and you are actually not going to take any action, you just want to gauge the Commissioner's feelings; the Board would not be voting to enter into a contract today, because that contract has not been drafted; it could be discussion only today.

Commissioner Helm stated since this is in District #2's area, he is very much in support of the TIF District, because it is going to be favorable for Catoosa; anytime you can get a superintendent of public schools in education to agree with us on taking ad valorem and using it for retail development; and especially to be able to set that land aside for a TIF District, instead of putting it into another type of contract where I would see no ad valorem at all; very much in favor of this project.

Commissioner DeLozier stated he didn't have anything to say today, because he has already met with Mr. McMahan and he knows my feelings.

Chairman Thacker stated it is a great project and will help out the county, schools and also create jobs, so I'm for it.

Haynes commented, just to inform the Commissioners', the number one thing I want to make sure is that we don't violate any of the county's obligations under the courthouse/E911 bond indenture; he plans to set up a meeting with Tom Hilborne, bond counsel, to see if this is going to, if the Board does vote in favor of this TIF District, that it does not violate any of the county's contractual obligations under that bond issue.

Discussion only, no action taken.

3. Discussion and possible action regarding the Contract for Sale/Purchase of Real Property between the Board of County Commissioners and Claremore Land, LLC, John Williams, Managing Member, for a tract of land generally described as four (4) acres located in the E/2 of the SE/4 of the SE/4 of Section 31, Township 22 North, Range 16 East of the I.B.&M., Rogers County, subject to survey – (DA/D#1 DeLozier) \*\*\*NOTE\*\*\*this item was tabled from November 22, 2010; November 29, 2010 and December 6, 2010, meetings\*\*\*

Commissioner DeLozier stated he is waiting on the architect for some issues with water, chemical suppression in a water line in case of fire; the water district has a meeting tomorrow night (December 14<sup>th</sup>) to talk and discuss with them what type of water line. Commissioner DeLozier made a motion to table this item until further notice, instead of putting it back on the agenda every week. Chairman Thacker stated we could move the E911 Center somewhere to where we can start breaking ground pretty quick; Inola has already offered. Commissioner DeLozier replied, or we could put it in an area to where it can do the most good for everyone. Chairman Thacker stated we have options here, we need to do something pretty quick, the public voted on this and they want a E911 center built and it's time to get it done. Commissioner DeLozier answered, they don't want it any worse than I do; we will be discussing at the water district meeting the size of the water line; Claremore does have a 2-inch line that runs through the property and one of the issues is and what we are not sure of, is a 2-inch big enough for sprinklers and that needs to be clarified by the architect first. Chairman Thacker asked, what would the cost be to the county if it is not feasible for chemical suppression? Commissioner DeLozier replied, I would be speculating at this point, I don't know, that is why we are meeting tomorrow night with the water district. Chairman Thacker seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

4. Discussion with possible action regarding Rogers County Youth Services requesting funding from the county in order to keep the Rogers County Youth Shelter open (D#1 DeLozier)

Herb McSpadden, Director of Rogers County Youth Services Board stated in a last minute effort to get funding to keep the shelter open, Sean Cox and himself had lunch with Commissioner DeLozier one day last week, and we informed him without emergency funding, the shelter would close this month; we asked him if the shelter was important to the county, could they possibly come up with some matching funds; Commissioner DeLozier expressed that the shelter is very important to the county and felt somewhat confident the county could possibly use some funds for the shelters use; our need is \$78,000.00 (\$45,000.00 is needed for the next six months); our request is for the county to allocate \$45,000.00 to us now, and try and get the state to match the remainder needed for a full years operation; in the last two years we have received reduction in the state contract of \$53,000.00; we have also been notified by United Way to prepare for a \$10,000.00 budget cut this year; the local funding has been down this year as well; due to some publicity on our funding crisis we have started receiving some local donations, but the bottom line is we are today, \$41,970.00 short to continue for the next six months; the cost savings to the county for our emergency shelter is probably not real significant, we are not keeping a lot of kids out of detention right now, we are keeping some; the county is not having to transport those kids; right now cannot give you a hard and fast number on what it would save the county if our shelter stays open versus what it would cost if we don't have a facility open for the kids; if we close our shelter now, the chances of Rogers County getting a staff secured shelter will eliminate a lot of kids going to detention will be very small; right now the Office of Juvenile Affairs has a state plan for shelter assistance, which includes staff secure shelter so when state money gets to the point where they can start looking at expanding shelter services, we will be the agency they will fund a staff secure shelter for and that will eliminate approximately 80% of the costs of kids going to juvenile detention; that will be the cost savings to the county; if our emergency shelter is eliminated the way it is now, the chances of that happening are very minor; McSpadden presented a report to the Board the costs to the county for detention from 2003 to 2008; the county is reimbursed some, but there is loss of deputies in the county when that happens.

Chairman Thacker asked, what are you doing right now to try and get a staff secure shelter? McSpadden answered, we have been working with the Office of Juvenile Affairs, and they have advocated for us to the state, but as soon as revenues improve I feel that will be back on the table again, everyone state funding is down right now.

