

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: Tuesday, January 17, 2012, at 9:00 O'clock A.M.

MINUTES

ITEM 1: CALL TO ORDER:

Chairman Mike Helm 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 Mike Helm, Commissioner Kirt Thacker and Commissioner Dan DeLozier 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 DeLozier led the salute and Pledge of Allegiance to the American Flag.

ITEM 4: INVOCATION:

Commissioner Thacker said a prayer.

ITEM 5: APPROVE/DISAPPROVE MINUTES: January 9, 2012

Commissioner DeLozier made a motion to approve the minutes from January 9, 2012, as presented with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

ITEM 6: UNFINISHED BUSINESS:

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

1. Pafford EMS of OK, Inc. – Agreement dated September 4, 2007 – (D#1 DeLozier) ***NOTE***this item was tabled from December 27, 2011, meeting***

Charles Wadsworth with Pafford EMS of OK, Inc., gave an update to the Board regarding a mutual verbal agreement was struck between the City of Claremore and Rogers County to pay 1/3 of dispatching costs of Pafford in July 2005; City of Claremore Mayor Mickey Perry reported the City of Claremore is still paying their 1/3 of the costs; discussions held regarding expending tax payers funds on a private business; Assistant District Attorney, David Iski, informed the Board there is a constitutional provision that prohibits an expenditure for a private enterprise unless it is for a public purpose; Board needs to determine this is for a public purpose; criteria to look at is, would there be any ambulance service if the County did not participate. Commissioner DeLozier expressed in his opinion does not feel the County is expending money wrongfully, Rogers County is doing their in making sure the citizens of Rogers County do have ambulance service. Commissioner Thacker asked, then do we give Oologah-Talala EMS (OTEMS) the same opportunity? Iski reminded, those are considerations the Board has to consider and how do you handle these particular services to keep them in County; Commissioner DeLozier replied, OTEMS is funded through a millage; they are two different entities in how they are structured; with OTEMS there is oversight with how the public money is being expended, they have a Board; currently with the way the 2007 contract was written with Pafford, there was no oversight; if the Board considers doing the agreement, it needs to be drafted in agreement that the County has oversight to see financial records to make sure the money is being expended for dispatching purposes; discussions held regarding the County setting a precedence and what would prevent other agencies coming to the County making the same request; Discussions held regarding the people of Rogers County needing ambulance service, and the money the County would be expending would be for emergency services only. Chairman Helm asked, could the County use their funds within the Rogers County Educational Facilities Authority (RCEFA) to pay for the dispatching? Iski replied, the question needs to be posed to the attorney for the RCEFA.

Commissioner DeLozier made a motion to continue with the County paying 1/3 of the dispatching costs for Pafford EMS of OK, Inc. and to draft a written agreement as to what monies would be paid and under what conditions per a Special Meeting of the Rogers County Educational Facilities Authority with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

ITEM 7: ZONING: None presented.

ITEM 8: PLATS: None presented.

ITEM 9: ROADS & BRIDGES:

1. Letter/Invoice issued to Cherokee Nation on Bridge #79 Dog Creek Replacement in the amount of \$1,000,000.00 by District #1 – (D# 1 DeLozier)

Commissioner DeLozier reported this project has been an engineering project for almost two years; will straighten the road and change the creek; will be going out for bids through ODOT in March 2012; estimation for this project is \$1.4 million; with the BR monies and CBRI monies along with the \$1 million from Cherokee Nation, the County will be out very little monies.

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

2. Resolution #2012-8 authorizing each Commission to dispose of dirt, debris and water materials collected during the performance of cleaning and maintaining County roadways and right-of-ways with disposal to made in various locations within Rogers County – (Iski)

Assistant District Attorney, David Iski, reported this resolution aids the Commissioners when cleaning/clearing bar ditches, etc., that a lot of debris is gathered that needs to be disposed of; sometimes there is use of it in other project and sometimes citizens are looking for fill material and inquire about it; this resolution is to protect the County, since what we are disposing of is County property and will protect the Board as a whole and recommends the Board approve a resolution every calendar year along with a waiver of liability and hold harmless agreement.

