

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, March 7, 2011, at 9:00 O'clock A.M.

MINUTES

- ITEM 1: CALL TO ORDER:
Chairman Dan DeLozier 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 Dan DeLozier, Commissioner Mike Helm and Commissioner Kirt Thacker were present and quorum established.
- ITEM 3: FLAG SALUTE:
Commissioner Thacker led the salute and Pledge of Allegiance to the American Flag.
- ITEM 4: PRAYER:
Commissioner Helm said a prayer.
- ITEM 5: APPROVAL OF MINUTES: February 28, 2011
Commissioner Helm made a motion to approve the minutes from February 28, 2011, as presented with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-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 purchase of two (2) tracts of land located in the East ½ of the East ½ of the Southeast Quarter of the Southwest Quarter of Section 18, Township 21 North, Range 17 East of the I.B.&M., Rogers County, Oklahoma, regarding BRO-166D(139)CO; J/P 24190(04) Parcel 3 for Bridge Reconstruction in District #3 – (D.A./D#3 Thacker)
NOTEThis item was held until after Executive Session***
Chairman DeLozier made a motion to authorized Commissioner Kirt Thacker settlement authority to sign documents to secure the deal in the purchase of only one parcel of land in regards to BRO-166D(139)CO; J/P 24190(04) Parcel 3 for bridge reconstruction with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.
- ITEM 10: CASH FUND ESTIMATE OF NEEDS AND REQUEST FOR APPROPRIATIONS:
None presented.
- ITEM 11: TRANSFER OF FUNDS:
1. District #3 One Cent Sales Tax M&O to capital outlay - \$64,000.00
Commissioner Thacker reported this transfer is to purchase two trucks off state contract and made a motion to approve with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.
- ITEM 12: UTILITY PERMITS:
1. A T & T – beginning at Southeast corner of Section 1, Township 21 North, Range 14 East, bury along North 193rd East Avenue to 118th Street North, bore 118th Street North, then West approximately 155 feet, then North to aerial pole line, then North approximately 5500 feet to Section 36, Township 22 North, Range 14 East, West approximately 1300 feet on Hobbs Creek Road, then North approximately 2300 feet to East Maple Road; this project to serve View Point Estates – (D#2 Helm)
Commissioner Helm explained with our relationship with A T & T and their agreement to follow the guidelines set for by Rogers County; and request A T & T to put back as they found it, the dirt and sod. Commissioner Helm made a motion to approve with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-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 – None presented.
2. Orders Exceeding Amount of Issuance –
Purchase order #105482 issued to Froman Oil Company for \$200.00 by Emergency Management to be over paid by \$9.31; Bob Anderson, Emergency Management Director, provided a letter of explanation. Commissioner Thacker made a motion to approve with Chairman DeLozier seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

ITEM 15: AGENDA ITEMS:

1. Presentation and discussion regarding Petition to Incorporate and Organize a Rural Water District in Rogers County, Oklahoma, described more particularly as follows, to-wit: tracts of land located in the SE/4 of Section 9, Township 23 North, Range 16 East of the I.B.&M., according to the U.S. Government Survey thereof, lying East of Coyote Hills Estates Subdivision, and South of U.S. Government lands acquired for Oologah Lake Project **and** All of Coyote Hills Estates, a subdivision of Rogers County, Oklahoma, being a part of the W/2 of the SE/4 and the NE/4 of the SW/4 of Section 9, Township 23 North, Range 16 East of the I.B.&M., according the recorded Plat thereof; **and** Discussion with possible action regarding Order Setting Public Hearing – (Clerk)

Attorney Larry E. Rahmeier, filed this petition on behalf of petitioners and is requesting the Board to set for public hearing; has discussed the petition and public hearing with Assistant District Attorney, David Iski; recommend setting public hearing in three weeks; requested to make two amendments to the petition: 1.) on page 4 inadvertently named the water district No. 14, and No. 16 is the next number; and 2.) improper reference to statute authority (82 O.S. § 1301.1, et seq., should read as on the first page, 82 O.S. § 1324.1, et seq.; these amendments were discovered by Iski when reviewing the petition.

Iski stated he has reviewed the petition and it meets statute requirements and the next procedural option is to set it for public hearing and three weeks is something we both have discussed and agreed upon, to allow time for the publications to be done and the notice to be mailed to the proper land owners.

Chairman DeLozier made a motion to set for public hearing on March 28, 2011, with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

Assistant District Attorney, David Iski, stated the next requirement of the Board is to determine from Oklahoma Water Resources Board whether or not there is water available; suggested he contact them on behalf of the Board. Chairman DeLozier commented, Rural Water District #3 is probably where there water resource will be.

