

NOTICE OF REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS FOR ROGERS COUNTY, OKLAHOMA

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

DATE & TIME: Tuesday, November 12, 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: Thacker called the meeting to order at 9:02 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 Meetings Act.

ITEM 3: PLEDGE OF ALLEGIANCE: DeLozier led the salute and Pledge of Allegiance to the American flag.

ITEM 4: INVOCATION: Helm said a prayer.

ITEM 5: APPROVE/DISAPPROVE MINUTES: November 4, 2013- Helm made a motion to approve and Thacker seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

ITEM 6: NEW BUSINESS:
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 – *****NOTE*****This item was addressed after the payment of purchase orders was approved. *******Chairman Thacker stated he was made aware that an employee had been hired in Assessor Scott Marsh's office without following the county policy. A drug test and background check were not administered prior to the employee starting employment. *****NOTE*** Jennifer Bentley, H.R. Director, had emailed Marsh on October 25th stating he was in violation of hiring policies according to handbook policies.** Attempt was made to ask Marsh to come into the meeting so this could be discussed. He was not at work and could not be reached by phone. His First Deputy, Lisa DeLozier, came in to answer questions addressed by the board. Commissioner DeLozier recused himself and left the meeting while this was discussed because he is the husband of Ms. DeLozier. Ms. DeLozier reported that the employee started today after Marsh called him and told him to go ahead and come in. She stated that Marsh had told the employee last month he would be hired but would have to wait until after the budget was passed. She also reported that Marsh had been looking for awhile but didn't go through the proper channels, that Marsh told him he had to hold off. Thacker asked Ms. DeLozier about the statement being made during the budget meeting that he was not going to hire anyone. She answered that he is hiring a commercial appraiser. After seeking counsel from Mr. Iski, ADA, Thacker stated there are policies and procedures that Marsh didn't follow and he would need to explain to the employee that at this time he is a provisional employee. Helm asked Ms. DeLozier, "In your statement, you said he was going to be hired in October but you weren't aware he was employed until today when he showed up" and she answered yes. Helm stated he would like to schedule a special meeting and have the assessor explain why others are held to a standard and he is not. We have an elected official snubbing his nose at us and the HR Director is being snubbed. Our insurance asked us to hire an HR Director so these things wouldn't happen. That's why we had everyone sign the policy. He is acting outside the board and we need to know why he chose not to follow the policy. Helm asked that this be added to the special meeting on Thursday.

ITEM 7: ANNOUNCEMENTS: Thacker stated the Rogers County emergency alert system was a good thing to use and suggested everyone sign up.

ITEM 8: UNFINISHED BUSINESS: None presented.

ITEM 9: ZONING: None presented.

ITEM 10: PLATS:
1. Public hearing with discussion and possible action on the request of Final Plat Approval for I Don't Care Subdivision. APPLICANT: I Don't Care Bar & Grill of Oklahoma, LLC. Current Zoning: C-5. LEGAL DESCRIPTION: A tract of land lying in the SW/4 of Section 32, Township 20 North, Range 16 East of the Indian Base and Meridian, Rogers County, Oklahoma. ADDRESS: 11015 E. 590 Rd., Catoosa, OK 74015.
Thacker made a motion to approve and DeLozier seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

ITEM 11: ROADS & BRIDGES:
Acknowledgement from Oklahoma Department of Transportation of awarding a contract to C-GAWF Construction, Inc. for \$1,998,441.45 – Project#ERSTP-166C(214)ER, State Job

#25524 (04) for Slide repair on Winganon Road over Oologah lake, 5.8 miles West of SH-28 (District 1) – DeLozier stated this had been in progress a long time and this was for acknowledgement only.

ITEM 12: CASH FUND ESTIMATE OF NEEDS & REQUEST FOR APPROPRIATIONS:

1. 003 Courthouse Bond Proceeds
2. 008 Cobra
3. 012 RCEFA
4. 101 T-Highway
5. 105 CBRIF
6. 113 Property Resale
7. 115 Health Department
8. 119 Sheriff Civil Fees
9. 121 County Clerk Lien Fees
10. 122 Treasurer Cert. Fees
11. 124 County Clerk Preservation
12. 125 Engineering Fees
13. 127 Sheriff Commissary
14. 128 Courthouse SEC/SHRF Fees
15. 129 Sheriff Courthouse Secure
16. 131 Law Library
17. 135 Criminal Justice Authority
18. 137 Sheriff Jail
19. 140 Wireless Prepay 911 Fee
20. 142 E-911 Addressing
21. 147 Drug Court Contract
22. 148 Drug Court Participant
23. 175 Assessor Revolving
24. 180 Court Clerk Revolving
25. 114 Emergency Management
26. 133 OHS Grant
27. 141 Wireless Services
28. 150 Planning Commission Escrow

Robin Anderson, County Clerk asked that they come back to this item later. ***NOTE***Thacker came back to this item after Agenda Item #8.

