

PENDING APPROVAL

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OKLAHOMA COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM REQUEST SHEET

FOR THE April 21, 2010 AGENDA

(THE DEADLINE IS 1 WEEK PRIOR TO THE DATE THAT THE AGENDA IS TO BE POSTED)

DEPARTMENT: District 1 REQUESTED BY: Joe R. Blough
Sullivan

REQUISITION NO.: _____ REQUISITION SHEET ATTACHED: _____ YES X _____ N/A

NAME OF FUNDS: _____

FUND NUMBERS: _____ / _____ / _____

REVIEWED FOR PRIVACY-PROTECTED INFORMATION: _____ YES X _____ N/A


NUMBER OF ORIGINAL DOCUMENTS TO BE RETURNED TO YOUR DEPARTMENT: 2

AGENDA ITEM READS AS FOLLOWS: Discussion and possible action of a Mutual Cooperation Agreement between the City of Oklahoma City and the Oklahoma County Board of County Commissioners; agreements provides for routine pothole repair within the incorporated limits of the City pursuant to O.S. Title 69, Section 1903B. Agreement shall become effective upon the approval of both parties and cover the period from July 1, 2010 through June 30, 2011. Requested by Willa Johnson, Commissioner, District, No. 1 and approved as to form and legality by John Jacobsen, Assistant District Attorney.

APPROVED BY DA
(If Applicable)

APPROVED BY ENGINEER
(If Applicable)

APPROVED BY PURCHASING
(If Applicable)

 4/8/2010
ASSISTANT DISTRICT ATTORNEY

COUNTY ENGINEER

PURCHASING AGENT

REVIEWED BY DA FOR PRIVACY-PROTECTED/SECURITY INFORMATION: _____ YES _____ N/A

REVIEWED BY COUNTY CLERK FOR PRIVACY-PROTECTED INFORMATION: _____ YES _____ N/A

(NOTE: THE CHAIRMAN MUST APPROVE ALL EMERGENCY REQUESTS FOR ANY ITEM SUBMITTED AFTER THE DEADLINE)

DATE OF REQUEST: _____ APPROVED BY: _____
CHAIRMAN

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MUTUAL COOPERATION POTHOLE REPAIR AGREEMENT

**CITY OF OKLAHOMA CITY
AND
OKLAHOMA COUNTY**

THIS MUTUAL COOPERATION AGREEMENT (THE "AGREEMENT") IS ENTERED INTO EFFECTIVE ON JULY 1, 2010 THROUGH JUNE 30, 2011 BETWEEN THE CITY OF OKLAHOMA CITY, A MUNICIPAL CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF OKLAHOMA (THE "CITY"), AND THE OKLAHOMA COUNTY COMMISSIONERS OF OKLAHOMA COUNTY (THE "COUNTY"), A POLITICAL SUBDIVISION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF OKLAHOMA.

RECITALS:

WHEREAS, Title 69, Oklahoma Statutes, Section 1903B, authorizes the County to enter into an agreement with a Municipality or any two or more counties or municipalities to construct, improve, repair or maintain any of the roads, streets or highways of the other parties to the contract; and

WHEREAS, the City and the County find that it is to the mutual benefit of the citizenis of both the City and the County to enter into an agreement for mutual cooperation for maintenance, construction, and repair of certain streets within the incorporated limits of the City.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, the parties agree as follows:

1. The County may perform routine pothole repairs to roadways within the incorporated limits of the City and within the boundaries of the County that are a continuation or a connecting link in the County Highway System.
2. The City will provide to the County materials for repairs to roads within incorporated boundaries of the City and within boundaries of the County that are a continuation or a connecting link in the County Highway System. The County will absorb expenses associated with labor and equipment utilized on these projects.
3. The County will provide the City with the locations where the materials for repair are to be placed and the City will subsequently provide the County with the information necessary to acquire the materials for that specific repair.
4. No party to the contract shall be liable for the acts or omissions of the other party or for failure to inspect or supervise the performance of the other party.
5. The parties understand and agree that this Agreement in no way relieves the City of the City's primary duty to maintain its streets in a reasonably safe condition for travel by the public.

PENDING APPROVAL

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6. Notwithstanding anything to the contrary herein, the City acknowledges that the County's performance of work under this agreement is subject to the County's availability of highway department personnel, equipment, labor and materials, and to weather conditions or circumstances beyond the reasonable control of the County.

APPROVED by the governing bodies of the parties on the dates hereafter set forth.

CITY

APPROVED by the City this _____ day of _____, 2010.

ATTEST:

City Clerk

By _____
Mayor

REVIEWED for form and legality this _____ day of _____, 2010.

City Attorney

COUNTY

APPROVED by the County this _____ day of _____, 2010.

