

## 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 19, 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 Thacker led the salute and Pledge of Allegiance to the American Flag.

**ITEM 4: INVOCATION:**

Commissioner Helm said a prayer.

**ITEM 5: APPROVE/DISAPPROVE MINUTES:** December 12, 2011 and December 13, 2011 -

Commissioner Thacker made a motion to approve the minutes from December 12<sup>th</sup> and December 13, 2011, as presented with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

**ITEM 6: UNFINISHED BUSINESS:**

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

1. Award Bid #573 – Microphones – (Sheriff's Office) \*\*\*NOTE\*\*\*this bid was opened December 5, 2011 and tabled from awarding on December 12, 2011, meeting\*\*\*

Captain Jerry Smittle with the Sheriff's Office recommended the Board accept the bid from Wireless Technologies' is not the low bid; is .50 cents higher than low bid, but is a local vendor and the same vendor as hand-held radios purchased earlier in the month.

Commissioner Helm made a motion to accept the bid from Wireless Technologies based upon recommendation from Sheriff's Office with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

2. Award Bid #575 – Sheriff's Cars – One or More 2007 or newer vehicle with mileage not greater than 50,000 miles – (Sheriff/County Clerk) \*\*\*NOTE\*\*\*this bid was opened on December 12, 2011\*\*\*

Captain Jerry Smittle with the Rogers County Sheriff's Office recommended the Board accept the bid for cars from Kansas Highway Patrol; not low bid; have a higher range of vehicles to choose from and the Sheriff's Office has used them in the past and has had success with them as a vendor; price range is \$12,500.00.

Commissioner Helm made a motion to accept the bid from Kansas Highway Patrol based upon the recommendation from the Sheriff's Office 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) \*\*\*NOTE\*\*\*this item was tabled from December 12, 2011, meeting\*\*\*

Julie Dermody, Election Board Secretary, presented a quote from Press Group Commercial Printing & Mailing Services out of Tulsa, Oklahoma, to provide voter card mailing-inserting everything for an estimated cost of \$3,541.00; does not include postage, estimate \$15,000.00 for postage; applying for a first class permit is \$190.00; discussions held regarding not needing to hire part-time help since Press Group; Press Group will insert letter and voter card, seal, sort & try and deliver to Rogers County for postage purposes; discussions held regarding paying from general fund or Election Board pay for services from their budget and the county will reimburse once the final dollar amounts of expenses are determined; Assistant District Attorney, David Iski, reminded an Independent Contractors Agreement will need to be completed by Press Group with guarantees written in if the Board approves today.

Commissioner Helm made a motion for Election Board Secretary, Julie Dermody, to move forward and accept the price quote from Press Group and obtain an Independent Contractor's Agreement and bring back before the Board for discussion and approval with

Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

**4. Cooperation and Payment in Lieu of Tax Agreement between the Chief of the Delaware Tribe of Indians on behalf of the Delaware Tribe of Indians and Rogers County Board of County Commissioners - \*\*\*NOTE\*\*\*this item was tabled from October 31, 2011, meeting\*\*\***

Assistant District Attorney, David Iski, informed the Board this agreement shall provide for cooperation between the Board and Delaware Tribe of Indians the development and administration of low income housing; state statutes allow for this process; legal descriptions involved are located in Chelsea, Foyil and Claremore; discussions held.

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

**ITEM 7: ZONING:** None presented.

**ITEM 8: PLATS:**

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

**1. Preliminary Plat of Beringer Place, being a part of the N/2 of the SW/4 of Section 31, Township 21 North, Range 15 East of the I.B.&M., Rogers County, State of Oklahoma – Developer: Knees Shall Bow, LLC – (D#2 Helm)**

Magan Green, Planning Commission Director, reported the preliminary plat was approved by the Planning Commission on December 6, 2011, with a six to zero vote; her recommendation to the Planning Commission Board was to approve.

