

## 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 20, 2010, at 9:00 O'clock A.M.

### MINUTES

ITEM 1: CALL TO ORDER:

Chairman Kirt Thacker called the meeting to order at 9:01 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: December 13, 2010

Commissioner Helm made a motion to approve the minutes from December 13, 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 #2010-83 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; and conduct telephone interviews from Oklahoma Department of Transportation (ODOT) prequalified inspection consultants list - (D#3 Thacker) \*\*\*NOTE\*\*\*this item has been tabled from November 15<sup>th</sup>, November 29<sup>th</sup>; December 6<sup>th</sup> and December 13, 2010, meetings\*\*\*

The members of the Board discussed this item in detail; Commissioner DeLozier called James Pruett with ODOT during the meeting and asked if they had to conduct phone interviews; Pruett was not sure and he asked Shannon Sheffert in Local Government Division of ODOT and Sheffert stated you do not have to conduct phone interviews, you can consult the web site and rate your scores on the interview process form provided; does not have to be done in a meeting; can be done independently by each Commissioner at their own pace; then the individual results can be presented at the next Board meeting and compared and then a final decision can be made then after Board reviews and discusses.

Discussion only, no action taken.

2. Discussion with possible action regarding Approval/Disapproval of acceptance by Rogers County maintenance of 4205 Road into the county road maintenance system located in Inola, Oklahoma, without widening – (D#3 Thacker)

Chairman Thacker stated this is a road the residence have already asphalted; the road is steep and hilly and they need snow removal in the winter and have requested to be include in the county road maintenance system. Chairman Thacker made a motion to approve county road 4205 that is ½ mile long located of 570 Road into the county road maintenance system with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

3. Discussion with possible action regarding Approval/Disapproval of ODOT Claim form 324a for Annual Inspections of County Road System Bridges in Rogers County Districts 1, 2 and 3 per Invoice #66-AN-10 in the amount of \$5,380.30 – (D#1 DeLozier)

Commissioner DeLozier stated this invoice is ODOT's portion; 80% of the bridge inspections for all three districts that were delivered Thursday, December 16<sup>th</sup> by Julie Guy with Guy Engineering, Inc., that needs to be approved so it can be paid; the county's 20% portion has already been paid. Commissioner DeLozier made a motion to approve with Chairman Thacker 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:

1. Fairboard M&O to capital outlay - \$7,350.00 – (OSU Extension)

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

2. CBRI Fund 105 to District #2 One Cent - \$112,860.00 – (D#2 & DA)

\*\*\*NOTE\*\*\*discussed at November 8, 2010, meeting\*\*\*

Commissioner Helm explained transfers was discussed a few weeks back and the Board took no action on; this transfer is a reimbursement to District #2 for contractual agreements already in place and approved by the Board before the passage of Senate Bill 2173; ODOT has outlined for us how we are to spend the money on projects that the Board has already approved before the passage of SB 2173; all department programs which are wholly or partially financed with CBRI funds will be impacted; this includes existing Force Account projects, CBRI engineering contracts and CBRI funded match for the County Improvements for Roads and Bridges (CIRB) Program along with the match for the Federal-aid agreements for the CBRI matched and Federal-aid BR funded Safety Bridge Inspection Program will also be affected; the Department has committed to work with the counties and Circuit Engineering Districts if you determine that the programmatic changes brought about by SB 2173 warrant a review of the context and financial constitution of the projects included in the BR, STP and CIRB 5-year plans. \*\*\*NOTE\*\*\*see letter from ODOT dated June 2, 2010, for complete explanation\*\*\*

Chairman Thacker stated CBRI monies were allocated to District #3 this year. Commissioner Helm agreed, and stated that is totally different. Chairman Thacker asked, how is it different? Commissioner Helm explained this is in regards to Senate Bill 2173 CBRI funded right-of-way project not yet encumbered will be considered void for the Department's purposes; the CBRI funds necessary to finance the proposed r/w acquisitions will be considered to be included in the initial accounting and disbursement to the counties; each Board of County Commissioners will be responsible for insuring that the appropriate County Commissioner District is properly reimbursed for r/w acquisitions in accordance with the Department's accounting.

Commissioner DeLozier asked what was the amount encumbered for this project? Commissioner Helm answered, the amount was voted on and approved by the Board

Chairman Thacker stated the agenda reads the item was placed on the agenda by District #2 Commissioner Helm and the D.A.'s office. Barry Farbro, Assistant District Attorney, explained Commissioner Helm discussed this item with Gene Haynes, District Attorney; I have also discussed it with him and based upon the documentation I have seen and the discussion with District #2 Commissioner Mike Helm, my understanding is this is a reimbursement for an item that has previously approved by this Board of County Commissioners for acquisitions and right-of-way on this project; it is not new money and it is not an advance, it is a reimbursement for funds that have already been expensed; purchase order have come before this Board in order to make payment.