Commissioner DeLozier asked, how far apart do they put staff secure shelters? McSpadden replied, they are looking at one for this part of the state and one for the western part of the state.

Chairman Thacker asked, do you feel like you have exhausted all the charitable avenues? McSpadden replied, probably not, United Way black-out period was up until

December 1<sup>st</sup>, so we have not been able to do anything outside until the United Way black-out period was over; feels we could probably receive another \$3,000.00 to \$4,000.00 dollars from the community; I would not ask the county for any more money than needed, if this is something the county feels is beneficial, then we could go from month to month to the tune of \$41,000.00 for the next six months; if local funding comes in, we would subtract that.

Chairman Thacker expressed his concerns, every meeting or so, someone comes in here needing and asking for money; and it always because of state mandated cuts; what Herb does for the county is not a matter of do we need it, it is vital to the county; but the county is still in good shape financially, because we have kept close tabs on county dollars; what happens when we give all the money away, who comes to the county's rescue if we ever get into that kind of shape like the state has; these are my concerns.

Commissioner Helm stated the Court Clerk's budget was lowered by the state and funding for twelve employees was gone; is there any way that we can appeal to the Supreme Court, that we are sending money back to, keeping it instead of sending it back and keep for this emergency, is that a possibility? Candi Czapansky, District Court Clerk, answered, she has never heard of that happening before, has never been done; you can always ask, but doesn't expect the state to grant it. Commissioner Helm continued, if it was suggested the Chairman of the Board write a letter to the Supreme Court and ask for some money to help in this situation, would it be okay with you (Candi) if we wrote a letter and asked for some money and Czapansky replied she had no problem with it.

Commissioner Helm asked McSpadden if he had asked the judges for any money or solutions to the problem and he replied, he had not, but would be in favor for asking.

Commissioner Helm asked, how much money do you need to get you through December and McSpadden replied, we are \$4,000.00 short this month. Commissioner Helm asked Gene Haynes, District Attorney, who was present at the meeting, if the county could spend some of the use tax monies coming back from RCB Bank and Haynes replied, no, the county signed a contract with RCIDA that runs through June 30, 2010, use tax monies are not available for this fiscal year. Commissioner Helm then asked, can we spend money out of the Commissioner's T-Highway funds and Haynes replied, he did not think so, those monies are intended for roads and bridges.

Commissioner DeLozier asked, the county recently established an educational facilities authority and the county receives money for the sale of bonds for administrative duties, can those monies be used and Haynes replied it is a possibility, because it was his understanding those funds are not restricted, the county can use that money as they see fit.

Commissioner Helm made a motion to re-visit this agenda item next week (December 20<sup>th</sup>) to allow District Attorney Gene Haynes, time to check into if the funds from the educational facilities authority administrative fees could be used for this particular expense and Chairman Thacker seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

Haynes pointed out and wanted to make sure everyone understood, unless you work with this, it is probably confusing to some and I just wanted to point out there is a difference between the shelter and juvenile detention; these are kids that are not being put into detention by the court; these are just kids that there is really no place for them, because their parents are not taking care of them; we cannot place them in foster care; there is several different situations; there is a big distinction, these are not juvenile delinquents that have been taken into state custody and maybe transported by the Sheriff's Office all over the state; it is usually kids that are not in trouble; they are there in the shelter because of no fault of their own.

Commissioner Helm stated, but if we don't do something now, it will only get worse.

Phyllis Hess, longtime Rogers County Youth Services board member and longtime educator in Claremore, agreed with Haynes and continued, this agency provides so many other services in addition to the shelter; we utilize counselors, outreach, among other things; thank you to the Board for trying to exhaust all resources and appreciate the concerns and are willing to try and find us some way to continue with funding; it is something that is needed in our community.

Commissioner Helm made a motion to recess for five to 10 minutes for a break with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried and the meeting recessed at 10:20 A.M.

Chairman Thacker called the recessed meeting back to order at 10:25 A.M. with Commissioner DeLozier and Commissioner Helm present and quorum established.

5. Open & Award Bid #515 – Concrete

7 bid packets were mailed with 0 being returned undeliverable and 2 responses were received as follows: Mid-Continent Concrete in Tulsa, Ok and Greenhill Concrete in Catoosa, Ok - The Commissioner's reviewed the bids as submitted with Commissioner DeLozier making a motion to accept the low bid of Mid-Continent Concrete, 431 West 23<sup>rd</sup> Street, Tulsa, Ok 74107 (see bid for complete costs) 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 Authorization and Certificate of Authorized Representative Authority and Form of Requisition to be sent to RCB Bank for payment of invoice from Rogers County Abstract on order #20103731 on Special Certificate showing the names and mailing addresses of all owners of record within 300 feet

of ownership of real property for the alley way of Block 129 and 130 of Claremore Original Town, Rogers County will seek to have vacated for courthouse purposes by City Ordinance in the amount of \$200.00 – (DA)

Chairman Thacker 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 Resolution for Disposing of Equipment for Sheriff's Office on Polaroid mini portrait camera Model #203, sn#81943, to be junked- \*\*\*NOTE\*\*\*camera is obsolete and is no longer used\*\*\* (Sheriff's Office)

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

8. Discussion with possible action regarding Resolution for Disposing of Equipment for District #3 as follows: 2008 little pickup 4 wheel drive crew cab – to be sold at public auction – (D#3 Thacker)

Chairman Thacker stated this truck was to be sold at the CED public auction held in Elk City sometime in March or April of next year and made a motion to approve the resolutions as presented with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

9. Discussion with possible action to Approve/Disapprove the Lease Agreement for fiscal year 2010-2011 between the Rogers County Public Health Facilities Authority, as Lessor and, the Rogers County Health Department, as Lessee – (Health Dept.)

