

MINUTES OF MEETING
WAGONER COUNTY BOARD OF COMMISSIONERS
TUESDAY, SEPTEMBER 6TH, 2016

The Board of Wagoner County Commissioners met in the Wagoner County Courthouse Commissioners Meeting Room. Chairman Chris Edwards; Vice-Chairman James Hanning; Member Tim Kelley; and, County Clerk Lori Hendricks were present. First Assistant District Attorney Jack Thorpe was also present. Advance notice of the meeting was posted on bulletin boards and public entrances of the Wagoner County Courthouse on September 2nd, 2016.

- I. The Meeting was called to order by Commissioner Edwards at 9:07 a.m.
- II. Roll was called with the following responses: Hanning, present; Edwards, present; Kelley, present
- III. Prayer was led by Sheriff Elliott and Pledge of Allegiance was led by Jim Hight
- IV. A motion was made by Commissioner Edwards and seconded by Commissioner Kelley to approve minutes of commission meeting held August 29th, 2016. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.
- V. Action Items
 - A. The Board presented an award to former interim Sheriff Dan David in appreciation of his service to Wagoner County.
 - B. A motion was made by Commissioner Edwards and seconded by Commissioner Kelley to table action regarding Wagoner County Economic Development/Project-ICTC. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.
 - C. A motion was made by Commissioner Edwards and seconded by Commissioner Kelley to table action regarding FY2016-17 Juvenile Detention Contract with Community Works for Cleveland and/or Pottawatomie County. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.
 - D. A motion was made by Commissioner Edwards and seconded by Commissioner Kelley to approve Planning and Zoning request to designate Brenda Robertson and Harold Lively as Receiving Officers for Accounts C48-1A thru C48-3. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.
 - E. A motion was made by Commissioner Kelley and seconded by Commissioner Hanning to approve the following Utility Permit(s):
 1. #2017-16 Applicant: Valor Telecom for District Two
 2. #2018-16 Applicant: KPOWERNETLLC for District TwoThe motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.
- VI. Old Business
 - A. A motion was made by Commissioner Edwards and seconded by Commissioner Hanning to table action regarding Agreement/Lease between Wagoner County and Sparq regarding a natural gas refueling station. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.

This item was re-visited and a motion was made by Commissioner Edwards and seconded by Commissioner Kelley to approve Lease with Sparq. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.

- B. A motion was made by Commissioner Kelley and seconded by Commissioner Edwards to receive the Treasurer's Resale Budget for FY2016-17. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.
 - C. A motion was made by Commissioner Kelley and seconded by Commissioner Hanning to table action regarding award of Bid #2017-04 Okay Waterline Replacement for Commissioners and Town of Okay. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.
 - D. A motion was made by Commissioner Edwards and seconded by Commissioner Kelley to reject bid received for Bid #2017-05 800 Pagers for Fire Trust Authority, as the bid did not meet specifications. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.
 - E. A motion was made by Commissioner Kelley and seconded by Commissioner Hanning to table action regarding Generator Scheduled Maintenance Agreement between E-911 and Commercial Power Solutions, L.L.C. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.
- VII. Financial Matters
- A. A motion was made by Commissioner Hanning and seconded by Commissioner Kelley to approve deposit(s). The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.
- VIII. New Business – There was none. This item was re-visited and Commissioner Edwards mentioned the need to address possible damage in the jail after the earthquake last Saturday, requesting the Engineer to update the Board regarding this matter.
- IX. Public Comment – There was none.
- X. Announcements – Commissioner Kelley attended ACCO SIG-SIF meeting last week and brought back a report showing 5-year history for Wagoner County; noting that he had given a copy to Sheriff Elliott since most of the history involved the Sheriff Office employees or former employees.
- XI. Reports – A motion was made by Commissioner Hanning and seconded by Commissioner Kelley to receive the following reports:
- A. Cash Voucher
 - B. Emergency Management
 - C. Engineer
 - D. Planning & Zoning
 - E. E-911
- The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.
- XII. Legal – A motion was made by Commissioner Kelley and seconded by Commissioner Hanning to forward the following legal items to the District Attorney:
- A. Case No. CV-2016-78 ODOT vs. Yocham Trucking and Wagoner County, et al
 - B. Case No. CV-2016-79 ODOT vs. Linda Ailene Criner and Wagoner County, et al
 - C. Case No. CS-16-174 City of Tulsa vs. Kenneth E Brashear and Wagoner County, et al
- The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.

XIII. Purchase Orders

- A. A motion was made by Commissioner Kelley and seconded by Commissioner Hanning to approve cancellation of Purchase Orders. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.
- B. A motion was made by Commissioner Kelley and seconded by Commissioner Hanning to approve the following blanket purchase order(s): #1679, #1704, #1705, #1764, #1777, #1778, #1791, #1795 through #1798, #1800, #1801, and #1826. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.
- C. A motion was made by Commissioner Hanning and seconded by Commissioner Edwards to approve calendar claims. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.

XIV. Executive Session – A motion was made by Commissioner Kelley and seconded by Commissioner Hanning to go into Executive Session at 10:22a.m. Pursuant to Title 25, O.S. §307 §(B)1 and §(B)4 for discussion and possible action regarding:

- A. Employment, hiring, appointment, promotion, demotion, disciplining or resignation of County Engineer Monty Proctor
- B. Confidential communications between a public body and its attorney concerning a pending Wagoner County Sheriff Investigation involving a forensic audit into a cellular phone previously possessed by Sheriff Bob Colbert and the contents of the audit as it relates to the conduct of Wagoner County government business, 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.
The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.

XV. A motion was made by Commissioner Hanning and seconded by Commissioner Kelley to reconvene into Open Session at 12:41p.m. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.

XVI. Discussion and possible action regarding;

- A. Employment, hiring, appointment, promotion, demotion, disciplining or resignation of County Engineer Monty Proctor. A motion was made by Commissioner Edwards and seconded by Commissioner Kelley to remove County Engineer Monty Proctor as Supervisor over Planning and Zoning and replace him with Brenda Robertson as Supervisor; and, Monty Proctor will be required to reimburse the County for one nights lodging on July 31, 2014; and, that the County Engineer Monty Proctor's salary will be reduced by five percent (5%) starting September 16, 2016. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.
- B. A motion was made by Commissioner Hanning and seconded by Commissioner Kelley to table action regarding confidential communications between a public body and its attorney concerning a pending Wagoner County Sheriff Investigation involving a forensic audit into a cellular phone previously possessed by Sheriff Bob Colbert and the contents of the audit as it relates to the conduct of Wagoner County government business, 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. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.

- XVII. Recess – A motion was made by Commissioner Kelley and seconded by Commissioner Hanning to recess at 12:46p.m. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.

Presented and approved by the Wagoner County Commission on this 12th day of September, 2016.

CHRIS EDWARDS, CHAIRMAN

JAMES HANNING, VICE-CHAIRMAN

ATTEST: LORI HENDRICKS
WAGONER COUNTY CLERK

TIM KELLEY, MEMBER

BOCC:LH/cs