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

ITEM 13: TRANSFER OF FUNDS: None presented.

ITEM 14: UTILITY PERMITS:

1. AT&T Oklahoma -Trenching - To Parallel County Highway or Local Road N. 193rd E. Ave. approximately 1/8 miles, of N W of Highway 167 and Keystone Ave. and further described as: 2500' feet North of the SW Corner of Section 7 Township 20N Range 15E. Rogers County – District 3

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

2. Oklahoma Natural Gas - Bore - To cross County Highway or Local Road Ruby Drive approximately 2.60 miles west & 0.30 miles north of S.H. # 88 & U.S. Hwy #412 Jct. and further described as 1,240 feet south & 1000 feet west of the Northeast Corner of Section 35 Township 20N Range 16E Rogers County. – District 3

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

3. Oklahoma Natural Gas - Bore - To cross County Highway or Local Road East 78th Street North approximately 3.30 miles west & 0.30 miles north of S.H. # 135 & S.H. #169 Jct. and further described as 1,645 feet north & 1,510 feet east of the Southwest Corner of Section 26 Township 21N Range 14E Rogers County. – District 2

Helm made a motion to approve and Thacker seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried. There was a discussion about fee requirements and Helm asked Curtis to send out letters to the Attorney General that Rogers County was one of three counties that has both planning and zoning.

ITEM 15: CLAIMS:

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

ITEM 16: BLANKET PURCHASE ORDERS:

1. Material, Supplies, Parts, Groceries & Prescriptions –
 - Rogers County District #1 to R & S Auto Parts (Claremore) - \$150.00
 - Rogers County District #1 to R & S Auto Parts (Chelsea) - \$350.00
 - Rogers County District #1 to American Waste Control, Inc. - \$1,035.00

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

2. Orders Exceeding Amount of Issuance – None presented.

ITEM 17: GRANTS:

1. Discussion and possible action regarding approval on an Interlocal agreement between Rogers Co Board of County Commissioners and Rogers Co RWD #16 for execution of 15636 CDBG 13 Project activities.

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

2. Acknowledgement of approved funding for REAP grant 024-SW-2014 in the amount of \$25,000 (District 3)-

Thacker stated this was for the trash program and was for acknowledgement only.

3. Acknowledgement of letter from Oklahoma Historical Society State Historic Preservation Office for Rogers County RWD#3 CDBG for Old Highway 88 Water Transmission Line Project File #0075-14 (Thacker)

Thacker stated this was for acknowledgement only.

4. Acknowledgement of letter from Oklahoma Archeological Survey regarding proposed Rogers County RWD#3 "Old Highway 88" Water Transmission Line – no sites listed (Thacker) –

Thacker stated this was for acknowledgement only.

5. Discussion and possible action regarding Grand Gateway Senior Community Service Employment Program (Thacker) -

There was a lengthy discussion about the requirements for people using this program and Karen Tiger told of the benefits the county would get from employing the participants. Ed Crone stated there was a 10% match required. Helm stated the money would have to come out of the General Fund. 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:

1. BKL/Flintco - Application # 8 for E-911 Facility - \$13,260.38

There was a discussion about going out for bids for the courthouse plaza. Steve Rumsey stated he would like to take bids on December 9, 2013 at 1:00 p.m. and open them 1:30 p.m. Purchasing Agent Nelson McSwain advised there would not be time to get it in the paper this week and it would have to wait until next week due to the deadline the paper has. Thacker asked legal counsel if they could approve this. A.D.A. David Iski stated it would need to go out for bid so there was no need to approve it. Thacker stated they would have a special meeting on Thursday, November 14, 2013 at 1:30 p.m.

ITEM 19: AGENDA ITEMS:

1. Update by BKL, Inc., and Flintco regarding Courthouse and E911 Center Projects – Steve Rumsey reported they were waiting on the gas lines to be hooked up so they could fire up the furnaces. Kim Reeve stated the building was punched out. Helm asked if the downspouts had been moved and Reeve said they had been.

2. Open and Award Bid #636 – Automated Workforce Management System – Thacker stated there were 4 bids sent out, 4 bids received, and 0 bids undeliverable. Thacker made a motion to table this for one week and DeLozier seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

3. Discussion and possible action regarding naming of the dispatch center the Rogers County E911 Dispatch Center (DeLozier)

Janet Hamilton recommended the name of the new center be Rogers County 911 Center.

