

**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 19, 2012, at 9:00 O'clock A.M.

**MINUTES**

\*\*\*NOTE\*\*\*The County Commissioner's Minutes are typed in Agenda order, but the Board does not always follow Agenda order\*\*\*

\*\*\*CONSIDERATION, DISCUSSION AND POSSIBLE ACTION TO BE TAKEN ON THE FOLLOWING LISTED ITEMS ON THE AGENDA:

**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: March 12, 2012**

Chairman Helm made a motion to approve the minutes from March 12, 2012, as presented with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

**ITEM 6: UNFINISHED BUSINESS:**

1. Claim Form from Rogers County Election Board for \$15,000.00 – (D#2 Helm/Election Board) - \*\*\*NOTE\*\*\*this item was tabled from March 5, 2012, meeting\*\*\*

Discussions held regarding the \$15,000.00 claim form presented to the Board by the Election Board; Julie Dermody, Election Board Secretary, presented to the Board an itemized recap of expenses relating to re-districting; discussions held.

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

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

**ITEM 8: PLATS:**

1. Final Plat – Twin Creeks at Stone Canyon – Phase II – an addition located in the NE/4 of Section 1, Township 20 North, Range 14 East – Developer: C.A.B.O. Development Company, LLC – (D#2 Helm/Kellogg Engineering)

James Stanford with Kellogg Engineering was present at the meeting. Magan Green, Planning Commission Director, reported the final plat was approved by the Planning Commission on December 6, 2011, by a six to zero vote; no opposition was present at the meeting and Green recommended approval.

No opposition was present at the Commissioner's meeting. Chairman Helm made a motion to approve with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-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 Payments - \$12,700.00

Commissioner Thacker 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: 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: Harley Hollan Companies - \$1,040.00  
District #3: Lowe's - \$300.00 – Commissioner Thacker made a motion to approve the blanket purchase orders as presented with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.
2. Orders Exceeding Amount of Issuance – None presented.

**ITEM 15: GRANTS:**

1. State of Oklahoma – Oklahoma Emergency Management – Notice of Intent – Hazard Mitigation Grant Program – Rogers County E911/EOC Center Community Safe Room – Estimated Project Cost - \$426,606 – (D#1 DeLozier/Andy Armstrong)  
Commissioner DeLozier explained this is a grant Andy Armstrong and Bob Anderson, Emergency Management Director, are working on for the EOC at the E911 Center through Oklahoma Department of Emergency Management; Commissioner DeLozier recommended approval.  
Commissioner DeLozier made a motion to approve with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

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

1. Flintco, Inc. – Application No. 00008 - \$751,982.81 - \*\*\*NOTE\*\*\*overall payment request #53)  
Chairman Helm made a motion to approve with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

**ITEM 17: AGENDA ITEMS:**

1. Update by BKL, Inc., and Flintco regarding Courthouse and E911 Center Projects –  
No update given.
2. Request permission from Board to post a Public Hearing Notice for the FY 12 CDBG Program to be held on March 26, 2012 – (D#1 DeLozier/Andy Armstrong)  
Andy Armstrong was not able to attend the meeting; sent an e-mail requesting the Board approve the posting of a Notice of CDBG Public Hearing set for Monday, March 26, 2012, at 9:00 a.m. in the Commissioners Meeting Room; the Board is to receive recommendations on community development needs within Rogers County; these recommendations will be considered by the Board in developing and approving a community development project to be submitted to Oklahoma Department of Commerce for funding consideration under FY-12 Community Development Block Grant Program.  
Commissioner DeLozier made a motion to approve with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.
3. Request the funding of Courthouse Security Officers for the Rogers County Courthouse – (D#1 DeLozier)  
Under-Sheriff Jon Sappington spoke of the need for two additional certified deputies as Courthouse security officers; this request is in addition to Tom Howse; would need \$27,400.00 for remainder of fiscal year; discussions held regarding using Courthouse Improvement funds; County Clerk's Office offered funding from their part-time salary account.  
Commissioner Thacker made a motion to take \$27,400.00 out of Courthouse Building Improvement Fund (20-402) within General Fund provided the two deputies being hired will be used for Courthouse security only and will not be removed to conduct other Sheriff's office duties with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.
4. Request by Sheriff's Office to approve release of funds for staffing and equipment – (D#1 DeLozier)  
Under-Sheriff Jon Sappington reported the Sheriff's Office is requesting the Board to approve \$50,000.00 for the purchase of three used Kansas Highway Patrol cars; also requesting \$25,000.00 for two additional field deputies, this would pay for salaries until the next fiscal year budget; requesting \$7,800.00 for thirteen new vests, eight for current deputies whose have expired; request to purchase four ballistic shields for \$6,000.00; ten tasers for \$10,000.00 and four telescoping mirrors for \$120.00; requests totals = \$98,920.00.  
Sheriff Walton spoke of the expenses needed now and in the future; there are no vehicles for reserve deputies to drive; currently have twenty reserves on stand-by with no vehicles to drive; fleets needs to be upgraded.  
Discussions held regarding a grant the Sheriff's Office is applying to purchase vests; Sheriff's Office needs 50% matching funds; if funds are received the portion will be returned back to Courthouse Building Improvement Funds.  
Commissioner DeLozier made a motion to approve the \$98,920.00 to come out of Courthouse Building Improvement Fund (20-402) with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried  
\*\*\*NOTE\*\*\*see Transfer of Appropriations for Items 3 & 4\*\*\*
5. Job Description for hiring seasonal maintenance crews for District Warehouses – (D#2 Helm/Human Resources)  
Jennifer Bentley, Human Resources Director, reported to the Board she had drafted a job descriptions for hiring seasonal maintenance crews at the district warehouses with a \$10.00 minimum hiring rate; recommends approval by the Board.  
Commissioner DeLozier made a motion to approve with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.
6. Monthly Reports of County Officers for February 2012 – (D#1 DeLozier)  
Commissioner DeLozier made a motion to approve with Chairman Helm seconding

