

NOTICE OF REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS FOR ROGERS COUNTY, OKLAHOMA

PLACE: Rogers County Courthouse, Commissioners' Meeting Room,
200 South Lynn Riggs Boulevard, Claremore, OK

DATE & TIME: Monday, October 6, 2014 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 DeLozier called the meeting to order at 9:00 a.m.
- ITEM 2:** **ROLL CALL TO ESTABLISH QUORUM:**
Determine that Notice of Meeting and Agenda was properly posted in accordance with the Oklahoma Open Meeting Act. Chairman Dan DeLozier, Commissioner Mike Helm, and Commissioner Kirt Thacker 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 Helm led the salute and the Pledge of Allegiance to the American flag.
- ITEM 4:** **INVOCATION:** Commissioner Thacker said a prayer.
- ITEM 5:** **APPROVE/DISAPPROVE MINUTES:** September 29, 2014 - Helm made a motion to approve the minutes with Thacker seconding the motion. Roll call: DeLozier – aye, Helm-aye, Thacker - 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 of the agenda – None presented.
- ITEM 7:** **ANNOUNCEMENTS:** DeLozier announced it is Breast Cancer Awareness Month. Helm thanked Kelly Deal for training his employees on CPR. Because of this, one of his employees helped save a life.
*****DeLozier moved down to Agenda Item 2.**
- ITEM 8:** **UNFINISHED BUSINESS:**
1. Award Bid #647 – Public Service Software for Sheriff's Department *****NOTE***This item was tabled from September 22, 2014 –** David Puckett, Vice Chair of E911 Authority, stated they would like to go with Spillman. The software will allow all agencies to share data and give departments access to detailed maps. It will lower response times and allow each department access to more information. In the long run view, the program will lessen the workload but it will currently not lessen the number of dispatchers needed for E-911. If the full program is purchased, the dispatchers can see specifically where each police officer is at in the city to know who is closest to respond to a particular emergency. There would be a discount for the E-911 and other departments since City of Claremore is using the program. There is an option for 3, 5, and 7 year lease options. CAD package would be \$80,000 a year that would not be due until next year. Hamilton stated she did not receive legal advice from the Board of County Commissioners' side, only from Mr. Orbison about how to proceed. Helm said he would like to have legal representation on this matter. Charles Rogers, Senior Assistant Attorney General, said he needs to look over the contract. DeLozier made a motion to table this for two weeks with Thacker seconding the motion. Roll call: DeLozier – aye, Helm-aye, Thacker -aye. Motion carried.
 2. 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: Claim submitted by Sheriff Scott Walton for payment against County Insurance Policy from Atkinson, Haskins, Nellis, Brittingham, Glodd, and Fiasco, Attorneys, Tulsa County Case #CJ- 2014- 03247 – (Helm)
*****NOTE***This item was tabled from 9-8-14 and 9-22-14-** Commissioner DeLozier asked Rogers if this was a time to enter an executive session. Rogers, "No, this is not a claim against the county. I would not recommend board action." He would recommend contacting the insurance company about this matter. Helm stated that Dave Burrows had provided them with information that the premiums would increase. Rogers stated that this year's rates are already set, they cannot be raised. Rogers said that it would not hurt the county one way or another to discuss this topic in public. He also stated the insurance company needs to make the call to see where we are at. No executive session was held.

3. Motion to vote to adjourn executive session and enter regular session – No executive session held.
4. Discussion and possible action regarding executive session item to-wit: Claim submitted by Sheriff Scott Walton for payment against County Insurance Policy from Atkinson, Haskins, Nellis, Brittingham, Glodd, and Fiasco, Attorneys, Tulsa County Case #CJ-2014-03247 – No executive session held and no action.

ITEM 9: ZONING: - None presented.

ITEM 10: PLATS: - None presented.

ITEM 11: ROADS & BRIDGES:

