

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

**MINUTES**

**\*\*\*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 9:00 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 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: April 2, 2012**  
Commissioner Thacker made a motion to approve the minutes from April 2, 2012, as presented with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.
- ITEM 6: UNFINISHED BUSINESS:** None presented.
- ITEM 7: ZONING:** None presented.
- ITEM 8: PLATS:** None presented.
- ITEM 9: ROADS & BRIDGES:**  
1. Independent Contractor Agreement – Kellogg Engineering, Inc.- Engineering Services – Bridge 101 over Elm Creek in District #2 –  
Chairman Helm explained Force Account funds would be used in this project and made a motion to approve with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.  
2. Rogers County Industrial Development Authority – request for District #2 for repairs to roadway on property located at 12741 South Old Highway 169 – (D#2 Helm)  
Chairman Helm made a motion to approve the repairs 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's General Fund – out of County travel to vehicle maintenance - \$30,000.00  
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. Rural Water District #3, Rogers County – boring – Northwest Tract 9 of Blue Creek Ranch located within Section 26, Township 23 North, Range 16 East of the I.B.&M., Rogers County, in District #1 – (D#1 DeLozier)  
Commissioner DeLozier reported he had reviewed the permit and the location of the permit. Commissioner DeLozier made a motion to approve with Chairman Helm 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.
- ITEM 14: BLANKET PURCHASE ORDERS:**  
1. Material, Supplies, Parts, Groceries & Prescriptions –  
District #1 – Harley Hollan Companies - \$3,900.00  
District #3 – R & S Auto Parts - \$500.00  
Lowe's - \$300.00

Cintas Uniforms Corp. - \$400.00

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:** None presented.

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

1. BKL, Inc. – Invoice No. Twenty-One (21) - \$26,510.00 – overall payment request #54  
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 – Application No. 00009 - \$1,103,887.37 - overall payment request #55  
Commissioner DeLozier 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. Discussion and possible action on holding a Special Election on June 26, 2012, for the purpose of satisfying debt incurred by the County in Rogers County District Court Case Number CJ-2004-234, which would otherwise be paid by ad valorem taxes, and further to:

Paul Johanning and John Johanning were present at the meeting; Paul Johanning presented the Board their recommendations regarding options to pay the judgment of Material Services Corp.

Paul Johanning reported the first decision the Board needs to decide, is how long does the Board want it to be; that affects how much the sales tax would be; the County only has the ability to cap at 2% on sales tax; if the County chooses to pay off in ten years, will take approximately 4/10 cent; 15 years will take approximately 1/3 cent and 20 years will take approximately ¼ cent.

Discussions held regarding the County having the ability to pay off early no matter how many years; the documents that would be drafted would read, the minute you collected enough money to satisfy this judgment, the collections would stop immediately; the Oklahoma Constitution provides for this.

Discussions held regarding possibly combinations of financing between sales tax and ad valorem; Johanning stated it was not the practical thing to do; would involve a lot of work and does not recommend doing so; if the Board is going out for an election, it should be made as simple as it possibly can.

The Board discussed in detail why sales tax and why does the Board not know the answer to the questions of how many years and the amount to set in terms. Johanning continued in all of his discussions regarding this matter, the levy of ad valorem tax would be too burdensome if allowed to go on the tax rolls; would be a very large tax bill, because of the way our tax structure is; a judgment being paid by ad valorem has to be paid off within three years; 1/3 for each year would apply to the principal of the judgment; so much of this judgment is interest; the first year you levy in addition to the 1/3 of the principal all of the accrued and accruing interest; the 2<sup>nd</sup> year and 3<sup>rd</sup> year would be only the accruing interest.

Johanning continued, the only date the County has to work with before the July 1<sup>st</sup> deadline is, June 26<sup>th</sup> primary election; if the County doesn't do something before July 1<sup>st</sup>, the County could be forced to let it go on the tax rolls; the interest is accruing every day; the litigation could be completely over by May 3<sup>rd</sup> or May 4<sup>th</sup> by a tentative hearing date; once the Board creates an authority, a contract can be made with the judgment creditors and get something concrete to work with; will be approximately \$28 million dollars.

