

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

### MINUTES

**ITEM 1: CALL TO ORDER:**

Chairman Dan DeLozier called the meeting to order at 9:00 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: December 5, 2011**

Commissioner Thacker made a motion to approve the minutes from December 5, 2011, as presented with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

**ITEM 6: UNFINISHED BUSINESS:**

1. Award Bid #571 – New Chipper Dump Body and acceptance of purchase or lease-purchase option – (D#1 DeLozier) \*\*\*NOTE\*\*\*this bid was opened on December 5, 2011\*\*\*

Chairman DeLozier reported after reviewing all the bids submitted, the low bid of Rush Truck Centers of Oklahoma, Inc., had no information on the bid as requested in the bid. Chairman DeLozier made a motion to accept the 2<sup>nd</sup> lowest bid of Arrowhead for \$19,998.00 to be purchased out right with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

2. Award Bid #573 – Microphones – (Sheriff's Office) \*\*\*NOTE\*\*\*this bid was opened on December 5, 2011\*\*\*

Captain Jerry Smittle with the Sheriff's Office requested this bid be tabled for one more week. Chairman DeLozier made a motion to table awarding of Bid #573 for one more week (December 19, 2011) with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

3. Award Bid #574 – New Radios – (Sheriff's Office) \*\*\*NOTE\*\*\*this bid was opened on December 5, 2011\*\*\*

Captain Jerry Smittle with the Rogers County Sheriff's Office recommended accepting the only bid submitted. Commissioner Helm made a motion to accept the only bid submitted on the radios from Wireless Technologies, Inc., for \$18,750.00 with Commissioner Thacker 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:** None presented.

**ITEM 10: CASH FUND ESTIMATE OF NEEDS & REQUEST FOR APPROPRIATIONS:**

1. Fund 172 – CDBG Grants – Rural Water District #3 Water System Improvements Project – 14796 CDBG 11 - \$249,950.00 - \*\*\*NOTE\*\*\*this item was tabled from October 17, 2011 and October 24, 2011, Commissioner's Meeting\*\*\*

Discussions held regarding the form of cash fund estimate of needs; cash is not actually on hand, but have an e-mail from Oklahoma Department of Commerce that their position is once a CDBG contract has reached release of funds, all the funds in the CDBG award are available for the use of the county, based upon the needs of the project and \$249,950.00 is the total amount of the project; funds will be received from ODOC upon request; a cash fund estimate of needs will not

be presented when those funds are received due to the time limits involved.

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

**ITEM 11: TRANSFER OF FUNDS:**

1. Unrestricted Highway M&O to capital outlay - \$2,000.00
2. Unrestricted Highway M&O to employee travel - \$1,000.00

Commissioner Thacker made a motion to approve Items 1 & 2 under transfer of funds as presented with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

3. Sheriff Civil Fees travel to M&O - \$3,000.00

Chairman DeLozier 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:** 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, \$1,040.00; and Lowe's, \$300.00; Assessor's Office: Imperial Coffee, \$250.00 and District #2: Bruckner Truck Sales Tulsa, \$2,500.00 – Commissioner Thacker made a motion to approve the blanket purchase orders as submitted with Chairman DeLozier seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

Discussions held regarding District #2 purchase order submitted on December 6, 2011, to Bruckner Truck Sales Tulsa as to whether or not it classified as a blanket purchase order. Commissioner Helm submitted as a regular purchase order and the County Clerk's Office determined it should be a blanket purchase order because of repairs to a truck. Discussion only, no action taken.

2. Orders Exceeding Amount of Issuance -

Purchase order #202109 issued to Imperial Coffee by the Rogers County Assessor's Office in the original amount of \$250.00 on September 19, 2011; is over by \$1.50; total amount of purchase order to be paid is \$251.50; explanation is attached to blanket purchase order.