1. Utility Relocation Agreement between the Board of County Commissioners acting for and on behalf of the State of Oklahoma and Rural Water District No. 4 Rogers County Job Piece 28600 –
2. Utility Relocation Agreement between the Board of County Commissioners acting for and on behalf of the State of Oklahoma and Totah Communications Job Piece 28600 –
3. Utility Relocation Agreement between the Board of County Commissioners acting for and on behalf of the State of Oklahoma and Verdigris Valley Electric Job Piece 28600 – Helm made a motion to table Items 1 through 3 for one week with DeLozier seconding the motion. Roll call: DeLozier – aye, Helm-aye, Thacker -aye. Motion carried.
4. Discussion and possible action regarding an undesignated portion county roadway located in section 30, T20N-R16E, on E. 573 Road, east of S. 4130 Road, approximately 2/10th of a mile long, to be adopted into county roadway system. In 2002 county took in E. 574 Road and E. 575 Road, and the legal description of each property on E. 573 Road currently includes “less S 50’ thereof for roadway”(District 3) – Thacker made a motion to table this for one week with Helm seconding the motion. Roll call: DeLozier – aye, Helm-aye, Thacker -aye. Motion carried
5. CBRI Cash Fund Reimbursement Request for Transfer: Project number: Jonathan Creek Bridge Emergency Replacement Circle #91, S. 4110 Road – transfer from 105BR-200 to 83ST-200 and 83ST-110 \$100,000 each for a total of \$200,000 (District 3) – Thacker made a motion to approve with Helm seconding the motion. Roll call: DeLozier – aye, Helm-aye, Thacker -aye. Motion carried
6. State of Oklahoma Department of Transportation Supplemental and Modification Agreement No. 1 County Improvements for Roads and Bridges Project Agreement by and between Rogers County Board of County Commissioners and Oklahoma Department of Transportation – CO BR over Dog Creek on EW 410 approximately 1.2 mile east of SH66, Project No.J2-7811 (04) State Job Nos:27811(04) (District 1) – DeLozier made a motion to table this for one week with Helm seconding the motion. Roll call: DeLozier – aye, Helm-aye, Thacker -aye. Motion carried.
7. State of Oklahoma Department of Transportation Supplemental and Modification Agreement No. 1 County Improvements for Roads and Bridges Project Agreement by and between Rogers County Board of County Commissioners and Oklahoma Department of Transportation – CO BR on EW350 over Unnamed Creek approximately .2 miles east of Washington County Line (AKA Buck Creek), Project No.J2-8600(04) State Job Nos.28600(04) (District 2) – Helm made a motion to table this for one week with Thacker seconding the motion. Roll call: DeLozier – aye, Helm-aye, Thacker -aye. Motion carried
8. Invoice 503-04, claim form from Smith Roberts Re: Rogers County, J/P 27811(05) Dog Creek Bridge (Local ID #3) \$6,960.00 (District 1) – DeLozier made a motion to approve with Helm seconding the motion. Roll call: DeLozier – aye, Helm-aye, Thacker -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. ONG - To – bore- cross County Highway or Local Road E. School Rd. approximately .95 miles east of Hwy. 20 & Hwy. 44 and further described as: 515 feet north of the southeast corner of Section 11 Township 21N Range 16E Rogers County- District 1- DeLozier made a motion to approve with Thacker seconding the motion. Roll call: DeLozier – aye, Helm-aye, Thacker -aye. Motion carried

ITEM 15: CLAIMS:

1. Salaries: None presented.
2. Attendant Care: August 2014 - State of Oklahoma, Office of Juvenile Affairs, Invoice #66 - August-2014-01 \$1,962.40 – Helm made a motion to approve with DeLozier seconding the motion. Roll call: DeLozier – aye, Helm-aye, Thacker -aye. Motion carried

ITEM 16: BLANKET PURCHASE ORDERS:

1. Material, Supplies, Parts, Groceries & Prescriptions –
 - a. District 1 to R&S Auto Parts for \$350.00
 - b. District 1 to O'Reilly Auto Parts for \$350.00
 - c. District 1 to Cintas for \$1,400.00

- d. Addressing to Froman for \$175.00
- e. Emergency Management for \$200.00
- f. Emergency Management for \$300.00

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

2. Orders Exceeding Amount of Issuance – None presented.

ITEM 17:

GRANTS:

1. Discussion and possible action regarding authorization to hold a closeout hearing for 15221 CDBG ED 12 (Port of Catoosa TMK-IPSCO Rail Spur) – Andy Armstrong is requesting to hold a hearing on October 20, 2014. DeLozier made a motion to approve with Helm seconding the motion. Roll call: DeLozier – aye, Helm-aye, Thacker -aye. Motion carried.
2. Discussion and possible action to designate the County's Chief Executive Officer, the Chairman, as the certifying officer under the National Environmental Policy Act of 1969 to assume overall responsibility for the environmental review process – Helm made a motion to approve with Thacker seconding the motion. Roll call: DeLozier – aye, Helm-aye, Thacker -aye. Motion carried.
3. Discussion and possible action to make a Finding of No Significant Effect on the Environment for the 15962 CDBG 14 Tacora Water Treatment Plant Project Sludge Processing Project – Phase I – Helm made a motion to approve with Thacker seconding the motion. Roll call: DeLozier – aye, Helm-aye, Thacker -aye. Motion carried.
4. Discussion and possible action to authorize the Chairman to sign the CDBG Certification of Leverage, Environmental Certification and Request for Release of Funds – Rural water has pledged for \$200,000. Total project is around \$500,000. Helm made a motion to approve with Thacker seconding the motion. Roll call: DeLozier – aye, Helm-aye, Thacker -aye. Motion carried.
5. Discussion and possible action to approve an Antidisplacement Plan for the CDBG Tacora Water Treatment Plant Project Sludge Processing Project – Phase I – Helm made a motion to approve with Thacker seconding the motion. Roll call: DeLozier – aye, Helm-aye, Thacker -aye. Motion carried.