Commissioner Helm explained, his question to the D.A. was, if the transfer was not approved today and go towards what it was originally approved for, could it be used for anything else? Farbro answered, our response is no.

Chairman Thacker asked, how does CBRI monies that was allocated for District #3, how do we get that money if you are taking \$112,860.00? Commissioner Helm explained in April 2010, in the account was \$225,000.00 that was not used that will go to District #3 to be used on the BR account. Commissioner Helm continued this is on the Elm Creek Bridge; Board voted on this in May 2010; Cinnabar acquired the right-of-way for the bridge.

Commissioner DeLozier asked, this is the money ODOT was holding originally and to pay for this project; and it was turned back to the county under SB 2173; the money was sent to us in check #105364752 in the amount of \$567,725.59.

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

3. District #3 One Cent Sales Tax M&O to salaries - \$80,000.00

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

ITEM 12: UTILITY PERMITS: None presented.

ITEM 13: CLAIMS:

1. Salaries – None presented.
2. Attendant Care – None presented.
3. Tort Claim – Claudia Haugen - \$10,000.00

Assistant District Attorney, Barry Farbro, stated he has discussed this claim with the county's insurance representative claims adjuster; there is some question as to whether or not it is a covered claim; it is not necessarily a tort claim, it is an alleged violation of automatic stay in a bankruptcy case; am waiting for a determination as to whether it is a covered claim; the Board typically does not deny these claims; recommends the Board take no action on pending further determination by Traveler's. Discussion only, no action taken.

ITEM 14: BLANKET PURCHASE ORDERS:

1. Materials, Supplies, Parts, Groceries & Prescriptions –  
District #1: R & S Auto Parts, Chelsea - \$600.00; Assessor: District #3 Warehouse, \$400.00; Sheriff: Comdata MasterCard, \$2,500.00 – Chairman Thacker made a motion to approve the blanket purchase order 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 on Approval/Disapproval of Charlie Dawson with Fidelity Life presenting their policy to the employees of Rogers County – (D#3 Thacker)  
Charlie Dawson with Fidelity Life stated we did our enrollment last year; and with the product we that we presented, the long-term care along with the life insurance, everyone that took it out can add extra on with no proof of insurability each year; requesting permission to go to the offices and present our policy; in the month of December, anybody that did not take it out last year has one more opportunity for guarantee issue; and everybody that took it out last year, they have the advantage to where they can have \$25,000.00 more of guaranteed insurability with no health questions asked.

Chairman Thacker made a motion to allow Fidelity Life one day to meet in the County Commissioner's Board Room for two hours and make their presentation to the employees that choose to attend with the date to be determined later and Christine (Day) will schedule with you and Commissioner DeLozier seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

2. Discussion with possible action regarding Rogers County Youth Services requesting emergency funding from the county in order to keep the Rogers County Youth Shelter open – (D#1 DeLozier) \*\*\*NOTE\*\*\*this item was discussed at the December 13<sup>th</sup> meeting\*\*\*

Assistant District Attorney, Barry Farbro, stated he provided to the County Commissioner's a copy of an e-mail that was sent to District Attorney, Gene Haynes, indicating my opinion that Oklahoma Statutes did not contain any legal authority for the Board of County Commissioners to financially support with public funds a private not-for-profit 501(c)(3) corporation like the Rogers County Youth Shelter (RCYS).

Chairman Thacker stated, one thing in your e-mail I would like to address is, you recommended that the Board of County Commissioners (BOCC) exercise its collective influence and inquire to see if RCIDA might be willing to assist RCYS with its current financial situation; the powers and authority granted to RCIDA through its Declaration of Trust at Article III (b) and/or (c) may be written broadly enough to allow it to provide financial support to RCYS. Chairman Thacker continued, RCIDA is solely here in business to create business and economic development; don't feel this is a proper expenditure for RCIDA.

Commissioner Helm reminded RCIDA is already assisting in keeping the driver's license office open.

Farbro commented it would be up to RCIDA Board of trustees to decide; just suggesting alternative source for funding; RCIDA has more flexibility and is not as restricted as the BOCC; the Board does have legal authority to assist with the construction or funding or acquisition by lease of a detention facility, but the Rogers County Youth Shelter is not a detention facility; the state through Office of Juvenile Affairs (OJA) may provide funding to youth shelters.

