

NOTICE OF REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS FOR ROGERS COUNTY, OKLAHOMA

PLACE: Rogers County Courthouse, Commissioner's Meeting Room
200 S. Lynn Riggs Blvd., Claremore, OK

DATE & TIME: Monday, August 19, 2013, 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 Thacker 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 Kirt Thacker, Commissioner Dan DeLozier, and Commissioner Mike Helm 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: DeLozier led the salute of the Pledge of Allegiance to the American flag.

ITEM 4: INVOCATION: Helm said a prayer.

ITEM 5: APPROVE/DISAPPROVE MINUTES: August 12, 2013

NOTE Thacker stated there needed to be a correction on Item 9. He said they took a recess first and then came back into regular session and the two should be switched around. Helm made a motion to approve the minutes with the corrections and Thacker seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

ITEM 6: 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 7: ANNOUNCEMENTS:

Thacker made an announcement there would be a meeting today at 1:30 p.m. to open bids for the demolition of the old courthouse.

*** NOTE *** Thacker asked to move to Item 20 at this point.

(Item 20) Discussion and possible action to enter Executive Session pursuant to Okla. Stat. Ann. Tit. 25, & 307 (B) (4), for the purpose of confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines 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 Rogers County Case No. CJ-2006-684, Board of County Commissioners of Rogers County v. John Stephen Jennings, et al.

Thacker made a motion to enter into Executive Session at 9:05 a.m. and Helm seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

(Item 21) Motion to vote to adjourn Executive Session and enter Regular Session –
Thacker made a motion to adjourn the Executive Session at 9:27 a.m. and enter Regular Session and DeLozier seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

(Item 22) Discussion and possible action regarding Executive Session item: Rogers County Case No. CJ-2006-684, Board of County Commissioners of Rogers County v. John Stephen Jennings, et al. –

Thacker made a motion to amend the petition pursuant to the land owners request to preserve his gates and county engineer's recommendation to reduce taking, satisfying the right of way requirements and DeLozier seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

Helm made a motion to renew Mr. K. Ellis Ritchie's contract for the fiscal year 2013-2014 and authorize Chairman Thacker to satisfy settlement for BOCC v. Jennings, Rogers County Case No. CJ-2006-684. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

ITEM 8: UNFINISHED BUSINESS:

1. Discussion and possible action on the feasibility of the healthy survival of the two existing large trees located next to the old Courthouse during demolition and preparation of the site for parking and/or other plans for that area – (ADA, David Iski) -

NOTE This item was tabled from August 5, 2013, and August 12, 2013 –

There was a discussion about the expense of removing the trees and no guarantee of survival once they had been removed.

Thacker made a motion to remove the trees and plant new ones and Helm seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

2. Discussion and possible action regarding the follow up of E911 addressing establishment of accounts (Helm) - ***NOTE*** This item was tabled from August 12, 2013 – Helm requested to have this tabled for one week. Helm made a motion to table the item for one week and Thacker seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

3. Open and Award Bid #623 – Adjustable console furniture for the Rogers County Dispatch Center – Janet Hamilton - ***NOTE*** This item was tabled from August 12, 2013 –

Janet Hamilton requested to have this tabled for one more week. DeLozier made a motion to table for one week and Thacker seconded his motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

4. Open and Award Bid #624 – Dispatch Protocol – Emergency medical dispatch, emergency fire dispatch, and emergency police dispatch for the Rogers County consolidated dispatch center (5) workstations – Janet Hamilton - ***NOTE*** This item was tabled from August 12, 2013

Janet Hamilton requested to have this tabled for one more week. DeLozier made a motion to table for one week and Thacker seconded his motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion Carried.

ITEM 9: ZONING: None presented.

ITEM 10: PLATS: None presented.

ITEM 11: ROADS & BRIDGES: Memorandum of agreement with Cherokee Nation and Rogers County for road/bridge construction projects – Kirt Thacker – Thacker made a motion to approve and DeLozier seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

ITEM 12: CASH FUND ESTIMATE OF NEEDS & REQUEST FOR APPROPRIATIONS: None presented.

ITEM 13: TRANSFER OF FUNDS: None presented.