ITEM 18:

PAYMENT REQUISITION – CONSTRUCTION FUND – RCB BANK, TRUSTEE: None presented.

ITEM 19:

AGENDA ITEMS:

1. Update regarding E-911 Trust Authority (Thacker)- Chief Puckett stated there was a meeting held last Thursday. There is currently a texting information system in place for emergency call. It is currently only being used by the hearing impaired. In the future the E-911 can send text messages back. The CAD system and the RSU radio tower funding was also discussed.
2. Discussion and possible action regarding the official endorsement of Rogers County for the 2015 OneVoice Legislative Agenda- Bob Portiss, Port of Catoosa Director, presented this. His recommendation is to adopt this particular agenda to show support from Rogers County. It shows teamwork and partnership. Helm made a motion to approve and Thacker seconded the motion. Roll call: DeLozier – aye, Helm-aye, Thacker -aye. Motion carried.
3. Review McClellan-Kerr and widening of 46th St. North under Federal Priorities with Bob Portiss - Bob Portiss stated that particular interests are those listed on the federal side, increase of procreations. Helm made a motion to approve with DeLozier seconding the motion. Roll call: DeLozier – aye, Helm-aye, Thacker -aye. Motion carried.
4. Audio/visual update on Port Development activities - Bob Portiss gave a presentation and reported the Port of Catoosa is the 10th largest inland port in the US. Annual payroll is \$350 million, with 8,000 jobs.
***At this time DeLozier moved back to Item 17: Grants.
5. Renewal of agreement between Rogers County Board of County Commissioners and Voice Products Service LLC for maintenance agreement for fiscal year 2014-15 – This was listed in error. Strike from agenda.
6. Discussion and possible action regarding letter sent to the Attorney General's Office by an individual commissioner (Commissioners' office) – Helm "wants to know where the action came from to the board." Mr. Rogers said that the board expressed concern about the legal board. Mr. Rogers said the letter went to Ms. Steidley. Rogers said he could provide the Board of Commissioners with a copy of the letter. Mr. Rogers, "A single individual did not act on the behalf of the board." Helm "How did we get to this point?" Mr. Rogers stated that a commissioner expressed his concern about the legal board. Mr. Rogers stated "there have been a lot of things in this county that have been unusual." Helm stated "Things that we have been previously working on, should we forward everything to your office?" Mr. Rogers replied with "If you need legal counsel, contact me. I will be here every Monday, feel free to schedule a time to meet with me." Discussion only. No action taken.
7. Discussion and possible action regarding applying jail bond fees to the Criminal Justice Authority (Commissioners' office) – Discussion only. No action taken.
8. Discussion and possible action regarding transfer of funds to cover costs associated with construction of the Rogers County Courthouse parking lot (Commissioners' office) –Helm stated that Rogers County owes \$721,000 to Flintco. The 2014-2015 budget is still currently a wish list. DeLozier wants to look at this this afternoon in the budget meeting. Discussion only. No action taken.