DeLozier stated the center needed to be named before it opened. A.D.A. Iski advised that once the name was voted on, it needed to be consistent. Helm asked Hamilton if she could get copies of the Trust Board minutes to the Commissioners. Hamilton said she would. DeLozier made a motion to approve and Thacker seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

4. Discussion and possible action regarding Motorola Change Order #2 for \$113,108.00 for Rogers County Consoles at the E911 Center (DeLozier) –

Hamilton recommended the change order be approved and said this would allow for more radios for the 911 system and they would represent the entire county. Thacker made a motion to approve and Helm seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

5. Discussion and possible action to ensure that taxpayer funds are spent in compliance with fees legally allowed under Okla. Stat. Ann. tit. 28, § 121 where claims are submitted for the payment of fees incurred in the publication of legal notices (Thacker) –

Thacker stated the county had been overcharged for publications for legal notices. He said he would like to go back through the invoices and check the amounts and would like the invoices itemized starting today to see what they are being charged for. He wanted to know why it had got past the state auditors all these years. Nelson McSwain advised there was a set fee by state statute and the newspapers had to charge a certain amount for different formats. McSwain said the county could not bid a price for a discount. Helm made a motion to have the Chairman and D.A. go back and see how they were charged in the past and DeLozier seconded the motion. A.D.A. Iski suggested to the BOCC to gather information and have a round table discussion with the

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newspapers. Helm said his motion still stood and DeLozier said his second did too. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

6. Discussion and possible action regarding the reappointment of Stephen J. Kisse for a 4-year term to the City of Tulsa-Rogers County Port Authority Board (Thacker) – Thacker stated that Stephen J. Kisse had said he would serve another 4-year term. Thacker made a motion to re-appoint Stephen J. Kisse for another 4 year term and DeLozier seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

7. Discussion and possible action regarding naming the Rogers County Jail after former Sheriff Amos G. Ward (Helm) – Helm stated the Criminal Justice Authority overwhelmingly voted to approve. Thacker made a motion to approve and DeLozier seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

8. Discussion and possible action regarding approving salary increases for jail employees (DeLozier)- Helm stated that it was approved 7-0 to approve. Jon Sappington reported the jail would be using the extra carryover money they had, that was not budgeted, for raises for the jail employees. Thacker made a motion to approve and Helm seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

NOTE Thacker went back to Item #12 at this time.

9. Monthly Report of Officers –

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

10. County Clerk's Cashbook and Summary Report –

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

11. Reimbursement and resolution #2014-61 to deposit funds of \$21,195.78 into 06-355 account for Treasurer's Property Resale Fund –

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

12. Discussion and possible action to enter Executive Session pursuant to Okla. Stat. Ann. tit. 25, § 307 (B) (4) for 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: change order claim by BKL, Inc. (Helm) –

A.D.A. Iski recommended they go into Executive Session for the order claim by BKL. Helm made a motion to go into Executive Session at 10:08 a.m. and Thacker seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried. Helm asked that Teresa Jackson go into the Executive Session with them.

13. Motion and vote to Adjourn Executive Session and enter Regular Session –

Thacker made a motion to adjourn the Executive Session and enter into the regular meeting at 10:46 a.m. and Helm seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

14. Discussion and possible action regarding Executive Session item: change order claim by BKL, Inc. Thacker reported there would be no action taken.

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 would be doing training for quality assurance this week.

h.) Scotty Stokes reported he would have a table top meeting over at the Port of Catoosa

Thursday. He is working with the EOC Chief Douglas on a statewide drill. Stokes stated he had met with Muskogee communications and would be saving a lot of money by using the old antennas, towers, and cable.

ITEM 21: ACKNOWLEDGE 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 asked which newspaper Thacker was talking about with all the errors. Thacker stated it was the Claremore Progress. There was a discussion about the OPA website. Wilken asked why they had an Executive Session about BKL. Helm said he stood by the D.A. to have the session. Linda Batty asked what OPA stood for. Thacker stated it was the Oklahoma Press Association.

ITEM 23: PAYMENT OF PURCHASE ORDERS FROM ALL DEPARTMENTS:

(Materials, Supplies, Parts, Groceries & Prescriptions)

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

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ITEM 24: RECESS OR ADJOURNMENT:

Helm made a motion to adjourn at 12:14 p.m. and Thacker seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

BOARD OF COUNTY COMMISSIONERS
ROGERS COUNTY, OKLAHOMA

By: _____

(SEAL)

Robin Anderson, Rogers County Clerk

Notice of said meeting was filed in the Office of the County Clerk on Thursday, November 7, 2013, at 4:57 p.m. and posted on the Front Door Entrance to the Courthouse and on the county website.