

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, September 12, 2011, at 9:00 O'clock A.M.

MINUTES

ITEM 1: CALL TO ORDER:

Chairman Dan DeLozier 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 Dan DeLozier, Commissioner Mike Helm and Commissioner Kirt Thacker were present and quorum established and determined that Notice of Meeting and Agenda were properly posted in accordance with the Oklahoma Open Meeting Act.

ITEM 3: PLEDGE OF ALLEGIANCE:

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

ITEM 4: INVOCATION:

Commissioner Thacker said a prayer.

ITEM 5: APPROVE/DISAPPROVE MINUTES: September 2, 2011 and September 6, 2011

Commissioner Thacker made a motion to approve the minutes from September 2, 2011, and September 6, 2011, as presented with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

ITEM 6: UNFINISHED BUSINESS:

1. Consider, Discuss and take Appropriate Action on the following:

A. Award Bid #564 – Haul Tractor-Truck – District #3 –

NOTEthis bid was opened on September 6, 2011, and tabled from awarding for one week (September 12, 2011)***

Commissioner Thacker reported two (2) bids received were invalid because of not being notarized; bids submitted from Mack Truck Sales did not meet the specs. Commissioner Thacker made a motion to reject the bids submitted and re-bid at a later date with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

B. Determining Job Description on Human Resources Position -

NOTEthis item was tabled from September 2, 2011, meeting***

Discussions regarding Version 1 vs. Version 2; discussions on considering years of experience; offering to individuals and firms; Commissioner's make their changes to the versions presented and send to Iski for review.

Commissioner Helm made a motion to table this item for two (2) weeks (September 26, 2011) with Chairman DeLozier seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

C. Award Financing on Bid #557 – Truck Mounted Spray Injection Road Repair Machine – District #3 - ***NOTE*** Bid #557 Awarded on August 29, 2011***

Commissioner Thacker reviewed the financing; Empire Financial for 60 months @ 2.99% interest; Oklahoma State Bank for 60 months @ 2.99% interest; and Welch State Bank for 60 months @ 2.97% interest.

Commissioner Thacker made a motion to approve financing for Bid #557 through Welch State Bank at 2.97% for 60 months with monthly payments \$1,323.72 with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

ITEM 7: ZONING: None presented.

ITEM 8: PLATS: None presented.

ITEM 9: ROADS & BRIDGES:

1. Acknowledgement for public record only Easement for Public Highway; Channel Change Easement and Temporary Easement for Public Highway between Robert Mark Solano, aka R. Mark Solano and Rogers County on Project #BRF-166C(219)CO; Job Piece 25744(04) Parcel 5, 5.1 and 5.2 being located on a tract of land in the NW/4 of the NW/4 of Section 30, Township 22 North, Range 17 East of the I.B.&M., Rogers County, in District #1 –

Acknowledged for public record only, no action taken.

ITEM 10: CASH FUND ESTIMATE OF NEEDS & REQUEST FOR APPROPRIATIONS: None presented.

ITEM 11: TRANSFER OF FUNDS: None presented.

ITEM 12: UTILITY PERMITS: None presented.

ITEM 13: CLAIMS:
1. Salaries – None presented.
2. Attendant Care – None presented.

ITEM 14: BLANKET PURCHASE ORDERS:
1. Material, Supplies, Parts, Groceries & Prescriptions –
District #3: Tri-Star Roll Off, \$1,200.00 and R & S Auto Parts, \$500.00;
Assessor's Office: District #3 Warehouse, \$400.00 and District #1: O'Reilly Auto Parts, \$350.00 and Sheriff's Office: Comdata MasterCard, \$11,000.00 – Chairman DeLozier made a motion to approve the blanket purchase orders as presented with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

2. Orders Exceeding Amount of Issuance –
Purchase Order # 200858 issued to Comdata MasterCard by Sheriff's Office for \$14,000.00 – order exceeding amount of issuance is \$595.19 - letter of explanation attached. Commissioner Helm made a motion to approve with Chairman DeLozier seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

ITEM 15: GRANTS: None presented.

ITEM 16: PAYMENT REQUISITION – CONSTRUCTION FUND – RCB BANK, TRUSTEE: None presented.

ITEM 17: AGENDA ITEMS:
1. Consider, Discuss and take Appropriate Action on the following:
A. Update by Program Management Group, LLC (PMg) for Courthouse and E911 Center Projects –

Vernon Hawkins with PMg reported poured 3rd pour of the basement walls on Wednesday, 9-7-11, and final pour on Friday, 9-9-11 – 100%; basement wall waterproofing 50% complete; complete waterproofing & backfill scheduled 9-12 thru 9-17; PCO #4 sump pit for basement pending Architect's review and approval; PCO#5 delete door #1X119B in development by CM; PCO#6 geothermal wall sleeves and piping sleeves in basement walls; no delays this week; project is ahead of schedule; PMg confirming transformer requirement with design engineers; Commissioners need to evaluate dollars for budget; Discussions held regarding re-negotiating and reviewing contingency documents; Discussions regarding Flintco and BKL, Inc. already looking for areas to cut dollars and to help reduce costs; Discussions regarding PMg contract expiring.