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

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

ITEM 11: TRANSFER OF FUNDS:

1. Sheriff Commissary Capital Outlay to M&O - \$15,000.00

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

ITEM 12: UTILITY PERMITS:

1. Oklahoma Natural Gas Company, a division of ONEOK, Inc. – boring & crossing North 107th East Avenue 3,850 feet North of its intersection with Highway 20 located in the NE/4 of Section 2, Township 21 North, Range 14 East of the I.B.&M., Rogers County, for proposed 3/4 “ natural gas pipeline in District #2 – (D#2 Helm)

Chairman Helm made a motion to approve with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-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 December 2011, in the amount of \$1,034.39 –

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

ITEM 14: BLANKET PURCHASE ORDERS:

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

District #3: R & S Auto Parts, \$500.00 and District #1: Warrant Cat, \$2,500.00 & Cabin Diesel Services, \$2,500.00 – Commissioner Thacker made a motion to approve the blanket purchase orders as presented with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-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:

1. Harden & Associates – Boundary/Topo surveying & drafting services for E911 Center - \$5,600.00 – ***NOTE***(overall payment request #48)***

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

2. Flintco, Inc. – Application No. 00006 – AIA Document G702 - \$661,479.67 – ***NOTE***(overall payment request #49)***

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

ITEM 17: AGENDA ITEMS:

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

1. Appointment and or Hiring of Human Resources Director – (Iski)

Iski reported all the conditions offered to person have been complied with and the offer accepted; person selected Jennifer Bentley is present today; effective start date is February 1, 2012. Commissioner Thacker made a motion to approve the hiring of Jennifer Bentley as Human Resources Director effective February 1, 2012, with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

2. Presentation and discussion by Cheryl F. St. Clair, Associate State Extension Specialist, Oklahoma Cooperative Extension Service, Oklahoma State University – Topic: Rogers County has been chosen for Review of Emergency Medical Services by the Oklahoma State Department of Health, Emergency Systems, and Oklahoma Cooperative Extension Service – (Iski)

St. Clair reported HB1888 that became effective June 6, 2010, enacted the Ambulance Service Districts Act; the Emergency Systems Division of the Oklahoma State Department of Health has selected Rogers County for a pilot study (5 pilots chosen, Rogers County is 2nd) to analyze Emergency Medical Services (EMS) in Rogers County; a meeting is scheduled for Wednesday, February 22, 2012, from 10 am to noon in the Rogers County Building located at 416 South Brady (also West Highway 20) in Claremore; everyone involved in any aspect of EMS is invited to attend this meeting to share any concerns, issues, or suggested changes concerning the emergency medical services in Rogers County; after the meeting, the Oklahoma Cooperative Extension Service will spend a few months researching, obtaining data and preparing a detailed study to share EMS alternative funding mechanisms, alternative organizational options, and more efficient and effective modes of operation; then a follow-up meeting will be scheduled when the study is completed and ready for presentation. Presentation and discussion only, no action taken.

3. Update by BKL, Inc., and Flintco regarding Courthouse and E911 Center Projects –

B. J. Fay with Flintco reported they have two pre-cast panels to set on our first sequence of panels for the stair towers on the east side of the Courthouse; have started the steel erection process. Billy Knowles with BKL, Inc., reported they have a coordination meeting today on the curtain wall system and review the shop drawings; a meeting is scheduled this Thursday, January 19th with the Judges to review audio visual; several toured the Tulsa County E911 Center last Thursday; Board reviewed and discussed the estimated cash flow projections on the E911 Center and Courthouse. Discussion only, no action taken.