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

7. District #1 Reimbursement Form as per Resolution #2011-36 – Sheriff’s Fuel Reimbursement - \$1,532.28 – (Comm. Office) \*\*\*NOTE\*\*\* see Item #8 for Board action\*\*\*

8. District #2 Reimbursement Forms as per Resolution #2011-36 and 2011-38 for Sheriff’s fuel reimbursement= \$394.73 and Town of Oologah fuel reimbursement \$839.61 and Oologah Municipal Authority \$46.60 – (Comm. Office)

Chairman Helm made a motion to approve Items 7 & 8 under Agenda Items as presented with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

9. Motion and Vote to enter Executive Session pursuant to O.S. Annotated Title 25 § 307 (B) (4) for the purpose of confidential communications concerning possible official action regarding pending litigation and claims, disclosure of which its attorney advises would seriously impair the ability of the Board to proceed in the public interest, to-wit: Material Service Corp. vs. Rogers County Board of Commissioners, Rogers County Case No. CJ-2004-234 and Appeals Case No. 108,020 – (D#2 Helm)

Commissioner DeLozier made a motion to adjourn Regular Session and enter Executive Session with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried and the Board adjourned Regular Session and entered Executive Session at 9:29 a.m. with Assistant District Attorney, David Iski and County Clerk, Peggy Armstrong.

10. Motion and Vote to Adjourn Executive Session and enter Regular Session – Commissioner DeLozier made a motion to adjourn Executive Session and enter Regular Session with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried and the Board adjourned Executive Session and entered Regular Session at 12:15 p.m.

11. Discussions with possible action regarding Executive Session pursuant to O.S. Annotated Title 25 § 307 (B) (4) for the purpose of confidential communications concerning possible official action regarding pending litigation and claims, disclosure of which its attorney advises would seriously impair the ability of the Board to proceed in the public interest, to-wit: Material Service Corp. vs. Rogers County Board of Commissioners, Rogers County Case No. CJ-2004-234 and Appeals Case No. 108,020 –

Chairman Helm made a motion to hire the law offices of Johanning and Byrom, P.C., along with The Baker Group as financial advisers, both firms located in Oklahoma City area with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

Chairman Helm made a motion to take a five minute recess with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried and the Board recessed at 12:17 p.m.

Chairman Helm called the recessed meeting back to order at 12:22 p.m. with Commissioner Thacker and Commissioner DeLozier present and quorum established.

12. Motion and Vote to enter Executive Session pursuant to Oklahoma State Annotated Title 25 § 307 (B) (9) for the purpose of any of the following: assessments of the vulnerability of government facilities or public improvements to an act of terrorism, plans for deterrence or prevention of or protection from an act of terrorism, or plans for response or remediation after an action of terrorism – (D#1 DeLozier)

Commissioner DeLozier made a motion to adjourn Regular Session and enter Executive Session with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried and the Board adjourned Regular Session and entered Executive Session with Assistant District Attorney, David Iski and Peggy Armstrong, County Clerk at 12:46 p.m.