Johanning continued, the Election Board Secretary needs a 60 day notice for an election; the Board requested Election Board Secretary, Julie Dermody to be present at the meeting to discuss the election process further.

a. Consider and adopt an Order providing for the levy of a sales tax within the County of Rogers, Oklahoma; providing for the purpose of such sales tax; providing the duration of such levy; defining terms, allocating funds, prescribing procedures, remedies, liens and fixing penalties; fixing an effective date; and making provisions severable –

Chairman Helm made a motion to approve the 15 year option of one-third of one cent (1/3%) sales tax with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

b. Consider and adopt a Resolution #2012-28 authorizing the calling and holding of an election for the purpose of submitting to the qualified electors of the County of Rogers, Oklahoma, the question of their approval or rejection of the Order relating to the levy of a County sales tax –

Chairman Helm made a motion to approve Resolution #2012-28 as presented with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

2. Discussion and possible action on the creation of The Rogers County Finance Authority, a public trust, to administer the payment of an additional sales tax on indebtedness incurred on behalf of the County in Rogers County District Court Case Number CJ-2004-234, which would otherwise be paid by ad valorem taxes –

Paul Johanning reported the previous contracts the Board approved on March 26<sup>th</sup> would be cancelled once the Finance Authority trust is formed; the Finance Authority trust documents would take the place of.

Chairman Helm made a motion to create the Rogers County Finance Authority, a public trust, as presented with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

a. Consider and adopt a Resolution #2012-29 accepting beneficial interest in The Rogers County Finance Authority, a public trust –

Commissioner Thacker made a motion to approve Resolution #2012-29 as presented with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