2. Discussion with possible action regarding presentation by Air Evac Lifeteam Membership Program by Justin Triplett, Membership Sales Manager – (D#1DeLozier)

Triplett explained Air Evac Lifeteam is a member of the AirMedCare Network, the largest United States Air Ambulance Membership Network supported by more than 145 individual Emergency Air Ambulance Aircraft; all AirMedCare Network service providers work cooperatively to provide the highest levels of care for you, your family and community; our mission is to make it possible for people living in rural areas to get the life-saving emergency care they need, when they need it; would like to provide the membership opportunities to the county employees; have eleven locations in Oklahoma and Northwest Arkansas.

Commissioner Thacker asked, if Rogers County signed up, does this cover every employee? Triplett continued, yes, we would have to sit down and discuss some fine details as far as what type of coverage you would be interested in; Air Evac Lifeteam membership offers significant money-saving benefits; we will work with your benefits provider to secure payment for your flight; would depend on number of employees for Rogers County; regular membership prices is \$50.00 for an individual; \$55.00 per couple and \$60.00 for a family of three or more.

Chairman DeLozier made a motion to allow Air Evac Lifeteam to come and meet with the individual offices in courthouse and county warehouses and coordinate with Bob Anderson, Emergency Management Director with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

3. Discussion with possible action regarding Proposal and Service Agreement by TulsaConnect for hosting of e-mails for Rogers County Courthouse – (IT)

Brett Williston, IT, stated Rogers County started hosting their own e-mail back in 2004; after the flooding of the computer room in January, 2011, and we were down for two hours and two weeks ago we have a hardware failure on the e-mail server; started looking at independent companies that offer these services for 24/7 support, able to find one located in Tulsa, called TulsaConnect that will charge us \$1.00 per e-mail account that has two redundant secure facilities in downtown Tulsa; right now we are spending around \$1,500.00 per year for an anti-spam filter and if we stay on our current plan, we will have to buy a new e-mail server and that will cost approximately \$5,000.00; the current e-mail server is over a decade old.

Iski added, TulsaConnect has submitted a written proposal for hosting of 75 mailboxes at \$300.00 from March thru June 2011; and \$900.00 from July 2011 thru June 2012; have also sent a general services agreement for my review.

Commissioner Helm asked how many users would be in the new courthouse? Williston answered, after our discussion, the Sheriff's Office is wanting to do, is to be housed under the same roof, so to speak, if that is the case, the costs will be adjusted accordingly; right now unsure how many, because the Treasurer's Office is wanting to go their own e-mail system through their software vendor and don't know if their vendor is planning on using RogersCounty.org domain or go with a different domain.

Chairman DeLozier asked, can we bill the individual offices for their e-mail users, so the Board can regulate how many people they have on?

Commissioner Helm asked, is this your recommendation to the Board to go with the proposal submitted by TulsaConnect? Williston answered, feels it will provide a more reliable e-mail service for the county, my biggest concern is if the e-mail server should crash while I'm on vacation, there would be 24/7 support.

Commissioner Helm made a motion to table this item until further notice to give Assistant District Attorney, David Iski and Brett Williston, time to review and go over the service agreement and bring back before the Board when ready with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

4. Discussion with possible action regarding setting up sub-accounts within Commissioner's T-Highway Fund and One-Cent Sales Tax Fund for FEMA expenditures and receivables per request of Nelson Swain from the Office of the State Auditor – (D#2 Helm)
NOTEthis item was discussed at the February 22, 2011, meeting***

Commissioner Thacker reported he and Assistant District Attorney, David Iski, made a conference call to the State Auditor's Office and talked with newly elected Gary Jones.

Iski stated, after the conference call, he also talked to the Tulsa Office for the State Auditor; also review the FEMA regulations and federal codes; this is in-line with what we are required to do; set up a sub-account and place \$1.00 in it to keep the account open; and what is recommended, when the Commissioner's anticipate having to pay out of that account, you move the money either from your T-Highway Fund or One-Cent Sales Tax Fund into the sub-account, then pay for purchases during the disaster from those sub-accounts; when the county is reimbursed for those funds expensed, the money is to be deposited into the sub-accounts; then it can be transferred from the sub-account back to the original fund from which it was taken from; it is a tracking mechanism.

Commissioner Helm stated he has a hard time with agreeing with this recommendation; we have Keetonville Hill standing out there with \$10,000,000.00 and the county doesn't have \$10,000,000.00 to put into a sub-account while waiting on FEMA for 3-1/2 years to reimburse the county; the Keetonville Hill Project has to be bid and FEMA only pays 25% of the completion that is going on at that time; would be a nightmare to manage; Iski recommended calling the Auditor's Office on this particular situation; but sub-accounts can be set up now.