Commissioner Helm asked Haynes, we went up to the Health Department and asked them for help on the E911 Center and they said no, this doesn't belong to the county; what is this lease agreement for?

Haynes explained the state Health Department operates the Rogers County Health Department and this agreement is the lease for the building and this is so the county health department can lease the building they occupy and use from the Rogers County Public Health Facilities Authority; Barry (Farbro) has reviewed the contract and it is now being presented for the Board to approve; the people that told you, you could not use the land to place an E911 Center on was the public authority.

Chairman Thacker asked, who owns the building? Farbro replied, the real property and all the improvements are owned by Rogers County Public Health Facilities Authority; and they lease that to the Rogers County Health Department and the county approves any contracts entered into by the county health department; the county is also the beneficiary of the public trust; the lease had been unchanged for many, many years; the only change I felt was significant or unusual was the rent is for \$1.00 as opposed to the tens of thousands of dollars that have been paid in previous years that were to satisfy the debt on the bonds issued to fund the construction and maintenance of those facilities with that property; that bond was paid off in March 2010, and it is my understanding that once that bond is paid the funding mechanism for the health department changes, but I don't know all the details and could not explain it to you; possibly someone from the health department could; for practical matters, the health department has been occupying and using the premises continuously, but also since July 1, 2010, and the lease is only for the other six months left on it; there was some delay in the execution of the lease pending outcome of the county's quest to have that property transferred to it.

Chairman Thacker asked, who can dissolve the trust? Farbro continued, the trust agreement itself contains provisions whereby that trust can be terminated by a unanimous vote of the trustees of the trust, is one option; upon termination of the trust, all trust assets are distributed to the beneficiary; we have already been through all that last year, when there was a misunderstanding that the trust was going to dissolve.

Commissioner Helm stated, then if we are in negotiations of a contract for the Rogers County Health Department, why couldn't we have the Chairman go before them and negotiate the contract that the county will pay the \$1.00, but we also want to put a E911 Center out there? Farbro replied, that has been tried, maybe not exactly the way you suggested it, the vote of the trust authority was that was not going to happen. Chairman Thacker answered, that was then, this is now.

Chairman Thacker made a motion to table this item until further notice in order to allow myself to look for opportunities and discuss with the Health Department if they would reconsider placing the E911 Center on land located there with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

10. Discussion with possible action to Approve/Disapprove the Software Licensing Agreement for fiscal year 2010-2011 between the Rogers County Sheriff and Sapphire-Health, LLC – (Sheriff)

Farbro stated legal counsel has reviewed this agreement and provided it back to the County Clerk, Peggy Armstrong, and was hopeful someone from the jail would be present today. Commissioner DeLozier made a motion to table this item for one week (December 20<sup>th</sup>) with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

11. Discussion with possible action regarding Approval/Disapproval of Resolutions for Disposing of Equipment for District #1 as follows: Relm mobile radio, sn#817-A03473; Relm mobile radio, sn#817-A034914; Regency mobile radio, sn#3-5B20797; and Relm mobile radio, sn#634-C06265 – all to be junked

Commissioner DeLozier made a motion to approve with Chairman

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

12. Discussion with possible action to enter Executive Session for the purpose of discussing the employment, hiring or appointment of any individual salaries public officer or employee, as authorized by Title 25 O.S. § 307(1), to wit: the employment of Barry Farbro as Director of Human Resources, Risk Management and Contract Administration for Rogers County, effective January 1, 2011 – (Clerk)

Commissioner Helm 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 adjourned regular session and entered Executive Session at 10:49 A.M. with District Attorney Gene Haynes and County Clerk, Peggy Armstrong.

13. Discussion and possible action 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 11:46 A.M.

14. Discussion with possible action with respect to the employment, hiring or appointment of Barry Farbro as Director of Human Resources, Risk Management and Contract Administration for Rogers County, effective January 1, 2011 –

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:

Commissioner Helm reported on Tuesday, December 15, 2010, at 1:00 P.M. at ACCO's headquarters, would like to invite the public is invited to attend the joint meeting between ACCO (Association of County Commissioners) and District Attorneys' Council and we will be honoring Gene Haynes for his years of service to Rogers County, Mayes County and Craig County on behalf of the Board of County Commissioners.

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, December 13, 2010\*\*\*Commissioner Helm made a motion to approve payment of all purchase orders from all departments as submitted for payment 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 Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried and the meeting adjourned at 12:54 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, December 9, 2010, at 3:26 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.*