- Projects –
3. Update by BKL, Inc., and Flintco regarding Courthouse and E911 Center  
Kim Reeve with BKL, Inc., could not be present today for an update.  
B. J. Fay with Flintco reported they will continue with panels on west side this week; and start framing on 3<sup>rd</sup> floor this week. Update only, no action taken.
  4. Request for Public Hearing – Oklahoma Department of Commerce Project  
closeout of the following:
    - a. 9250 Ed 99 - \$250,000.00 – An Industrial Park Development Loan
    - b. 11149 ED 03 - \$750,000/Wellman Product Group
    - c. 13376 ED 08 - \$100,000/Advanced Research ChemicalsAndy Armstrong requested a public hearing to be set for next Monday, April 16<sup>th</sup>, at 9:00 a.m. to receive comments on the performance of the County on Community Development Block Grant funds received by Rogers County to provide infrastructure improvements to the listed Economic Development Infrastructure Project located at the City of Tulsa-Rogers County Port of Catoosa; any comments received will be considered by the County as part of project closeout activities required by the Oklahoma Department of Commerce; citizens are requested to participate in the hearing and express their views on these economic development projects and their impact on the Port of Catoosa and Rogers County.  
Commissioner DeLozier made a motion to approve with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.
  5. Claim of Rogers County against the Ad Valorem Reimbursement Fund, per Title 62 O.S. Supplement 1993, Section 193, for loss of revenue due to exemption of new or expanded manufacturing facilities in 2010 for 2011 tax year – (D#2 Helm/Assessor)  
Scott Marsh, Rogers County Assessor, explained to the Board this is 100% reimbursement from the Oklahoma Tax Commission and recommended 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. Detention Services Agreement – by and between Sac and Fox Nation and the Board of County Commissioners of Rogers County – effective July 1, 2012 thru June 30, 2013 – (D#2 Helm)  
Commissioner DeLozier made a motion to approve with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.
  7. County Clerk’s Cash Book & Summary Report for March 2012 – (D#2 Helm)  
Commissioner DeLozier made a motion to approve with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.
  8. Per Resolution #2011-40 and Reimbursement Forms to Election Board General Fund Account as follows:
    - a. \$426.89
    - b. \$614.12
    - c. \$397.74
    - d. \$592.54
    - e. \$191.35Julie Dermody, Election Board Secretary, explained the dollars are from election reimbursements and recommended the Board approve.  
Commissioner DeLozier made a motion to approve with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.
  9. Resolution for Disposing of Equipment for District #2 – A & I GN-8000SE 8000 WT Generator, sn#GN-8000-SE – to be junked – (D#2 Helm)  
Chairman Helm made a motion to approve with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.
  10. Presentation by Presidio for consideration to contract phone systems for new Courthouse Project – (D#2 Helm)  
Adam Blomfield and John Moore with Presidio were present at the meeting. Brett Williston, I.T., explained to the Board several interviews were conducted by himself and Christine Day, Commissioner’s Administrative Assistant with several vendors over the past month; Presidio has been the most responsive to our requests; Adam Blomfield, the lead engineer for our project, has already started reviewing the blueprints of the new Courthouse in preparation for the design phase; this will be a very complex project and we need a partner that we can trust and more importantly, that our electrical contractors, ElectraLink and Cox Communications can work well with; Presidio has a proven track record of success with both; it is my recommendation to the Board that we partner with Presidio as our Unified Communications vendor. If Board approves today, a meeting is already scheduled for tomorrow with Flintco to get started on the project; will be in conjunction with the E911 Center also.  
Discussions held regarding funding for the new telephone system; will be determined at a later date.  
Chairman Helm made a motion to approve with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.
  11. Motion and Vote to enter Executive Session pursuant to Oklahoma State Statutes Annotated Title 25 § 307 (B) (1) for the purpose of discussing the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee, to-wit: Facilities Manger – (D#1 DeLozier/Bentley)  
Commissioner Helm made a motion to adjourn Regular Session and enter Executive Session with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried and the Board adjourned Regular Session and entered Executive Session at 9:27 a.m. with Assistant District Attorney, David Iski and Human Resources Director, Jenny Bentley.
  12. 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 DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried and the Board adjourned Executive Session and entered Regular Session at 10:16 a.m.

**13.** Discussion with possible action regarding Executive Session pursuant to Oklahoma State Statutes Annotated Title 25 § 307 (B) (1) for the purpose of discussing the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee, to-wit: Facilities Manager –

Commissioner Thacker made a motion of a conditional offer to Ryan Baze based upon background check to become effective April 16, 2012, with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

**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 p.) Public Information Officer -

Janet Hamilton, E911 Administrator, reported a E911 Committee meeting is scheduled for tomorrow; will be assisting Emergency Management with Kids Fair at Expo on Wednesday, and will be meeting with furniture vendor on Friday, April 13<sup>th</sup>.

Emergency Management Director, Bob Anderson, reported is continuing to work with Andy Armstrong on grant application for E911/EOC; Kids Fair scheduled for Wednesday, April 11<sup>th</sup> from 10:00 a.m. to 2:00 p.m.

Chairman Helm reported the Board is requesting all offices and departments to work in conjunction with Bill Turner, CPA, on 2012-2013 budget proposals for next year; start gathering information for budgets to present to Mr. Turner.

**ITEM 19: ACKNOWLEDGEMENT RECEIPT OF THE FOLLOWING ITEMS:** None presented.

**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.

Chairman Helm made a motion to recess the meeting with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried and the Board recessed the meeting at 10:52 a.m. to attend the Special Meeting of the Rogers County Finance Authority.

Chairman Helm called the recessed meeting back to order at 11:08 a.m. with Commissioner Thacker and Commissioner DeLozier present and quorum established.

**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 – None presented.

**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, April 9, 2012\*\*\*Commissioner Thacker made a motion to approve payment of all purchase orders submitted for payment from all departments with Commissioner DeLozier 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 12:41 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 Wednesday, April 4, 2012, at 12:14 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.*