13. Motion and Vote to Adjourn Executive Session and Enter Regular Session – Chairman Helm made a motion to adjourn Executive Session and enter Regular Session with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried and the Board adjourned Executive Session and entered Regular Session at 1:43 p.m.

14. Discussions with possible action regarding Executive Session pursuant to O.S. Annotated Title 25 § 307 (B) (9) for the purpose of any of the following: assessments of the vulnerability of government facilities or public improvements to an act of terrorism, plans for deterrence or prevention of or protection from an act of terrorism, or plans for response or remediation after an act of terrorism –

Commissioner Thacker made a motion to have all Courthouse doors locked with the exception of both west side doors, north end and south end with the doors to open at 7:45 a.m. and close at 5:00 p.m. and all employees, with the exception of elected officials and department heads are to pass through metal detectors once they are installed and with the exception of those employees who are coming in early to start work and staying late is up to the discretion of the elected official to make arrangements with the Sheriff’s Office with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

Commissioner DeLozier made a motion to recess for lunch with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried and the meeting recessed at 1:48 p.m.

Chairman Helm called the recessed meeting back to order at 2:31 p.m. with Commissioner Thacker and Commissioner DeLozier present and quorum established.

**ITEM 18: ANNOUNCEMENTS REGARDING COUNTY EVENTS AND STATUS  
UPDATES FOR COMMENTS AND DISCUSSION FROM COUNTY  
DEPARTMENTS AND ELECTED OFFICIALS, AS FOLLOWS:**

- a.) 911 Administrator – b.) Assessor – c.) Building Operations/Maintenance
- d.) County Clerk – e.) Court Clerk – f.) District Attorney – g.) Election Board
- h.) Emergency Management – i.) Human Resources – j.) Information Technology
- k.) Inspections/Planning Commission – l.) Judicial – m.) OSU Extension – n.) Sheriff
- o.) Treasurer

Janet Hamilton, E911 Administrator, reported a 911 committee meeting is scheduled for Wednesday; also a CAD demo meeting on Wednesday; March 21, 2012, at 6:00 p.m. mobile CAD demo

meeting at County Building.

Emergency Management Director, Bob Anderson, reported several thunderstorms along with heavy rains and flooding are expected Monday thru Wednesday night; 1<sup>st</sup> responders have been activated.

Jennifer Bentley, Human Resources Director, reported no applications have been received yet on a Facilities Manager; visited District #1 and District #2 warehouses last week; needs to coordinate with Commissioner Thacker to visit District #3.

Judge Steidley reported has been in discussions with BKL regarding a break-out of prices involving the computer wiring for new Courthouse.

Public Information Officer, Kristen Bergman, reported I.T. added a tab to the County web site for Human Resources and recommends adding a link for Retail Services; recommends adding background information to the County web site regarding Rogers County.

Tax warrants are a work-in-progress for the Treasurer's Office.

**ITEM 19: ACKNOWLEDGEMENT RECEIPT OF THE FOLLOWING ITEMS:**

1. Grand Gateway EDA E911 Services Fees for January 2012 - \$23,993.77

**ITEM 20: 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 21: ANNOUNCEMENTS:** None presented.

**ITEM 22: NEW BUSINESS:**

1. Consideration and possible action with respect to any other matters not known about or which could not have been reasonably foreseen prior to posting the agenda -

Assistant District Attorney, David Iski, agreed the grant information being presented and requested to be approved by the Judges could be heard under new business.

Judge Steidley reported the Judges are in the process of applying for a grant through the Oklahoma Bar Foundation; must be post-marked no later than March 20, 2012; grant application is for pews, jury chairs or projectors or some portion thereof; application requires the signature of the Chairman of the Commissioner's for support only, Board is not vouching for anything.

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

**ITEM 23: 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, March 19, 2012\*\*\*Commissioner Thacker made a motion to approve payment of all purchase orders submitted from all departments with the exception of purchase order #206794 issued to Jackie Custer for \$250.00 to be sent back for further review with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

**ITEM 24: RECESS OR ADJOURNMENT:**

Commissioner DeLozier made a motion to adjourn the meeting with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried and meeting adjourned at 3:19 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, March 15, 2012, at 2:00 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.*