

**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 27, 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.

ITEM 5: APPROVAL OF MINUTES: December 20, 2010

Commissioner Helm made a motion to approve the minutes from December 20, 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:

1. Discussion with possible action regarding Partial Vacation of Plat, Penner Acres First Addition, a subdivision located in a part of the NW/4 of Section 5, Township 22 North, Range 15 East of the I.B.&M., Rogers County, Oklahoma, according to the recorded Plat thereof – (D#2 Helm)

Commissioner Helm reported this is a plat that attorney Mack Greever has asked the county to vacate and Greever is present at the meeting today; ask Magan Green, Planning Commission Director, if she had any problems with the partial vacation. Green reported, it was her understanding this partial vacation was to clean up some title work on the plat for the Oologah Assembly of God file; Planning Commission has no objection.

Assistant District Attorney, Barry Farbrow, stated legal counsel has reviewed the paperwork provided by Mr. Greever and has no objection.

Commissioner Helm asked, if there was anyone in opposition present at the meeting today; there was no one present in opposition.

Commissioner Helm made a motion to partially vacate the Plat of Penner Acres First Addition, as presented, with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

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 has been tabled from November 15; November 29<sup>th</sup>; December 6<sup>th</sup>; December 13<sup>th</sup> and December 20, 2010, meetings\*\*\*

Commissioner Helm reported he reviewed and chose to go with option #2 and selected the three engineers as Guy Engineering Services; EST, Inc., and Cobb Engineering Company, for interviews to be conducted by telephone or via the internet on a weight scale. Commissioner Helm made a motion to choose option #2 with Guy Engineering Services, Inc.; EST, Inc.; and Cobb Engineering Company as the three engineers to conduct interviews either by telephone or via the internet on a weight scale and bring back before the Board next week to decide on final engineering firm and sign resolution then 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:

1. 005 – Use Tax – None presented.
2. 006 – Rogers County Courthouse E911 Facility – None presented.
3. 101 – Unrestricted Highway - \$176,744.71
4. 105 – County Bridge & Road Improvement Fund (CBRIF) - \$35,629.78
5. 141 – Cellular Phone Usage - \$24,177.15
6. 142 – E911- \$11,495.25
7. 145 – Attendant Care

Chairman Thacker made a motion to approve the cash fund estimate of needs as presented with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

ITEM 11: TRANSFER OF FUNDS: None presented.

ITEM 12: UTILITY PERMITS: None presented.

ITEM 13: CLAIMS:

1. Salaries – December 2010 –

County Clerk, Peggy Armstrong, reported Glenda Evans with the Sheriff's Office last working day will be December 31, 2010, she is resigning her position as receptionist; (see letter from Sheriff's Office agreed to and signed by Evans) and Jolene Willis with the Sheriff's Office will also be retiring with 197 hours of comp time, plus December payroll with no sick time left (letter on Willis has not been signed by Willis yet, therefore, has not been turned into County Clerk's Office for record)

Commissioner Helm asked if either employee was tied to OPERS (Oklahoma Public Employees Retirement System)? Armstrong answered, they both are. Commissioner Helm continued, will the county be going back and reporting to OPERS their final unused sick leave? Armstrong replied, she was not sure of the unused sick leave each employee had left, because there was no paperwork in front of her to answer that question with.

Commissioner Helm continued, that a purchase order was sent down to the D.A.'s office for a legal opinion on several weeks ago, asking if the county was required to pay to OPERS for an employee's final unused sick leave; do you have an opinion for us yet? Haynes replied he was not familiar with the purchase order. Commissioner Helm continued, this particular employee was terminated. Haynes asked if the employee was eligible to retire at the time they were terminated and if that is the case the county has no choice but to follow OPERS guidelines.

Haynes addressed the question, when a state employee retires and they have any accumulated sick leave, for example if an employee has a month worth of sick leave accumulated, then OPERS adds a month to their service credit when they retire; if that causes OPERS to have to pay them extra money in retirement, then OPERS sends the agency an invoice for payment in order to make up the difference.

Haynes continued, in the situation of the county where people are not allowed to carryover, feels the county is a whole different situation, each county would be different; not aware of OPERS having the requirement that the county allow them to have service credit for their accumulated sick leave; it may be that is what they are accustomed to doing and they sent a bill to the county for payment.

Commissioner Helm asked for Pam Rue with the Sheriff's Office to come to the meeting and explain. Rue explained Willis has not signed her letter yet, therefore, it has not been turned into the County Clerk's Office; Willis is retiring and Evans resigned her position with the Sheriff's Office. Commissioner Helm continued, with the county handbook in place, we need a letter from the Sheriff's Office asking the state office to which she is going to, to transfer accrued sick leave to that agency and they be responsible for the payment. Haynes replied, the state will not take over what has already been paid in; it is my understanding she is transferring to a state agency and they could be asked to accept her accrued sick leave. Rue stated Evans does have accrued sick leave, but was told she could not take her accrued sick leave with her. Haynes answered, if that is the policy of the county handbook that it terminates at the end of her employment, then there is none to transfer and a letter is not necessary.