9. Discussion and possible action regarding which account the natural gas will be paid from for the Eternal Flame (Commissioners' office) – Maintenance Director Ryan Baze stated that natural gas runs with other applications in the courthouse. The old courthouse had a separate natural gas line that ran to the Eternal Flame. DeLozier stated that he sees the general fund funding the Eternal Flame. Ryan said he would look at the BTU's of the flame to accurately calculate the costs associated with the flame. The Eternal Flame will be transported back to the courthouse on November 11, 2014. Discussion only. No action taken.
10. Discussion and possible action developing policy for county to request legal advice/opinion while without District Attorney's counsel (Commissioners' office) – Thacker is concerned about how to contact Mr. Rogers. Mr. Rogers said he would give the Board of Commissioners a phone number to call. He said to give him time to derive an answer with any concerns. He is not open to giving hip pocket answers or responses. Mr. Rogers, "I will provide legal advice on request." Discussion only. No action taken.
11. Discussion and possible action regarding contract with District Attorney for legal counsel to Rogers County (Commissioners' office) – Thacker stated to Mr. Rogers that the Board of Commissioners have been paying for legal advice. Mr. Rogers said he will look over the contract the Board of Commissioners signed to see what it provides. Discussion only. No action taken.
12. Discussion and possible action regarding levying an annual occupational tax (DeLozier) – DeLozier thinks the board needs to look further into it. Helm asked Mr. Rogers to look over it. Discussion only. No action taken.
13. Resolution #2015-60 and Reimbursement to deposit \$444.80 into 81 ST-200 M&O District 1 from Farmers Insurance – DeLozier made a motion to approve with Thacker seconding the motion. Roll call: DeLozier – aye, Helm-aye, Thacker -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.) Inspections/Planning Commission l.) Judicial – m.) OSU Extension – n.) Sheriff o.) Treasurer
- a. Janet Hamilton reported that E-911 is having a meeting this week with Motorola.
- c. Ryan Baze thanked Christine for helping with the open house last week. He also reported the smoke detectors in the courthouse are sensitive due to dust buildup. There is a building pump that will have to be taken offline and it should not affect anyone in the courthouse.
- d. Robin Anderson announced the Courthouse will be closed on October 13, 2014, for Columbus Day and the BOCC meeting will be October 14, 2014. She also spoke about what an eventful week it had been. Governor Mary Fallin shaking her hand and thanking her for her service on Tuesday, and then having the honor of her friend, Coke Meyer, Will Rogers's great – niece, to attend and speak at the dedication service. Ms. Meyer was so appreciative of the new courthouse and it was a joy to see her face as she saw it for the first time. She also thanked her employees for being able to be a part of such a momentous occasion.
- e. Kim Henry asked if Mr. Rogers was helping only the commissioners, or every department. Mr. Rogers replied he would be helping others, as well.
- g. Stacy Arnold announced that Friday is the last day to register to vote for the November election.
- h. Scotty Stokes announced there will be fire safety training for the courthouse Thursday October 9th, 2014.
- k. Larry Curtis thanked the board for allowing him to attend conferences. The conference last week discussed regulation of fracking. Cities and counties are expected to protect themselves in regards to fracking. Planning Commission meeting is October 7th, 2014. Rogers County is 4th in new home construction in Oklahoma.

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 asked Thacker and Helm if they agreed with Commissioner DeLozier to seek outside legal advice? Thacker replied that he did not know he was seeking outside advice and Helm replied he had no comment. She then asked how the county has been paying for legal services through their offices. DeLozier and Thacker responded it was since 2008 or 2009. She asked if the payments would continue to be made. It was stated Mr. Rogers will be looking into it. She also asked Thacker that since he doesn't have a computer, how does he plan on communicating with Mr. Rogers? Thacker replied he would be communicating through Christine or Robin (LePage).

ITEM 23:

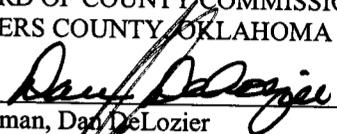
PAYMENT OF PURCHASE ORDERS FROM ALL DEPARTMENTS:

(Materials, Supplies, Parts, Groceries & Prescriptions) - Helm made a motion to approve with DeLozier seconding the motion. Roll call: DeLozier – aye, Helm-aye, Thacker -aye. Motion carried. ***During this time, Wilken continued to ask questions. She told the County Clerk that she did not receive an agenda for the special meeting to be held that afternoon. Ms. Anderson told her it was because the previous meeting was recessed. She

then asked DeLozier the same question. She asked Mr. Rogers if any open records requests the D.A. was currently working on would be sent to him. He replied, "No."
NOTEDeLozier left at 10:48 a.m. and returned at 10:50 a.m.

ITEM 24: RECESS OR ADJOURNMENT: DeLozier made a motion to adjourn at 11:31 a.m. with Helm seconding the motion. Roll call: DeLozier – aye, Helm-aye, Thacker -aye. Motion carried.

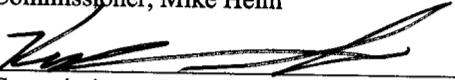
BOARD OF COUNTY COMMISSIONERS
ROGERS COUNTY, OKLAHOMA



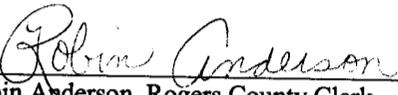
Chairman, Dan DeLozier



Commissioner, Mike Helm



Commissioner, Kirt Thacker

By: 

Robin Anderson, Rogers County Clerk

Seal



Notice of said meeting was filed in the Office of the County Clerk on Thursday, October 2, 2014, at 5:19 p.m., and posted on the front door entrance to the courthouse and on the county website.