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

**ITEM 9: ROADS & BRIDGES:** None presented.

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

**ITEM 11: TRANSFER OF FUNDS:**

**1. District #3 One Cent Sales Tax M&O to Lease-Purchase - \$40,000.00**

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

**2. District #1 One Cent Sales Tax M&O to salaries - \$150,000.00**

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

**ITEM 12: UTILITY PERMITS:**

**1. Oklahoma Natural Gas Company – boring & crossing East 76<sup>th</sup> Street North approximately 1,642 feet West of the Southeast corner of the SE/4 of Section 27, Township 21 North, Range 14 East of the I.B.&M., Rogers County, in District #2 – (D#2 Helm)**

Commissioner Helm has reviewed permit as presented and made a motion to approve because was a boring only and Oklahoma Natural Gas Company is required to put the property back like it was before they bored 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.**

**3. Detention Transportation Claim to State of Oklahoma Office of Juvenile Affairs for November 2011 in the amount of \$845.63 –**

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

**ITEM 14: BLANKET PURCHASE ORDERS:**

**1. Material, Supplies, Parts, Groceries & Prescriptions –**

District #1: R & S Auto Parts, \$600.00 and O'Reilly Auto Parts, \$350.00 –

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

**2. Orders Exceeding Amount of Issuance – None presented.**

**ITEM 15: GRANTS:** None presented.

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

**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 elevator #1 is being set this week; weather permitting, 30 pre-cast panels should be installed this week. Billy Knowles with BKL, Inc., reported coordination meetings have been conducted with audio visual vendor and mechanical vendor; a 911 design meeting held last Friday, (December 16<sup>th</sup>) with E911 Director, Janet Hamilton; plan on Wednesday, December 21<sup>st</sup>, to visit Muskogee County to review their E911 Center. Update only, no action taken.

**2. Update on Port of Catoosa Development Activities and Possible Adoption of 2011-2012 One Voice Agenda by Bob Portiss – (Comm. Office)**

Bob Portiss, Director of the Tulsa Port of Catoosa, addressed the Board and presented a PowerPoint presentation regarding new business and expansions at the Port; applied for a TIGER grant, but did not receive; discussions held. No action taken.

**3. Consideration of Endorsement of the Tulsa Chamber One Voice State Issues by Rogers County – (Comm. Office)**

Portiss presented the Board with OneVoice State Issues approved by the Tulsa Chamber on August 11, 2011; recommends the Board approve per Tulsa Port of Catoosa's waterways; discussions held.

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

**4. November 2011 CDBG Monthly Expenditure Report Community Development regarding contract number 14322 CDBG 10 – Rural Water District #3, Rogers County- (Andy Armstrong)**

Andy Armstrong reported this monthly expenditure expense was \$31,990.00; the full amount of \$159,950.00 of the CDBG funds has been paid out; will need to do a close-out meeting soon; recommends the Board approve.

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

**5. Exhibit to Equipment Lease-Purchase Agreement #1112141 dated December 19, 2011, between Frontier International Trucks, Inc., lessor and Rogers County, through Empire Financial Services of Tulsa, LLC, on 2012 International Cab & Chassis 7400, vin#1HTWCAAR8CJ087488- \$1,350.19 monthly payments for District #3 – (Comm. Office) (Bid #572)**

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

**6. Memorandum of Understanding between the Board of County Commissioners and Rogers County Fire Districts, Police Departments of Rogers County, emergency medical service providers in Rogers County and Rogers County Sheriff's Office – (Iski/Hamilton)**

Iski reported he and Janet Hamilton, E911 Director, worked together and drafted a Memorandum of Understanding between the Board and entities that will serve as the framework between all entities/agencies throughout the relationship of access to and sharing of both voice and data over one interoperable system; discussions held.

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

**7. Request by Election Board to allow Rogers County employees to support and assist Redistricting by working with Election Board and allowing Compensated Time for said employee – (Comm. Office)**

Stricken from agenda, not needed.