Chairman Thacker made a motion to approve the salary claims for December 2010, as presented with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

\*\*\*NOTE\*\*\*Retirement Coordinator within the County Clerk's Office is required by OPERS to complete form #515-134B-00 (Final Unused Sick Leave Record) for each member who retires from their agency. This form must be submitted to OPERS within 10 days after the retiring member's last day on the payroll and form #515-102-05 (Employer's Report of Additions or Deletions to Monthly Payroll) is to be completed by the agency for all employees who are already members of OPERS\*\*\*

2. Attendant Care – None presented.

ITEM 14: BLANKET PURCHASE ORDERS:

1. Materials, Supplies, Parts, Groceries & Prescriptions –  
District #3: Ok Auto Parts, \$500.00; Lowes, \$300.00 and R & S Auto Parts in Claremore, \$500.00; Sheriff: Froman Oil Company, \$1,000.00; Medical Compliance Specialty,

Inc., \$400.00; St. Francis Lab, \$1,200.00; PHS Mobile X-Ray, \$600.00; Diamond Medical Supply, \$500.00; Diamond Drugs, Inc., \$6,000.00; Correctional Dental Services, \$2,000.00; Warehouse Market, \$300.00; Sysco Foods, \$3,200.00; Sysco Foods, \$7,000.00; Farmers Bros. Coffee, \$400.00; Bimbo Bakeries, \$1,350.00; District #1 Warehouse, \$3,000.00; District #2 Warehouse, \$1,000.00; District #3 Warehouse, \$1,000.00; Comdata MasterCard, \$9,000.00; and Speedy Lube, \$500.00 – Chairman Thacker made a motion to approve the blanket purchase orders as presented with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

2. Orders Exceeding Amount of Issuance – None presented.

ITEM 15: AGENDA ITEMS:

1. 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/D#2) \*\*\*NOTE\*\*\*this item was tabled from November 15<sup>th</sup>; and December 6, 2010, meetings\*\*\*

Gene Haynes, District Attorney, reported he has been provided a proposed contract from Mr. Daniel McMahan, who made a presentation to you several weeks ago regarding this TIF District; believe he and other officials have met with each of you individually to explain this; have reviewed the proposed contract and find it is something the Board can legally do; the major thing that is significant for the Board of County Commissioners is it takes any increase in sales tax on the county one cent, only within the TIF district area, that any increase in the one penny sales tax collections would go towards payment of the TIF district bonds.

Haynes continued, another concern of his was the earlier proposed contract was to also include the other ½ penny that the county has, 1/3 of a penny for jail maintenance and 1/6 of a penny to retire the new courthouse and E911 Center bonds; but that proposal has been removed from the contract; that is no longer on the table and will not affect those two particular taxes at all. As far as the county is concerned it will only affect the one penny road tax the county has in place if you should chose to enter into this contract.

Haynes continued he has found the contract is legally sufficient if the Board should chose to enter into it; and if the Board does approve the contract today, there are a couple of minor changes that need to made to the contract, basically additional information added to it, such as resolutions and dates that the county passed the one penny sales tax and as it was renewed. If the Board approves the contract today, it would be authorizing the chairman to enter into the contract subject to the chairman and legal counsels approval of these minor changes.

Commissioner Helm reminded, right now the legal description included in this TIF district, there is no sales tax being collected, because it is just raw land; it is a potential for City of Catoosa and Catoosa School District.

Commissioner Helm made a motion to approve authorizing chairman to sign contract subject to the approval of chairman and legal counsels approval of the minor changes mentioned with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

2. Open & Award Bid #540 – 2009 or Newer Cars – Sheriff's Office

30 bid packets were mailed with 5 being returned undeliverable and 1 response received as follows: Kansas Highway Patrol, 930 NE Strait Avenue, Topeka, KS 66616, for \$15,300.00 each – Chief Mike McElhaney was present at the meeting and recommended the Board accept the only bid received.

Commissioner DeLozier made a motion to accept the only bid received 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 Agreement for the Sub-Grant of Emergency Management Performance Grant Program Funds for fiscal year 2011 in the amount of \$26,751.00 – (E.M.)