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

**ITEM 15: GRANTS:**

1. Resolution #2011-97 Authorizing Application for Rural Economic Action Plan Grant from the Indian Nations Council of Governments (INCOG) by Sequoyah Public Schools – (D#1 DeLozier)

Chairman DeLozier reported Superintendent Terry Saul with Sequoyah Public Schools is applying for a REAP grant for a parking lot project to be completed by August 2012. Chairman DeLozier made a motion to approve with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

2. Resolution #2011-100 Authorizing Application for Rural Economic Action Plan Grant from the Indian Nations Council of Governments (INCOG) by Rogers County District #3 – (D#3 Thacker)

Commissioner Thacker reported District #3 is applying for a REAP grant for solid waste disposal program (annual trash-off program) and made a motion to approve with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

**ITEM 16: PAYMENT REQUISITION – CONSTRUCTION FUND – RCB BANK, TRUSTEE:**

1. BKL, Inc. – Invoice #17 - \$8,460.00 Construction Phase – (overall payment request #45)

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

2. Flintco – Application & Certificate for Payment #0005 in the amount of \$785,882.43 – (overall payment request #46)

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

**ITEM 17: AGENDA ITEMS:**

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

1. Update by BKL, Inc., and Flintco regarding Courthouse and E911 Center

Projects –

B. J. Fay with Flintco reported the installation of 1<sup>st</sup> sequence of 128 panels pre-cast panels will begin today; should be completed by mid-January 2012. Billy Knowles with BKL, Inc., presented pictures of what pre-cast panels look like. Discussions held, no action taken.

2. Bid #575 – Sheriff's Cars – One or more 2007 or newer vehicle with mileage not greater than 50,000 miles – (Sheriff/County Clerk)

25 bid packets were mailed with 0 being returned undeliverable and 5 responses received as follows: "No Bid" from Momentum Chevrolet; Kansas Highway Patrol: 2007 for \$11,500.00; 2008 for \$12,900.00; 2009 for \$14,350.00 and 2010 for \$15,850.00. Emergency Vehicle Resources: 2008 Ford for \$12,500.00; 2006 for \$10,500.00 and 2006 for \$6,500.00. \*\*\*see attached bids for complete information\*\*\*

Captain Jerry Smittle with the Rogers County Sheriff's Office requested to table awarding of bid for one week (December 19<sup>th</sup>) to allow the Sheriff's Office time to review all the bids submitted.

Commissioner Thacker made a motion to table awarding of bid for one week (December 19, 2011) with Chairman DeLozier seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

3. Request for additional appropriations by Election Board for redistricting purposes – (Comm. Office)

Election Board Secretary, Julie Dermody, presented the Board with copies of state statutes Title 26 O.S. 3-118 Changes in Precincts-Notice-Transfer of Affected Voter's Registration; Title 26 3-104 Costs paid by County and Title 26 4-113 Voter Identification Cards for the Board to review; Title 26 O.S. Section 5 reads: "each registered vote whose registration is transferred as hereinbefore provided shall be notified of such transfer in writing by the secretary of the county election board. At the same time, the voter shall be issued a new voter identification card and shall be instructed to destroy his former voter identification card"; Dermody continued she does not have the funds within the Election Board's budget to pay for these required mailings; there are approximately 35,000 voters that need to be sent a new voters I.D. card plus a letter of explanation; overtime involved; is requesting between \$40,000 to \$45,000 to cover these expenses; all information has to be out the door by January 11, 2012; discussions held on bulk mailing and unfunded mandates set by the State of Oklahoma, but falling back on the counties to fund; discussions on possibly sending the State Election Board an invoice of costs from the county.

Chairman DeLozier made a motion to table this item for one week (December 19<sup>th</sup>) and authorize Commissioner Helm to research for possible funding sources and bring back before the Board next Monday with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

4. Letter of Proposal for services with Harden & Associates Surveying & Mapping, PC for a survey of proposed E911 Center site – (Iski)

Iski reported Harden & Associates Surveying have presented an Independent Contractor's Agreement (ICA) for surveying of E911 Center site only; ICA has e-mailed, we are waiting on the original to come; \$5,600.00 lump sum due upon completion of agreement; discussions held.

Commissioner Helm made a motion to approve the Independent Contractor's Agreement as presented and authorize Chairman to sign the original once received with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

5. Line Extension Agreement by and between Rural Water District No. 3, Rogers County, Oklahoma, and Board of County Commissioners of Rogers County - (D#1 DeLozier)

Chairman DeLozier reported a meeting was held last week with Rural Water District No. 3; the county has to make an application for a line extension agreement to put the waterline down Lowry Road as previously discussed; discussions held regarding pricing involved of coming down Highway 88 vs. Lowry Road; pricing would be approximately the same for either location; will be ¾ mile = 4200 feet of 4 inch line; will cost approximately \$20,000; discussions held regarding waiving of inspection, chlorinating and right-of-way costs by the water district; but will need to defined with water district to make sure.

