

April 15, 2010
Guthrie, Oklahoma
9:00 A.M.

The Board of Logan County Commissioners met in Regular Session with Chairman Mark Sharpton presiding, Member Monty Pearcy present and Member Mike Pearson present and transacted the following:

The Agenda was posted at 3:17 P.M. on April 13, 2010 and was posted at the Courthouse and Annex.

Present at the meeting were: Rick Blankenship, Mark D. Doolittle, Don Gatlin, Cathie Cordis, Charles Simmons, Dr. Travis, Pam Daniels, Bill Brown, Michael E. Joseph, Dennis Ochs, Rob Hudson, Mary Murphey, Gail Taylor, Steve Rowley and Tim Norris.

The meeting was called to Order by the Chairman.

The flag salute was given.

MOTION ADOPTED TO APPROVE MINUTES

Monty Pearcy made the motion which was duly seconded by Mark Sharpton with the voting as follows: Sharpton-AYE, Pearcy-AYE and Pearson-AYE;

THAT, the minutes of April 5, 2010 be approved.

Dennis Ochs, Chairman of the Board of Logan Medical Center Trustees, said he would like to clarify the request of the Board of Logan County Commissioners for open records of Logan Medical Center. He said that the Trustees want to be sure they understand the request. He introduced their attorney, Michael Joseph.

Michael Joseph said that he received a letter dated April 5, 2010 from the Board of Logan County Commissioners requesting monthly expense records, current contracts and monetary indebtedness as well as copies of statutes. He said that the employees of the hospital are not county employees and the statutes that apply to county officials do not apply to hospital employees.

Mark Sharpton asked if the money appropriated at the hospital for the county's benefit. Mr. Joseph said it is not, it is appropriated for the public. He said the hospital has tried to comply with the laws. He said the hospital is required to give information when asked. He said the hospital must comply with several statutes including the Open Records Act, a request of the county as beneficiary of the public trust, and provide reports to the county. He said that he feels the request of payroll information, providing names of employees and their salaries, for employees of Logan Medical Center is an unwarranted invasion of the employees' privacy. He stated that he has advised the Board of Trustees not to provide that information. He said that the salaries and category may be given.

Mr. Joseph said the request of a monthly reporting of expenditures is not clear. He said they do not know what exactly is being requested as the request did not specify dates. He said a report including the items, vendors and reason is unreasonable for the hospital to complete. He said the county may have someone look into the records.

Mr. Joseph said that he has advised the hospital to provide a schedule of all contracts as requested. He said he has all advised the hospital to provide a list of all indebtedness as requested by the Board of County Commissioners.

Mark Sharpton said that he expects the hospital to comply with the Open Records Act.

Rob Hudson, District Attorney, said that he and Mr. Joseph have spoken about these issues. He said that they disagree about what, by law, falls under the Open Records Act. Mr. Hudson said that the hospital is a public trust, as such anyone may request to see the names of employees. He said there is no exception under the Open Records Act. Mr. Hudson said that there is an Attorney General's opinion that there is a test as to a reasonable expectation of privacy. Mr. Hudson said that one issue is if the request was made by the county as the beneficiary of the trust and as such the county is entitled to all records except personnel files. He said that he believes that as a public entity the names and salaries are open

records. He said that Mr. Joseph has the right to advise the hospital board as he sees fit, but believes this could be a litigable issue. Mr. Hudson said that he doesn't believe anyone wants to take this to litigation.

Mark Sharpton said there is a protection of taxpayers' rights. He said that under the Open Records Act no one who works at the hospital should have the expectation of privacy.

Mr. Hudson said that the information being requested by the Commissioners is pertinent to the sale of the hospital. He said the law requires the Commissioners to hire a certified appraiser for the sale and this information will be necessary for the appraiser.

Mr. Joseph said the hospital will provide a list of employees' names and a separate list of salaries. He said the information will not be provided together. Mr. Hudson said that the Commissioners are not wanting to use the information to create any havoc.

Dennis Ochs said that the Commissioners are welcome to go through any records they would like to see at the hospital. He said the CEO is not required to appear at any County Commissioners' meeting. He said the reports have been sent to the Board as required.

Monty Pearcy said that the items from the hospital have been addressed to Mark Sharpton and not to the Board. Mr. Ochs said that they will furnish a copy of the reports to each Commissioner. Mr. Ochs said that if asked he will attend the meetings to provide the reports.

Rob Hudson said the issue is the release of names and salaries of hospital employees. Steve Rowley said that information can be viewed at the hospital. Mr. Hudson said he believes that under the Open Records Act the information is public record. He said the hospital has the right to set policy for what is considered unreasonable invasion of privacy. However, he doesn't believe the names and salaries of employees are an invasion of privacy.

Mr. Joseph said the hospital as a public trust is obligated to furnish information to the County. He said the hospital is separate from the county, the employees of the hospital are not county employees and are not subject to the same laws that govern county officials.