Bob Anderson, Emergency Management Director, stated this is the annual SLA Sub-Grant funding that has been approved in the amount of \$26,751.00 for federal fiscal year 2011; Assistant District Attorney, Barry Farbro, has reviewed and signed off on; it is the same contract we do every year. Commissioner DeLozier made a motion to approve with Chairman Thacker seconding the motion. Commissioner Helm asked of Anderson if this amount was budgeted for this fiscal year and Anderson replied, yes, it was added into our budget; it has been the same since I came here in 1996. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

4. Discussion with possible action regarding request from Rogers County Election Board to allow part-time employee Teresa Hardesty, who was hired with benefits and began work on December 7, 2009, to carry over 40 hours of vacation time to the calendar year 2011 – (Election Board)

Roy Hancock, Assistant Election Board Secretary, explained Teresa Hardesty is a part-time/full-time employee who started working on December 7, 2009, with full benefits and on her anniversary date she accrued 40 hours of vacation; is unable to use this time before December 31, 2010, and we request permission to carry over these 40 hours of vacation time to the calendar year 2011. Commissioner DeLozier made a motion to approve with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

5. 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 property and sold at public auction – (D#3 Thacker) \*\*\*NOTE\*\*\*this item was tabled from December 20, 2010, meeting\*\*\*

Chairman Thacker made a motion to declare the 2006 Ford Escape as surplus property to be sold in the spring at the Mike Graham Auction thru our CED District with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

6. Discussion with possible action regarding Commissioner Dan DeLozier returning the Election Board Office key that was presented to him on or about December 14, 2009, back to the Rogers County Election Board Office – (D#1 DeLozier)

Commissioner DeLozier commented Election Board Secretary, Rebecca Dealy, presented the Commissioner's a key to the Election Board offices on or about December 14, 2009; I took the key I was presented and handed to Assistant District Attorney, Barry Farbro, who attached a note to the key and placed in his desk drawer for keeping; I did not want the key; the key was been in Farbro's desk all this time and since there will be a new District Attorney for 2011 coming in and Farbro would be leaving, it would be best to return the key to the Election Board office in a public meeting so it would be of record that I never had a key to the Election Board office in my possession. Commissioner DeLozier made a motion to approve giving the key back to the Election Board office with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried. \*\*\*NOTE\*\*\*key was handed back to Roy Hancock, Assistant Election Board Secretary, who was in attendance at the meeting\*\*\*

7. Acknowledgement for public record receipt of Rogers County Industrial Development Authority December, 2010, Activity Report – (Clerk)

Acknowledged for public record only, no action takne.

8. Discussion with possible action regarding Approval/Disapproval of Resolution #2010-86 and Reimbursement Form directing County Treasurer to deposit funds from Rural Water District #4 into one-cent sales tax fund for distribution for District #2 in the amount of \$517.28 – (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 #2010-87 and Reimbursement Form directing County Treasurer to deposit funds from County of Nowata into one-cent sales tax fund for distribution for District #2 in the amount of \$35,000.00 – (Comm. Office)

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

10. Discussion with possible action regarding Approval/Disapproval of Resolution #2010-88 and Reimbursement Form directing County Treasurer to deposit funds from Town of Oologah in the amount of \$4,500.00 into General Fund for distribution for District #2; (\$2,000.00 into Cemetery Fund for salaries and \$2,500.00 into capital outlay) – (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.

11. Discussion with possible action regarding Approval/Disapproval of Resolution #2010-89 and Reimbursement Form directing County Treasurer to deposit funds from Chupps Auction Company in the amount of \$2,929.56 into the one-cent sales tax fund for distribution for District #3 – (Comm. Office)

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

12. Discussion with possible action regarding Approval/Disapproval of Reimbursement Forms directing County Treasurer to deposit funds from the following into one-cent sales tax fund for distribution as follows:

- Town of Talala - \$352.98 – District #2
- Sheriff's Office - \$2,204.73 – District #1
- Sheriff's Office - \$322.03 – District #2
- Sheriff's Office - \$390.29 – District #3

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

13. Discussion with possible action regarding Rogers County Employee, Christine Day, Executive Administrative Assistant to Rogers County Commissioners to carry over 33 hours of vacation time – (D#3 Thacker )

Chairman Thacker reported the anniversary date for Christine (Day) was November 1, 2010, and therefore, with everything going on here at the office, has not had time to complete her vacation and is requesting 33 hours be carried over to 2011. Commissioner Helm made a motion to approve with Chairman Thacker seconding the motion. 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:

Commissioner Helm along with Chairman Thacker and Commissioner DeLozier expressed their gratitude and sincere appreciation to retiring District Attorney, Gene Haynes and to Assistant District Attorney, Barry Farbro, who has resigned his position effective midnight, December 31, 2010, for all their years of service to Rogers County.

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 27, 2010\*\*\*Chairman Thacker made a motion to approve payment of all purchase orders submitted for payment by all departments with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

ITEM 20: RECESS OR ADJOURNMENT:

Commissioner DeLozier made a motion to adjourn the meeting with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried and meeting adjourned at 10:12 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 Tuesday, December 21, 2010, at 3:35 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.*