Chairman DeLozier made a motion to authorize Commissioner Thacker to meet with Flintco, LLC and BKL, Inc., to look at ways of reducing costs with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

B. Presentation by Kroll Identity Theft – (D#3 Thacker)

C. Presentation by Prepaid Legal Services – (D#3 Thacker)

****NOTE****Items B & C were discussed together******

Dwain Boren and Bill Haynes with Kroll Identity Theft and Pre-Paid Legal Services (Legal Shield) gave current update on services offered regarding identity theft and legal services; Kroll Identity Theft with standard Legal Shield plan group rate per month \$25.90.

Commissioner Thacker made a motion to notify the Elected Officials of this offer and time to be set up with Kroll Identity Theft and Legal Shield to meet with the employees with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

D. Report & Update on Cast in Place Wall Panel Structure for new Rogers County Courthouse – (D#3 Thacker)

Commissioner Thacker presented a Power Point presentation regarding reviewing cast-in-place wall panel structure in Omaha, Nebraska, attended by Kim Reeve, BKL, Inc.; Steve Rumsey and B. J. Fay with Flintco and Commissioner Thacker. Presentation only, no action taken.

E. Open & Award Bid #565 – New Truck Tractor Chassis – District #3
14 bid packets were mailed with 0 being returned undeliverable and 7 responses received as follows: "No Bid" Frontier Equipment Sales; 2012 7400SBA 4x2 from Frontier International Truck, Inc., for \$74,419.27; 2012 Peterbilt 337 from Rush Truck Centers of Oklahoma for \$74,900.00; 2012 Mack GU812 from Mack Truck Sales for \$100,828.86; 2012 Kenworth T400 from Oklahoma Kenworth, dba MHC Kenworth-Tulsa for \$89,420.00; 2012

Kenworth T300 from Oklahoma Kenworth, dba MHC Kenworth-Tulsa for \$85,120.00; and The Around the Clock Freightliner Group, LLC, on 2012 Freightliner M2 for \$78,618.00.

Commissioner Thacker made a motion to table awarding of bid for one week (September 19, 2011) to allow time to review all bids submitted with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

F. Open & Award Bid #350 – Janitorial Services – Health Department
10 bid packets were mailed with 1 being returned undeliverable and 5 responses received as follows: City Wide, \$1,200.00 price per month; WOW Janitorial, \$1,700.00 price per month; Rycor Enterprises, dba Bonus Building Care, \$2,645.00 price per month; Office Express Janitorial Service, Inc., \$2,720.00 price per month and Gilkey's Cleaning Service, \$4,500.00 price per month.

Chairman DeLozier made a motion to table awarding of bid for one week (September 19, 2011) to allow the Health Department time to review all bids submitted with Commissioner Thacker seconding the motion.

G. Juvenile Detention Contract between Eastern Oklahoma Youth Services, Inc., for services at Woodward County Regional Juvenile Detention Center for 2011-2012 at \$23.25 per child per day –

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

H. Juvenile Detention Contract between Eastern Oklahoma Youth Services, Inc., for services at Pittsburgh County Regional Juvenile Detention Center for FY 2011-2012 at \$23.25 per child per day –

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

I. Reimbursement Form as per Resolution #2011-38 directing County Treasurer to deposit funds from Town of Oologah in the amount of \$1,129.31 and Oologah Municipal Authority in the amount of \$87.01 into the One Cent Sales Tax Fund for District #2 – (Comm. Office)
NOTEsee Item J for Board action***

J. Reimbursement Form as per Resolution #2011-82 directing County Treasurer to deposit funds from Rural Water District No. 4 in the amount of \$825.47 into the One Cent Sales Tax Fund for distribution for District #2 – (Comm. Office)

Commissioner Helm made a motion to approve Items I & J under Agenda Items as presented with Chairman DeLozier seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

K. Reimbursement Form as per Resolution #2011-36 directing County Treasurer to deposit funds from Assessor's Office for fuel reimbursement in the amount of \$398.10 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.

L. Consider and adopt Resolution #2011-81 relating to the incurring of indebtedness by the Trustees of The Rogers County Industrial Development Authority to be accomplished by the issuance of Revenue Bonds in the aggregate principal amount of not to exceed \$3,500,000.00 to provide funds for completion of the acquisition, construction and equipment of the County Courthouse and an E911 Center for Rogers County, Oklahoma; waiving competitive bidding thereon; approving sale thereof at a discount; accepting the lease of certain personal property relating to said facilities from said Authority; designation said Bonds as qualified tax-exempt obligations; and declaring an emergency – (D#1 DeLozier)