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

6. U.S. Cellular 24-Month Service Agreement on HTC 7 Smart Phone, sn#270113179915122531, Contract for E911 Administrator – (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.

7. Resolution #2011-98 and Reimbursement Form – Restitution in the amount of \$260.00 – District #1 –

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

8. Resolution #2011-99 and Reimbursement Form – Cherokee Nation in the amount of \$1,500.00 – District #1 –

Chairman DeLozier reported this is a grant from the Cherokee Nation to upgrade fencing in the Old Indian Cemetery, Wards Grove Cemetery and Winganon Cemetery for

\$500.00 each. Chairman DeLozier made a motion to approve with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

9. Reimbursement Form as per Resolution #2011-36 – from Sheriff’s fuel reimbursement in the amount of \$1,582.84 – District #1 –

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

10. Reimbursement Form as per Resolution #2011-36 – from Assessor’s fuel reimbursement in the amount of \$391.33 – District #3 –

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

11. Cooperative Extension Services Agreement between The Oklahoma State University Acting for on behalf of its Cooperative Extension Service and the United States Department of Agriculture and the Board of County Commissioners for period July 1, 2011 through June 30, 2012 – (OSU Ext.)

Vernon Scogin, OSU Extension Educator AG/4-H Youth Development & CED presented the OSU Services Agreement which reflects the approved budget items provided to OSU Extension, Rogers County for 2011-2012 program years; this agreement is the standard contract used throughout the State; Scogin recommended approval by the Board.

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

12. Removal of Bob Anderson, Emergency Management Director as Requisitioning Officer for E911 Addressing and Wireless Fund and Appointment of Janet Hamilton, E911 Director, as Requisitioning Officer for E911 Addressing & Wireless Funds – (D#1 DeLozier)

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

13. Removal of Elizabeth (Susie) Rains as Receiving Agent for Emergency Management Funds and E911 Addressing and Wireless Funds – (D#1 DeLozier)

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

14. Resolution for Disposing of Equipment at District #1 as follows: Rosco Tru-Pac Pneumatic Roller, sn#34669 – to be declared surplus and transferred to the City of Claremore – (D#1 DeLozier)

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

15. Monthly Reports of Officers for November 2011 – (Treas./Clerk)

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

**ITEM 18: ACKNOWLEDGE RECEIPT OF THE FOLLOWING:** None presented.

**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 – None presented.

**ITEM 20: ANNOUNCEMENTS:**  
Kelly Deal, OTEMS director, addressed the Board regarding the struggles they are having and may have to close its doors without the help of an extra fee in utility services; OTEMS will be hosting a town hall type of educational forum Tuesday, December 13, 2011, at 7:00 p.m. at the Oologah Community Building; House Bill 522 regulates services and is basically it’s a 1970’s House Bill which identifies our mechanism for funding, and has not been updated since 1977; have met with representatives from the OSU Extension Service, Oklahoma State Department of Health and various other consultants to take a look to see what options we have to continue functioning; one method involves utility bills; currently working with Verdigris valley Electric Coop. to develop a program called “Seven Ready” to call for a \$7 utility bill assessment. Discussions only, no action taken.

**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.

**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, December 12, 2011\*\*\*Commissioner Helm made a motion to approve payment of all purchase orders submitted for payment with the exception of purchase order #204173 issued to the Claremore Regional Hospital by the Sheriff’s Office for \$1,362.82 to be sent back for further review and discussion with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

**ITEM 23: POSSIBLE EXECUTIVE SESSION:**

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

1. Motion and Vote to enter Executive Session for the purpose of discussing the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee, as authorized by Title 25 O.S. § 307 (B) (1), to-wit: conduct interviews and evaluate applicants for the position of Human Resources Director – (Comm. Office)

Chairman DeLozier 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 entered Executive Session at 11:43 a.m. with Assistant District Attorney, David Iski; Christine Day, Secretary and Peggy Armstrong, County Clerk.

2. 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 11:59 a.m.

3. Discussion with possible action with respect to the employment, hiring, appointment, interviews and evaluation of applicants for the position of Human Resources Director, as discussed in Executive Session –

No action taken at this time.

**ITEM 24: RECESS OR ADJOURNMENT:**

Chairman DeLozier made a motion to recess the meeting until 8:00 a.m. Tuesday, December 13, 2011, to conduct interviews and evaluate applicants for the position of Human Resources Director with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried. Meeting recessed at 12:00 noon.

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 8, 2011, at 4:29 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.*