Commissioner Helm asked McSpadden, what is your rent you pay?  
McSpadden answered, currently it is \$1,500.00 per month; and the lease that has been proposed to RCYS that we would provide all the up-keep and maintenance on the facility as well; the lease has not been signed, yet, and that would be an additional expense to us; also Adult Day Care, who we share the facility with, they have not been paying any rent and the lease proposed to us was they would start paying \$1,500.00 per month; some money has come in since the meeting last week, we received a \$10,000.00 grant for the Zarrow Foundation; another \$10,000.00 has been raised locally; we are stable until March 2011.

Farbro reminded the Board, the Rogers County Public Health Facilities Authority, the public trust that owns the tract of land in Melinder Acres, leases all of that tract to the Rogers County Health Department; and that lease was in front of the Board last Monday; the Rogers County Health Department has the right under the lease agreement of the trust to sublet portions of that property, which they have exercised by doing that with Rogers County Youth Shelter and Adult Day Care; feels it is unusual for the BOCC has to approve the lease agreement between the trust and the Health Department, but the sub-leases between the Health Department and these tenants has never been presented before the BOCC; maybe should be done, just became aware of that; the BOCC approves all the contract entered into with and by for the Health Department, but the sub-leases have not been presented for the BOCC approval.

Chairman Thacker asked, how come the BOCC approves these contracts if we have no say-so over them and what they do? Farbro answered, because it is statutorily.

Discussion only, no action taken.

3. Discussion with possible action regarding reimbursement of employees \$250.00 deductible for 2011 health insurance from Wellness Project and cigarette/tobacco tax monies – (D#2 Helm & DA) \*\*\*NOTE\*\*\*this item has been discussed at the November 8, 2010, meeting\*\*\*  
Commissioner Helm reported this is in regards to the 2011 health and

medical benefits for the employees; we now have a \$250.00 deductible; the cigarette and tobacco tax monies coming in goes into the general fund, to be expenses out of the general fund; monies coming in are from around \$10,000.00 to \$12,000.00 per month; the idea is take reimburse the employee their \$250.00 deductible amount once they have met it, just like we do on mileage; this could help the employees since we are in a down-turn market and raises have not been given in a couple of years; the employee will have to expense the \$250.00 deductible first, then we would pay them back out of general fund.

Farbro commented, he believed Commissioner Helm spoke with Gene (Haynes) about this; I did talk to Gene this morning and because this reimbursement for medical expense would be considered a benefit and the BOCC provide health benefits and insurance benefits to their employees and District Attorney, Gene Haynes, felt this would be a lawful expenditure of public funds..

Commissioner DeLozier expressed, he is all for it, but why couldn't we spend this on "Wellness" last year when we wanted to. Farbro replied, Wellness is not by health insurance. Commissioner DeLozier continued, the \$60,000.00 that was set aside for Wellness, was absorbed into general fund, it is no longer there as a line-item on the budget. Marilyn Gibson, 1<sup>st</sup> Deputy County Clerk, checked the 2010-2011 county budget just to make sure and the \$60,000.00 is still ear-marked as a line-item on the budget.

Commissioner Helm made a motion to approve and the County Clerk's Office would handle this procedure with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

4. 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) \*\*\*NOTE\*\*\*this item was tabled from December 13, 2010, meeting\*\*\*

Todd Barron, Medical Officer for the Rogers County Jail, stated Sapphire is Diamond Pharmacy; we do on-line ordering with them and they have updated their software and re-named it Sapphire and this is just a new contract for the new software; is still Diamond Pharmacy, Sapphire is now also a part of Diamond Pharmacy.

Commissioner DeLozier asked, shouldn't this be an agenda item for the Criminal Justice Authority since it is for the jail? Gibson replied, once Criminal Justice money has been approved and given to the Sheriff, then it falls under the BOCC jurisdiction as BOCC; that is how we have done it in the past.

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

5. Discussion with possible action regarding Approval/Disapproval of Commercial Services Agreement by and between Board of County Commissioners and CoxCom, Inc., Cox Oklahoma Telcom, LLC, on behalf of County Treasurer's Office for Cox Business Internet Static – 15MB/3MB – Powerboost 20/4 – (Treasurer)

Angela Owens with the Rogers County Treasurer's Office, explained the Treasurer's Office recently went with a new computer system and is acquiring their own Internet Server, because they have it already set up for us so we can post everyday straight to the Internet. Commissioner DeLozier made a motion to approve 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 Claremore Daily Progress for publication of Application of the Board of County Commissioner's Notice of Hearing Petition to vacate alleys and to foreclose the right to reopen Missouri Street in the amount of \$81.60 and Invoice No. 8 from BKL, Inc. for 50% completion of construction document phase of \$225,600.00 and Invoice #T164775 from Terracon Consultants, Inc., for geotechnical engineering report of \$4,625.00 – (Clerk/DA)