Monty Pearcy said that he received an opinion from the State Auditor & Inspector's office stating that the Board is able to see any and all documents of the hospital.

Mr. Joseph said the issue is privacy rights and an unwarranted invasion of privacy. He said the Board of Trustees has to make the determination of what is an unwarranted invasion of privacy. He has advised the Board of Trustees to protect the rights of the hospital employees.

Mr. Sharpton said that any member of the public has the right to see records of any public entity.

There was no action taken on this item.

**MOTION ADOPTED TO APPROVE GRANT FROM THE OKLAHOMA OFFICE OF
HOMELAND SECURITY IN THE AMOUNT OF \$23,500.**

Monty Pearcy made the motion which was duly seconded by Mark Sharpton with the voting as follows: Sharpton-AYE, Pearcy-AYE and Pearson-AYE;

THAT, a grant award from Oklahoma Office of Homeland Security for Critical Infrastructure/Courthouse security in the amount of \$23,500 be approved.

**MOTION ADOPTED TO APPROVE ALTERNATIVES TO DETENTION/TRANSPORTATION
CLAIM IN THE AMOUNT OF \$931.85 FOR THE MONTH OF JANUARY 2010**

Monty Pearcy made the motion which was duly seconded by Mike Pearson with the voting as follows: Sharpton-AYE, Pearcy-AYE and Pearson-AYE;

THAT, the Alternatives to Detention/Transportation claim in the amount of \$931.85 for the month of January 2010 be approved.

**MOTION ADOPTED TO APPROVE PIPELINE CROSSING FOR PVR MIDSTREAM
TO CROSS COUNTY RD 2 MILES EAST OF HIGHWAY 74 AND HIGHWAY 33 IN
NE/C SEC 18-T16N-R3W**

Mark Sharpton made the motion which was duly seconded by Monty Pearcy with the voting as follows: Sharpton-AYE, Pearcy-AYE and Pearson-AYE;

THAT, a pipeline crossing permit for PVR Midstream to cross County Rd 2 miles east of Highway 74 and Highway 33 in NE/C Sec 18-T16N-R3W be approved.

MOTION ADOPTED TO APPROVE RESOLUTION DETERMINING MAXIMUM MONTHLY HIGHWAY EXPENDITURES

Monty Piearcy made the motion which was duly seconded by Mike Pearson with the voting as follows: Sharpton-AYE, Piearcy-AYE and Pearson-AYE;

THAT, a Resolution Determining Maximum Monthly Highway Expenditures in the amount of \$675,751.19 for the month of April 2010 be approved.

There were no Resolutions Appointing Requisition or Receiving Officers.

MOTION ADOPTED TO HIRE PRINCIPLE VALUATION, LLC AS THE CERTIFIED APPRAISER TO DETERMINE THE MARKET VALUE OF LOGAN MEDICAL CENTER

Mark Sharpton made the motion which was duly seconded by Monty Piearcy with the voting as follows: Sharpton-AYE, Piearcy-AYE and Pearson-AYE;

THAT, Principle Valuation, LLC. be hired to perform a certified appraisal to determine the market value of Logan Medical Center.

MOTION ADOPTED TO ADOPT, APPROVE AND ACCEPT THE FOLLOWING ITEMS ON THE CONSENT AGENDA

Monty Piearcy made the motion which was duly seconded by Mark Sharpton with the voting as follows: Piearcy-AYE, Sharpton-AYE and Pearson-AYE,

THAT, the following items on the Consent Agenda be approved, accepted and adopted:

Approve Payroll for 1st half of April 2010
(See pages beginning 227-A)

Transfer of Appropriations within various accounts:
(See pages beginning 227-TR-1)

There were no Cash Fund Appropriations

Monthly Reports of County Officers:
Court Clerk
Sheriff
Treasurer
County Clerk
Assessor

Accept checks due and owing the County

Blanket Purchase Orders #104450 - #104504

Sheriff's Board of Prisoners Report

Election Board Report

There was no Health Department Report

**MOTION ADOPTED TO APPROVE CLAIM FOR COUNTY EXPENDITURES
APRIL 2010**

Monty Piearcy made the motion which was duly seconded by Mark Sharpton with the voting as follows: Piearcy-AYE, Sharpton-AYE and Pearson-AYE;

THAT, the printout of claims for County Expenditures for April 2010 be approved and signed. The County Clerk is instructed to issue warrants for said claims in stated amounts. (See pages beginning 227-1).

There were no citizens desiring to be heard.
There was no new business.

MOTION TO ADJOURN

Mark Sharpton made the motion which was duly seconded by Monty Piearcy with the voting as follows: Piearcy-AYE, Sharpton-AYE and Pearson-AYE,

THAT, there being no further business to come before the board the meeting was adjourned until a 9:00 A.M. April 30, 2010.

ATTEST: _____
Logan County Clerk

Chairman, Board of County Commissioners