ITEM 14: UTILITY PERMITS:

1. Chelsea Gas Authority – Bore – To Cross County Highway or Local Road (Foyil) South Andy Payne Blvd approximately 0.20 miles, of South of Hwy 66 or 924' South of 3rd Street and further described as: 1500 feet SE of the NW Corner of Section 32, Township 23N, Range 17E, Rogers County – District 1 -

DeLozier made a motion to approve and Thacker seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

ITEM 15: CLAIMS:

1. Salaries – None presented.
2. Attendant Care – None presented.

ITEM 16: BLANKET PURCHASE ORDERS:

1. Material, Supplies, Parts, Groceries & Prescriptions –
 - District 1 to R&S Auto Parts for \$350.00
 - District 3 to Walmart for \$100.00
 - Rogers County Fairboard to Claremore Expo Center - \$3,000.00
2. Orders Exceeding Amount of Issuance – None presented.

ITEM 17: GRANTS:

1. Resolution #2014-27 authorizing application for financial assistance from the Rural Economic Action Plan fund – District 1 – DeLozier explained this was for the REAP Grant for Sequoyah Public Schools. DeLozier made a motion to approve and Thacker seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

ITEM 18: PAYMENT REQUISITION-CONSTRUCTION FUND- RCB BANK, TRUSTEE: None presented.

ITEM 19: AGENDA ITEMS:

1. Update by BKL, Inc., and Flintco regarding Courthouse and E911 Center Projects – None presented.
2. Resignation of Casey E. Reed from Excise Board – Acknowledgement only –
3. County Clerk Cashbook and Summary Report – DeLozier made a motion to approve and Helm seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.
4. Monthly Report of Officers – County Clerk – Thacker made a motion to approve and DeLozier seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.
5. Resolution for disposing of equipment, County Clerk, Electronic Cash Register, I.D.#243.2 – To be junked -
6. Resolution for disposing of equipment, County Clerk, (8) Monroe Calculators, I.D.

- #203.16 – 203.23 – To be junked -
7. Resolution for disposing of equipment, County Clerk, (3) Nova desks, No I.D. # - To be junked –
 8. Resolution for disposing of equipment, County Clerk, Partner Phone System I.D. #603.1 – 603.17 – To be junked –
 9. Resolution for disposing of equipment, County Clerk, (3) Eltron Label Makers I.D.#247.1 – 247.3 – To be junked –
Thacker made a motion to approve 5-9 at the same time and DeLozier seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.
 10. Resolution for disposing of equipment, District 2, 2009 Chevy 4x4 Crew Cab Pickup, Serial #3GCEK233X9G148098 – To be sold at auction at McAlester on September 21, 2013 –
 11. Resolution for disposing of equipment, District 2, 2008 Chevy Silverado Pickup, Serial #2GCEK133181318655 – To be sold at auction at McAlester on September 21, 2013- Helm made a motion to approve 10-11 at the same time and Thacker seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.
 12. Resolution for disposing of equipment, E911 Addressing, 1997 Ford Crown Vic.- Serial No. 2FALP71W7VX210095 –To be sold at auction at McAlester on September 21, 2013- Thacker made a motion to approve and Helm seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.
 13. Resolution for disposing of equipment, Emergency Management –
 - a. 1977 Dodge ½ ton 4x4 – Serial #W24BE75064656 – To be sold at auction -
 - b. 1971 Gamma Goat – Serial #225221260 – To be sold at auction –
 - c. 1998 Ford Crown Victoria – VIN#2FAFP71WOXX164500 – To be sold at auction -
 - d. 1971 Chevy (GMC) 2 Ton – Serial #TM603Y178242 – To be junked -
 - e. 1977 Chevrolet 2 Ton with Emerg Op Center on side – Serial #CCE677V109377 – To be junked –
 - f. 1992 Ford Taurus – Serial #1FALP5246PG139188 – To be junked –
 - g. Chevrolet Caprice – Serial #1G1B15377NR124462 – To be junked –
 - h. Winnebago 10163181281 – To be junked –
 - i. Chevrolet Caprice Serial #1G13L53E7MR123583 – To be junked –
 - j. 1993 Ford Crown Vic. Serial #2FACP71W4PX134077 – To be junked –
 - k. 1990 Chevrolet Caprice Serial #1G1BL5471LR126817 – To be junked –