**8. Open & Award Bid #201 – Uniform Rental Services – Commissioners**  
8 bid packets were mailed with 2 being returned undeliverable and 3 responses received as follows: Cintas Corporation; Unifirst; and Aramark Uniform Services. Chairman DeLozier made a motion to table awarding of bid for two week (January 2, 2012) to allow time to review all bids submitted with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

**9. Victim's Impact Panel Calendar for 2012 – (D#2 DeLozier)**

Chairman DeLozier addressed the Board regarding Victims' Impact Panel holding their monthly meetings in the Judges courtrooms; were held in Courthouse all of 2011; they pay for the security; discussions held. Chairman DeLozier made a motion to approve with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

**10. Courthouse Maintenance – possible hiring of part-time employee – (D#3 Thacker)**

Commissioner Thacker reported Maintenance Director, Earl Hensley, had approached him regarding possibly hiring a part-time employee for maintenance; the county never replaced the full time employee who was discharged around a year ago; still have a vacancy; discussions held regarding whether or not funds were within the budget to pay for an employee; discussions held regarding whether or not a current part-time employee who has been requesting

benefits has been resolved or not. Commissioner Helm made a motion to table this item for two weeks (January 2, 2012) to allow for review with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

**11.** Reimbursement Forms per Resolutions #2010-36; 2010-37 and 2010-38 directing County Treasurer to deposit funds into One Cent Sales Fund for distribution by the following:

- Sheriff's fuel reimbursement - \$50.89 & \$1,318.83 – District #1
- FEMA reimbursement - \$47,589.58 & \$5,280.92 – District #1
- Sheriff's fuel reimbursement - \$69.50 – District #2
- Town of Oologah fuel reimbursement - \$921.54 – District #2
- Oologah Municipal Authority – fuel reimbursement - \$45.92 – District #2

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

**12.** Motion and Vote to enter Executive Session pursuant to Oklahoma Statutes Annotated Title 25 § 307 (B) (4), for the purpose of confidential communications between a public body and its attorney concerning a pending investigation, claim, or action that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest, to-wit: Virgil Carter and Ronnie Roden – (Iski)

Commissioner Helm made a motion to adjourn Regular Session and enter Executive Session with Chairman DeLozier seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried and the Board adjourned Regular Session and entered Executive Session at 10:04 a.m. with Assistant District Attorney, David Iski; Sheriff Scott Walton, Undersheriff Jon Sappington, Captain Jerry Smittle and County Clerk, Peggy Armstrong.

**13.** Motion and Vote to adjourn Executive Session and enter Regular Session –

Commissioner Thacker made a motion to adjourn Executive Session and enter Regular Session with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried and the Board adjourned Executive Session and entered Regular Session at 10:49 a.m.

**14.** Discussion with possible action with respect to the confidential communication between a public body and its attorney concerning a pending investigation, claim, or action that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest as discussed in Executive Session, to-wit: Virgil Carter and Ronnie Roden –

Commissioner Helm made a motion to cancel purchase order #204173 and refer claims attached onto ACCO Worker's Comp with Chairman DeLozier 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:** 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.

\*\*\*NOTE\*\*\*Chairman DeLozier left the meeting at 11:15 a.m. to attend another meeting\*\*\*

**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 19, 2011\*\*\*Commissioner Thacker made a motion to approve payment of all purchase orders submitted with the exception of purchase order #203993 issued to Softmart for \$1,668.07 through fund 142 E911 to be reviewed further for Service Agreement with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

**ITEM 24: RECESS OR ADJOURNMENT:**

Commissioner Thacker made a motion to recess the meeting until 2:00 p.m. with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried and meeting recessed at 11:55 a.m.

**ITEM 1: CALL TO ORDER:**

Chairman Dan DeLozier called the recessed meeting back to order at 2:15

p.m.

**ITEM 2: ROLL CALL TO ESTABLISH QUORUM:**

Chairman Dan DeLozier, Commissioner Mike Helm and Commissioner Kirt Thacker were present and quorum established.

**ITEM 23: 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)

Commissioner Thacker made a motion to adjourn Regular Session and enter Executive Session with Chairman DeLozier seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried and the Board adjourned Regular Session and entered Executive Session at 2:16 p.m. with Assistant District Attorney, David Iski and County Clerk, Peggy Armstrong.

**2.** Motion and Vote to Adjourn Executive Session and Enter Regular Session –

Commissioner Helm 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 4:54 p.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 –

Commissioner Thacker made a motion to direct Assistant District Attorney, David Iski, to arrange a criminal and financial background check and authorize Chairman DeLozier to expense funds to pay for background expenses not to exceed \$100.00 with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

**ITEM 24: 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 4:56 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, December 15, 2011, at 2:27 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.*