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 Resolution #2010-85 and Reimbursement Form directing County Treasurer to deposit funds from State of Oklahoma in the amount of \$24,480.96 into one-cent sales tax fund for distribution for District #1 – (D#1 DeLozier & Comm. Office) \*\*\*NOTE\*\*\*the full amount of check #110004934 = \$31,472.80\*\*\*

Commissioner DeLozier reported this is a reimbursement on the ER for Winganon Crossing and made a motion to approve with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

8. Discussion with possible action regarding Approval/Disapproval of Reimbursement Form as per Resolution #2010-36 directing County Treasurer to deposit funds from the Town of Oologah in the amount of \$745.54 and Oologah Municipal Authority in the amount of \$129.88 into the one-cent sales tax fund for distribution for District #2 – (D#2 Helm/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.

9. Discussion with possible action regarding Approval/Disapproval of Resolution for Disposing of Equipment for District #3 as follows: 2006 Ford Escape (hybrid), sn#1FMC496H76KC27679, to be declared surplus and to be sold at public auction – (D#3 Thacker)

Chairman Thacker stated this vehicle was at the county warehouse when he

came into office; it is not used very much at all and would like to sell at public auction. Gibson reminded, she thought the vehicle was bought with grant money, recommended making sure there were not guidelines for us to follow before we could sell it. Chairman Thacker stated it could wait until next week's agenda to look into about the grant. Discussion only, no action taken.

10. Discussion with possible action regarding Approval/Disapproval of Resolutions for Disposing of Equipment for Planning Commission as follows: CPU Pentium43.80 gig hard drive towers, sn#S14987881; sn#KK9755129; ML4321244; Gateway EV500 computer monitor, sn#TG9336103; Gateway 2000 computer, sn#HJ4965579; Gateway EV 700 monitor, sn#A87746470; Samsung computer 700 DP, sn#SG99UC3198; HP 3740 printer, sn#H8977396D102345; HP 1000 printer, sn#MY6BS1T09P; HP 1210 printer, sn#CN73B1K0B0; HP 832C deskjet printer, sn#US818150FC; Gateway EV 700 computer with keyboard, sn#0027220233; Heritage Conference high back chair, no serial number; 2 each very old typewriters, no serial number; Brothers Intellifax 1270E fax machine, sn#A87746470; HP 7760 PhotoSmart printer, sn#CN7763W152; all these items are to be junked and Toshiba E255 copier, sn#CFE213952, traded in on new copier; Duplicating machine/copier, model #2540, sn#JJ649904, traded in on new copier –

Magan Green, Planning Commission Director, reported when the Planning Commission office moved back into the courthouse, we had several pieces of equipment that were obsolete and we did not want to move; the chair is broken and un-repairable; and the old copiers were traded in on new ones and we were given \$50.00 apiece for each at trade-in time. Chairman Thacker made a motion to approve with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

11. Discussion with possible action regarding Approval/Disapproval of County Officers Monthly Reports for November, 2010 – (Clerk/Treasurer)

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

12. Acknowledgement for public record receipt of check #1414 from Grand Gateway Economic Development Assoc. E911 for E911 service fees for October 2010, in the amount of \$24,177.15 – (Clerk) – Acknowledged for public record only, no action taken.

13. Discussion with possible action regarding Rogers County offering \$1,000.00 reward for information leading to the arrest and conviction of person(s) found to be responsible for removing and/or defacing county signs as defined by O.S. 47 § 11-207 – (D#3 Thacker)

Chairman Thacker stated he put this item on the agenda for discussion, because by the time you buy the post, buy the sign and the labor to have them put up, it costs around \$100.00; then you add your manpower, so total cost is around \$200.00; went to a class last week and it is legal for the county to offer this according to the statute; sometimes we can lose all four stop signs in one weekend; there have been several stories in the newspapers covering this in the past; have shown films to local schools, which actually has helped, but the signs are still disappearing, fe-faced, shot, painted, etc.

Commissioner Helm asked Farbro if it was legal to have them serve some community service at the county warehouses if they were ever caught. Farbro replied, it could be an option, but has not reviewed the statute; suggests if the Board approves today, a resolution be drafted and signed by the Board; needs wording in resolution to make sure a parent(s) of an offender does not turn their child in so they can collect the reward; need to look at other legal issues.

Chairman Thacker made a motion to approve and have Assistant District Attorney, Barry Farbro, draft the resolution and bring back before the Board for signage with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

Commissioner DeLozier asked, where would the money come from to pay this offering? Chairman Thacker stated, we will have Farbro research that for us also.

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, December 20, 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

Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye.  
Motion carried and the meeting adjourned at 11:04 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, December 16, 2010, at 3:41 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.*