4. Discussion with possible action with RCB Bank on RCIDA Series 2011 Revenue Bond Indenture – Dated 10-1-2011 - \$3,325,000.00 – (Comm. Office)

Karen Keigley and Carolyn Hooker with RCB Bank were present at the meeting; Keigley reported the Board has authority granted by Rogers County Industrial Development Authority to invest monies; but Board can only invest construction funds which is approximately \$16 million; Keigley presented eight (8) investment options; discussions held regarding the dollar amounts to investment and for how long; reserve funds of \$225,660 can be invested; discussions held regarding investing \$2 million from E911 Center construction funds and \$6 million from Courthouse construction funds; discussions on option #8 RCB Repo (open), if Board decides to invest in this option is a liquidated account; discussions and suggestions allowing Keigley to review the dollar figures and bring back before the Board next week the best available options.

Chairman Helm made a motion to approve investing a total of \$8 million dollars (\$6 million from Courthouse construction funds and \$2 million from E911 construction funds) into short-term investments and the \$225,660.00 reserve funds into long-term investments with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

Chairman Helm made a motion to recess the meeting for a 5-minute break with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried and meeting recessed at 10:17 a.m.

Chairman Helm called the recessed meeting back to order at 10:28 a.m. with Commissioner Thacker and Commissioner DeLozier present and quorum established.

5. Update by Janet Hamilton, E911 Administrator regarding progress of Memorandum of Understanding (MOU) with law enforcement, fire and emergency medical services in Rogers County – (D#2 Helm)

Janet Hamilton, E911 Administrator, reported as to date, only three agencies have committed with the Memorandum of Understanding; Oologah-Talala EMS District (OTEMS), Tri-District Fire Department and Town of Oologah Police Department; deadline for having MOU back is February 14, 2012. Discussions were held regarding County paying for four (4) dispatcher out of E911 funds, along with employee Shelly Epperson, E911 addressing and E911 Administrator, Janet Hamilton; discussions held regarding how many agencies or entities the Sheriff's Office does dispatching services for and how much do they pay for and where are the funds being deposited and if any contracts exist; the Sheriff's Office receives call for Tri-District Fire Department, and Tri-District does their own dispatching; discussions held regarding needing to know and find out this information. Discussion only, no action taken.

6. Discussion with possible action regarding forming of Trust regarding E911 Center – (D#2 Helm)

Discussion were held regarding what it takes to form a trust; initial trust documents have to be created forming a trust and establish trustees and naming the County as

beneficiary; discussions held regarding public safety responders presenting a drafted document to District Attorney's Office on December 8, 2010, and again on March 7, 2011, feel we are waiting on D.A.'s office; discussions held regarding agencies wanting to know what the costs would be for each participating agency and if a trust would be formed before they agreed to a Memorandum of Understanding; discussions held for Board to approve as to form presented to them on March 7, 2011.

Commissioner DeLozier made a motion for the Board to accept the trust documents presented on March 7, 2011, from the E911 sub-committee for Assistant District Attorney, David Iski, to review and bring back before the Board for further discussion with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

7. Appointment or Re-Appointment of representatives to the Grand Gateway Board of Director for 2012 – (Comm. Office)

Discussions held regarding who was appointed for 2011.

Commissioner Thacker made a motion to re-appoint Commissioner Dan DeLozier and Commissioner Mike Helm to the Grand Gateway Board of Directors for 2012 with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

8. Discussion with possible action regarding request by Election Board Secretary to hire temporary part-time employee to the Election Board – (Election Board)

Julie Dermody, Election Board Secretary, reported she is requesting temporary part-time help; they currently have two part-time employees that are being paid \$16.00/hour; discussions on giving the two part-time employees more hours, but would cost the county more money; is requesting part-time employee to be paid \$8.00/hour and help keep funding down; funds are within the 2011-2012 Election Board budget.

Discussions held regarding County cutting employees from other departments at budget time; Dermody reminded this request was in her budget at budget time; discussions held regarding running the employment through Human Resources after February 1st.