DeLozier asked if the vehicles could be scraped for the metal. Purchasing Agent Nelson McSwain reported the vehicles would be used by Emergency Management and the Fire Department for training purposes such as the Jaws of Life. DeLozier stated when the vehicles were no longer needed, they could be sold for the metal. DeLozier made a motion to approve and Thacker seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.
 14. Reimbursement and resolution #2014-23 to deposit funds of \$16,921.47 into One Cent M&O #83ST-200, for Travelers – District 3 –
Thacker made a motion to approve and Helm seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.
 15. Reimbursement and resolution #2014-24 to deposit funds of \$20.00 into Cemetery Restitution Fund #91-210 for A. Bull - District 1-
DeLozier made a motion to approve and Thacker seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.
 16. Reimbursement and resolution #2014-25 to deposit funds of \$332.25 into M&O #20-200, for Rogers County Health Department – Chairman Kirt Thacker –
DeLozier made a motion to approve and Thacker seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.
 17. Reimbursement and resolution #2014-26 to deposit funds of \$5,206.00 into #04-400 Sheriff General Fund Travel for Traveler’s Insurance – Sheriff Scott Walton –
DeLozier made a motion to approve and Thacker seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.
 18. Discussion and possible action regarding hiring Bill Turner, CPA to prepare financial statement – Dan DeLozier –
Helm made a motion to approve and Thacker seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.
 19. Discussion and possible action regarding changing the TIN # for the LEPC account to the TIN # for Rogers County – Scotty Stokes
There was a discussion about the LEPC account not being a part of the county and DeLozier requested the LEPC to check with the bank about the TIN (tax identification number) to see who it belongs to. DeLozier made a motion to deny and Helm seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.
 20. Discussion and possible action to enter Executive Session pursuant to Okla. Stat. Ann. Tit. 25, & 307 (B) (4), for the purpose of confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines 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 Rogers County Case No. CJ-2006-684, Board of County Commissioners of Rogers County v. John Stephen Jennings, et al. ***NOTE*** See previous entry after Item 7.
 21. Motion to vote to adjourn Executive Session and enter Regular Session –
NOTE See previous entry after Item 7.
 22. Discussion and possible action regarding Executive Session item: Rogers County Case No. CJ-2006-684, Board of County Commissioners of Rogers County v. John Stephen Jennings, et al. –
NOTE See previous entry after Item 7.
 23. Discussion and possible action to enter Executive Session pursuant to Okla. Stat. Ann. tit.

25, & 307 (B) (4), for the purpose of confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney determines 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: unauthorized entry into the old county courthouse on July 31, 2013.

Helm made a motion to enter into Executive Session at 9:50 a.m. and Thacker seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

- 24.** Motion to vote to adjourn Executive Session and enter Regular Session – Thacker made a motion to adjourn the Executive Session at 10:39 a.m. and enter Regular Session and Helm seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.
- 25.** Discussion and possible action regarding Executive Session item: unauthorized entry into the old county courthouse on July 31, 2013. – Helm made a motion to request the District Attorney to conduct a criminal investigation on the unauthorized entry of the old courthouse and Thacker seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

ITEM 20: 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.)** Planning Commission **l.)** Judicial – **m.)** OSU Extension – **n.)** Sheriff - **o.)** Treasurer

- a.) Janet Hamilton reported she had a couple of meetings this week and had met with Motorola and they gave her a cutover date of December 20, 2013 to move to the new E911 Center.
- g.) Julie Dermody reported the final certified election results were: 2,420 – Yes, 1,395 – No. Thacker asked what percentage that was and Dermody said she would get the results back for next week.
- i.) Jenny Bentley reported a wellness survey would go out today for the employees to complete anonymously and return to her by Friday.
- k.) Larry Curtis reported he had met with the Oklahoma Water Resource Board and they will have a formal meeting about the report in September. He said there would be a Planning Commission meeting Tuesday, August 20, 2013.

ITEM 21: ACKNOWLEDGEMENT RECEIPT OF THE FOLLOWING ITEMS: None presented.

ITEM 22: 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 –

Salesha Wilken with the Claremore Daily Progress asked several questions about the Executive Session for the unauthorized entry into the old courthouse. Thacker explained that he would not comment on anything because of the pending criminal investigation. Algier Flud and Russell Guilfoyle addressed the Board of Rogers County Commissioners with their concerns about the security at the old courthouse. Thacker stated he would not comment because of the pending criminal investigation. Bailey Dabney asked if the District Attorney would recuse themselves from the investigation. Thacker stated he would not comment because of the pending criminal investigation.

ITEM 23: PAYMENT OF PURCHASE ORDERS FROM ALL DEPARTMENTS:
(Materials, Supplies, Parts, Groceries & Prescriptions)

DeLozier made a motion to approve and Helm seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

ITEM 24: RECESS OR ADJOURNMENT:

DeLozier made a motion to adjourn at 11:23 a.m. and Thacker seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

BOARD OF COUNTY COMMISSIONERS
ROGERS COUNTY, OKLAHOMA

By: _____

Robin Anderson, Rogers County Clerk

(SEAL)

Notice of said meeting was filed in the Office of the County Clerk on August 15, 2013, at _____ and posted on the Front Door Entrances to the Courthouse and on the county website.