Commissioner Thacker stated, just for clarification, we set up the accounts; we anticipate a disaster event happening; a special meeting is called to transfer the funds; during the recent snow storm, I could not get out of my driveway, what happens if a Commissioner cannot make it to an emergency meeting or special meeting to have quorum established; FEMA money is a reimbursement, it is not a grant, it is a reimbursement of the county's own money, so why does the federal government tell the local government how to track their own money; I am not understanding this whole process.

Iski continued, it is a recommendation from the State Auditor's Office and based upon a review of the information, it is my advice Rogers County follow the recommendation of the Office of State Auditor & Inspector ; and recommend all purchase orders and supporting documents relating to the disaster are maintained separately.

Commissioner DeLozier made a motion to set up the sub-accounts with T-Highway and One-Cent Sales Tax Fund for FEMA expenditures and receivables as recommended by the Office of State Auditor & Inspector with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-abstain. Motion carried.

5. Discussion with possible action regarding Approval/Disapproval of Commercial Services Agreement by and between the Board of County Commissioners on behalf of the Rogers County Clerk's Office and Cox Business for installation of Internet Service – (Clerk)

Peggy Armstrong, Rogers County Clerk, reported the County Clerk's Office has decided to host their own internet service, in lieu of the recent flooding of the computer room back in January 2011, the County Clerk's Office owns their own server, bought a few years back, because there is a lot of information, especially from the land records department that is being added every day, the goal is to have all documents back to statehood for view on the computer; thus eliminating the purpose to keep county record books; currently using KellPro as software provider and they do nightly backups; this will eliminate the three offices of County Assessor; County Treasurer and County Clerk, being down at the same time; the County Clerk's Officer server is now in the County Clerk's Office, we no longer have it housed in the computer room; we now house the County Clerk's Office server in the County Clerk's Office; County Clerk's Office is requesting to host their own internet and will be paid for from the County Clerk's budget, not from the computer account or general government; we will still be using the e-mail service currently with A T & T, but Brett is now asking TulsaConnect to do; Iski has reviewed the agreement and made some changes; those changes were submitted back to Cox and they agreed and signed-off on.

Commissioner Thacker made a motion to approve.

Commissioner Helm asked, what is the county on now? Williston replied,

we currently have A T & T. Commissioner Helm asked, what is the Treasurer's Office on? Williston replied, the Treasurer's Office is in between services right now; they also wish to move to Cox. Commissioner Helm asked, so when we go to the new courthouse, are we going to have all these lines running through the courthouse or are we going to have only one? Williston replied, that is what he and the electrical engineer are trying to figure out right now, this issue has just risen in the past couple of months and brought on some unique challenges; we are trying to figure out the best cost scenario on how to handle this by giving everybody their own individual pipe, so they are not dependent on one internet connection. Commissioner Helm asked, what is the Sheriff's Office on, because their offices are now going to be in the new courthouse? Armstrong replied, the plan of the County Clerk's Office is to stay with their own internet service provider. Chief McElhaney with the Sheriff's Office stated they have their own server.

Commissioner Thacker stated he wanted to amend his motion, because Williston stated it presents unique challenges and that means to me it is going to cost more money in the new courthouse. Williston stated, it is going to be a lot of man hours to dis join them to the Rogers County domain to be on their own individual network. Commissioner Thacker continued, but in the new courthouse it is going to cost more money. Williston stated, it shouldn't, right now the Assessor's Office, Clerk's Office and Treasurer Office are on Rogers County domain, which is computer talk saying we have a secure network for them and there is a set of rules that keep them protected from everything else; what they are wanting to do is disjoin from the Rogers County domain and have their own internet access; have not talked to their vendor and don't know how they are going to set them up; it takes about one hour per computer to disjoin a domain; my biggest concern for the Treasurer's Office and County Clerk's Office is what their vendor is going to supply as far as a firewall and content filter, because I haven't heard anything of what they plan to use yet; have spent several hours and money to set up a secure network for the courthouse, so there is layers of security that people don't see when they are working on their computer and when they disjoin, they will lose all that security.

Armstrong stated she appreciates the concerns Williston has, but the vendors we are using are doing this very same thing in other counties throughout Oklahoma; the County Clerk's Office will be self-sustaining and feels the vendors that will be involved should know and be able to address these concerns; want to move the Clerk's Office forward and be willing to make changes for the better.