Commissioner Thacker made a motion to approving the hiring of 1 or 2 temporary part-time employees as needed and to go through Human Resources with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

9. Resolution #2012-5 declaring the following equipment surplus property at District #3: 20 ton hydraulic air floor jack; 11 foot snow plow & truck attachment, sn#2250; Rosco Self-propelled Chip Spreader, sn#34891; 1991 Freightliner Pull Truck Tractor, sn#1FUyDCXB7MP397258; and 2006 Starlite Tandem Axle 16foot Utility Trailer, sn#13YFS16256C098144 – (D#3 Thacker)

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

10. Resolution #2012-6 whereas declared surplus property to be transferred to Elk City, Oklahoma, Circuit Engineering District Statewide County Equipment Auction to be held March 9 and March 10, 2012, on behalf of District #3 – (D#3 Thacker)

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

11. Discussion with possible action regarding reimbursement payments for employees out of pocket \$250.00 deductible or 2012 calendar year and establishing policy and procedures – (Clerk)

Discussions held regarding employee having to be a member of county insurance and not being allowed to opt out; discussions held regarding requiring reimbursement payment to be the full \$250.00 deductible and not a portion.

Chairman Helm made a motion for employee to meet the full \$250.00 deductible benefit for 2012 calendar year with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

12. Monthly Report of Officers – December 2011 – (Treasurer)

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

13. Certificate of Authorized Signatures form (Signatory form) with Oklahoma Department of Commerce for 2012 – (Clerk)

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

14. Resolutions for Disposing of Equipment at District #1:

a.) 1990 International 2-Ton Sand Truck - sn#1HTSAZPM5LH291820 –

b.) 1990 International 2-Ton Sand Truck – sn#1HTSAZPMXLH291814 – to be transferred to the City of Claremore – Street Department – (D#1 DeLozier)

Commissioner DeLozier reported District #1 has upgraded their equipment; these two trucks are still good trucks, but are not good at climbing hills in bad weather; feels it is a good fit for the City of Claremore and would like to see tax payer dollars stay in Rogers County. Commissioner DeLozier made a motion to approve with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

15. Resolutions for Disposing of Equipment at District #2:

- a.) 2007 Mack Dump Truck – sn#1MZAG10Y07M067059 –
- b.) 2008 Chevy Silverado Crew Cab Pickup – sn#3GCEK13328G276497 –
- c.) Caterpillar Backhoe – sn#BNK04460 –
- d.) John Deere 6615 Tractor – sn# 06615B538093 –
- e.) Single axle recycle bin trailer – sn#90087-001 – all items to be transferred to Statewide

County Equipment Auction – Elk City Conference Center – Elk City, Oklahoma, on March 9 & 10, 2012 – (D#2 Helm)

Chairman Helm reported the 2007 Mack dump truck is out of the 5-year warranty; the 2008 Silverado has over 100,000 miles on; Caterpillar backhoe has already been having maintenance issues; John Deere tractor is 4 years old and the rear-end has already been tore out; and the single axle recycle bin trailer is not needed. Chairman Helm made a motion to approve the resolutions as presented with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

16. Resolution #2012-07 and Reimbursement Form directing County Treasurer to deposit funds from County of Ottawa in the amount of \$485.00 for road oil into One Cent Sales Tax Fund for distribution for District #1 – (Comm. Office)

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

17. Reimbursement Forms per Resolution #2010-36 directing County Treasurer to deposit funds into One Cent Sales Tax Funds for distribution from Sheriff's fuel reimbursement in the amount of \$1,106.69 for District #1 and Assessor's fuel reimbursement in the amount of \$414.35 for District #3 – (Comm. Office)

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

Chairman Helm announced that Rogers County was proclaiming Tuesday, January 17, 2012, as "T. Jack Graves Day" in Rogers County.

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.

Commissioner DeLozier left the meeting at 12:05 p.m.***

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 Tuesday, January 17, 2012***Commissioner Thacker made a motion to approve payment of all purchase orders submitted from all departments with the exception of purchase order #205014 issued to Justice Software, Inc., by the Sheriff's Office to be sent back for further review and comments with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye. Motion carried.

ITEM 23: RECESS OR ADJOURNMENT:

Commissioner Thacker made a motion to adjourn the meeting with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye. Motion carried and the meeting adjourned at 12:18 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, January 12, 2012, at 1:27 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.