Paul Johanning with Law Office of Johanning and Byrom, P.C. in Oklahoma City was present at the meeting along with an investment banking firm member, Randy Nelson; Johanning presented the final resolution for this particular financing to complete for the monies needed to complete facilities; resolution is written not to exceed \$3,500,000.00 in the aggregate principal amount; the amount it stands is \$3,125,000.00; discussions regarding whether or not Rogers County Industrial Development Authority wanted to place a lien on the county's personal property items; Johanning explained it was security for these monies, because we are borrowing from somebody and they are not investing in this, they are renting us their money; therefore, some kind of security needs to be given; on the other bond indebtedness the county paid another firm to co-sign the obligation; for this size transaction that method cannot be done; in order to provide some security, we have authorized here a lease of personal property acquired by the authority and the rental on that is the payments on the bonds; when the bonds are over, the personal property belongs to the county free and clear; has to be a secured debt, because we could not get the money if the debt was unsecured.

Discussions continued on leasing equipment in the courthouse, but also leasing equipment in the E911 Center; how does that affect possibly establishing a trust authority to manage the E911 Center; Johanning explained that would have to be done during the transaction of the trust between the parties involved. Discussions held on possibly using E911 funds as security instead of personal property; Nelson explained this is a common practice; in Oklahoma, counties cannot obligate themselves except out of current appropriations; that is why this indebtedness has been structured the way it has.

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

M. County fiscal year 2011-2012 Estimate of Needs (budget) and Financial Statement of the Fiscal Year 2010-2011 – (D#1 DeLozier) ***NOTE***this item was passed from September 6, 2011, meeting***

Commissioner Helm made a motion to table for two weeks (September 26, 2011) with Chairman DeLozier seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

Commissioner Thacker made a motion to recess the meeting for a break with Chairman DeLozier seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried and meeting recessed at 10:33 a.m.

Chairman DeLozier called the recessed meeting back to order at 10:57 a.m. with Commissioner Helm and Commissioner Thacker present and quorum established.

N. Possibly enter Executive Session pursuant to Title 25 Oklahoma Statutes Annotated § 307 (B) (9) (e) (1-3) to discuss the following:

Rogers County Government information technology as it relates to:

1. Design or functional schematics that demonstrate the relationship or connections between devices or systems,
2. System configuration information, and or
3. Security Monitoring and response equipment placement and configuration –

Chairman DeLozier 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 10:58 a.m. with Jerry Smittle, Sheriff's Office Assistant Deputy; Assistant District Attorney, David Iski and County Clerk, Peggy Armstrong.

O. 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 Board adjourned Executive Session and entered Regular Session at 11:29 a.m.

P. Possible action discussed in Executive Session pursuant to Title 25 Oklahoma Statutes Annotated § 307 (B) (9) (e) (1-3) to discuss the following:

1. Design of functional schematics that demonstrate the relationship or connections between devices or systems,
2. System configuration information, and/or
3. Security Monitoring and response equipment placement and configuration –

Discussion only, no action taken.

Q. Possibly enter Executive Session to discuss the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee, to-wit: Christine R. Day, pursuant to Title 25 O.S. Annotated § 307 (B) (1) – (D#3 Thacker)

Commissioner Thacker made a motion to adjourn Regular Session and enter Executive Session with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried and the Board adjourned Regular Session and entered Executive Session at 11:30 a.m. with Assistant District Attorney, David Iski and County Clerk, Peggy Armstrong.

R. 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 12:07 p.m.

S. Possible action regarding the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee, to-wit: Christine R. Day, pursuant to Title 25 O.S. Annotated § 307 (B) (1) –

Discussion only, no action taken.

ITEM 18: ACKNOWLEDGE RECEIPT OF THE FOLLOWING:

A. Amendment to Title 74 O.S. § 920B, effective Friday, August 26, 2011, Employer and employees contributions which are not remitted to the Oklahoma Public Employees Retirement System (OPERS) prior to the due date will be subject to a late charge of 3% of the unpaid balance and this late charge is to be paid by the employer to the System –

Acknowledged for public record only, no action taken.

ITEM 19: 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 Progress inquired about Agenda Item L.

ITEM 20: ANNOUNCEMENTS: None presented.

ITEM 21: NEW BUSINESS:

1. Consideration and possible action with respect to any other matters not know about or which could not have been reasonably foreseen prior to posting the agenda – None presented.

Chairman DeLozier made a motion to recess the meeting for lunch break until 1:30 p.m. with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried and meeting recessed at 12:15 p.m.

Chairman DeLozier called the recessed meeting back to order at 1:28 p.m. with Commissioner Helm and Commissioner Thacker present and quorum established.

ITEM 22: PAYMENT OF PURCHASE ORDERS FROM ALL DEPARTMENTS:
(Materials, Supplies, Parts, Groceries & Prescriptions) ***NOTE***see attached list of all claims submitted for payment from all departments and approved for payment by the Board on Monday, September 12, 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 23: RECESS OR ADJOURNMENT:

Chairman DeLozier made a motion to adjourn the meeting with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried and meeting adjourned at 2:27 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, September 8, 2011, at 4:33 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.