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

6. Discussion with possible action regarding Approval/Disapproval of County Clerk's Cash Book & Summary Report for February, 2011 – (Clerk)

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

7. Discussion with possible action regarding Approval/Disapproval of Resolutions for Disposing of Equipment for District #3 to be declared surplus property to be sold at public auction, as follows: 1.) 2004 Ford F-150 4WD, vin#2FTRX18W84CA15068 and 2.) 2004 Ford F-150 4WD, vin #2FTRX18WX4CA15069 – (D#3 Thacker)

Commissioner Thacker stated he would be selling these trucks at the Statewide County Equipment Auction in Elk City being held on March 11 & 12. Commissioner Thacker made a motion to approve with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

8. Discussion with possible action regarding Approval/Disapproval of Resolutions for Disposing of Equipment for Sheriff's Office, as follows: 1.) 1985 Chevy diesel 4x4 pickup with military ambulance box, vin#1GCHD34J1FF355793 and 2.) 2004 Ford Crown Victoria, vin# 2FAFP71W84x129862 – to be declared surplus to be sold by sealed bids – (Sheriff)

Chief Mike McElhaney reported Sheriff Walton does not want to sell these vehicles by sealed bid; unsure of how he wants to sell at this time. Commissioner Helm informed McElhaney of a CED auction coming up in May in McAlester that the vehicles could be sold. Discussion only, no action taken.

9. Acknowledgement for public record receipt of Rogers County Industrial Development Authority Activity Report for February, 2011 – (Clerk)

Acknowledged for public record only, no action taken.

10. Discussion with possible action regarding Approval/Disapproval of Resolution #2011-08 and Reimbursement Form directing County Treasurer to deposit funds from Oklahoma Tax Commission/Claremore Tag Agency for refund on purchase of tag & title in the amount of \$51.00 into One Cent Sales Tax Fund for distribution for District #3 – (Comm. Office)

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

11. Discussion with possible action regarding Approval/Disapproval of Resolution #2011-09 and Reimbursement Form directing County Treasurer to deposit funds from ATC Freightliner Group in the amount of \$274.42 for overpayment of purchase order into One Cent Sales Tax Fund for distribution for District #3 – (Comm. Office)

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

12. Discussion with possible action regarding Approval/Disapproval of Resolution #2011-10 and Reimbursement Form directing County Treasurer to deposit funds from Rural Water

District #4 in the amount of \$812.79 for January, 2011, fuel reimbursement into One Cent Sales Tax Fund for distribution for District #2 – (Comm. Office.)

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

13. Discussion with possible action regarding Approval/Disapproval of Reimbursement Form as per Resolution #2010-34 directing County Treasurer to deposit funds from Sheriff's Office for fuel reimbursement in the amount of \$210.16 into the One Cent Sales Tax Fund for distribution for District #2 – (Comm. Office)

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

14. Discussion with possible action to enter Executive Session for the purpose of discussing the purchase or appraisal of real property, as authorized by Title 25 O.S. § 307 (D)

Commissioner Helm made a motion to adjourn Regular Session and enter Executive Session with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried and the Board adjourned Regular Session and entered Executive Session at 9:54 A.M.

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

Chairman DeLozier made a motion to adjourn Executive Session and enter Regular Session with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried and the Board adjourned Executive Session and entered Regular Session at 10:09 A.M.

16. Discussion with possible action regarding the purchase or appraisal of real property, as authorized by Title 25 O.S. § 307 (D) –

Chairman DeLozier made a motion to authorize Commissioner Kirt Thacker settlement authority to sign documents to secure the deal in the purchase of one parcel of land in regards to BRO-166D(139)CO; J/P 24190(04) Parcel 3 for bridge reconstruction with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-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 –

Zack Stoycoff with the Claremore Daily Progress inquired about Item 15 Agenda Items #4 regarding setting up of sub-accounts and Item 9 Roads & Bridges Item #1 bridge reconstruction in District #3.

ITEM 17: ANNOUNCEMENTS:

Commissioner Helm announced the county received an e-mail from Oklahoma Department of Commerce where the Oklahoma Tax Commission has collected \$4,000.00 from sales taxes that has been going to Tulsa County, submit e-mail for public record.

NOTEe-mail was from Oklahoma Department of Commerce for payment of \$4,000.00 regarding CDBG grant for Rural Water District #8 13263 for payment #4 to INCOG for administrative dues***

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, March 7, 2011***Commissioner Helm made a motion to approve payment of all purchase orders submitted from all departments with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

ITEM 20: RECESS OR ADJOURNMENT:

Chairman DeLozier made a motion to adjourn the meeting with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried and meeting adjourned at 11:12 A.M.

BOARD OF COUNTY COMMISSIONERS
ROGERS COUNTY, OKLAHOMA

By: _____
Peggy Armstrong, Rogers County Clerk

(SEAL)