BOARD OF COUNTY COMMISSIONERS
OF OKLAHOMA COUNTY, OKLAHOMA

By _____
Chairman

ATTEST:

County Clerk

By _____
Vice-Chair

APPROVED

By _____
Member

County Engineer

APPROVED as to form and legality this 19 day of _____, 2010.

Assistant District Attorney

PENDING APPROVAL

PENDING APPROVAL

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REQUEST FOR DISTRICT ATTORNEY LEGAL SERVICES

THIS FORM IS TO BE USED TO REQUEST ADVICE AND/OR REPRESENTATION FROM THE DISTRICT ATTORNEY'S OFFICE REGARDING THE COUNTY OF OKLAHOMA, COUNTY OFFICIALS AND EMPLOYEES AS REQUIRED BY SECTIONS 215.4, 215.5, 215.25 AND 215.26 OF TITLE 19 OF THE OKLAHOMA STATUTES.

IF ADVICE IS SOUGHT, THE REQUEST MUST BE SIGNED BY AN ELECTED COUNTY OFFICER. THIS FORM MUST BE FILLED OUT AND SUBMITTED TO THE CIVIL DIVISION OF THE OKLAHOMA COUNTY DISTRICT ATTORNEY'S OFFICE IN A TIMELY MANNER. ALL RESPONSES TO REQUESTS FOR ADVICE WILL BE IN WRITING.


IF THE REQUEST IS FOR LEGAL REPRESENTATION UNDER 19 O. S. SECTION 215.25, THE REQUEST MUST BE SUBMITTED IN WRITING EARLY ENOUGH TO PERMIT THE DISTRICT ATTORNEY'S OFFICE ADEQUATE TIME TO COMPLETE A THOROUGH "GOOD-FAITH-AND-COURSE-OF-EMPLOYMENT" INVESTIGATION AS CONTEMPLATED BY 19 O.S. SECTION 215.26.

DATE OF REQUEST: 04 / 07 / 2010

COUNTY DEPARTMENT MAKING REQUEST: District One

STATE WITH SPECIFICITY, WHAT THE REQUEST IS AND WHY THE ASSISTANCE OF THE DISTRICT ATTORNEY'S OFFICE IS NEEDED: Review of attached pothole agreement between the Oklahoma County Board of County Commissioners and the City of Oklahoma City. The agreement provides for routine pothole repair within the incorporated limits of the City pursuant to O.S. Title 69, Section 1903B. Agreement shall become effective July 1, 2010 and shall terminate on June 30, 2011. Requested by Willa Johnson, Commissioner, District No. 1

ATTACH ADDITIONAL DOCUMENTS AS APPROPRIATE. (NOTE: Advice, reviews and approvals as to "form and legality" are based on the documentation and information provided to the District Attorney's Office. Please provide all relevant information when requesting an opinion or review from the District Attorney's Office).

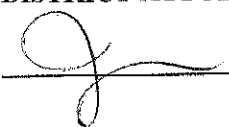


COUNTY OFFICER

.....
DATE RECEIVED BY DISTRICT ATTORNEY: 4-7-10

REPLY BY DISTRICT ATTORNEY: Reviewed

RECEIVED
APR 07 2010
CIVIL DIVISION
DISTRICT ATTORNEY

DAVID W. PRATER
DISTRICT ATTORNEY
By: 

PENDING APPROVAL

MUTUAL COOPERATION POTHOLE REPAIR AGREEMENT

CITY OF OKLAHOMA CITY AND OKLAHOMA COUNTY

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RECITALS:

WHEREAS, Title 69, Oklahoma Statutes, Section 1903B, authorizes the County to enter into an agreement with a Municipality or any two or more counties or municipalities to construct, improve, repair or maintain any of the roads, streets or highways of the other parties to the contract; and

WHEREAS, the City and the County find that it is to the mutual benefit of the citizens of both the City and the County to enter into an agreement for mutual cooperation for maintenance, construction, and repair of certain streets within the incorporated limits of the City.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, the parties agree as follows:

1. The County may perform routine pothole repairs to roadways within the incorporated limits of the City and within the boundaries of the County that are a continuation or a connecting link in the County Highway System.

2. The City will provide to the County materials for repairs to roads within incorporated boundaries of the City and within boundaries of the County that are a continuation or a connecting link in the County Highway System. The County will absorb expenses associated with labor and equipment utilized on these projects.

3. The County will provide the City with the locations where the materials for repair are to be placed and the City will subsequently provide the County with the information necessary to acquire the materials for that specific repair.

4. No party to the contract shall be liable for the acts or omissions of the other party or for failure to inspect or supervise the performance of the other party.

5. The parties understand and agree that this Agreement in no way relieves either party of any duty, if any, to maintain its streets in a reasonably safe condition for travel by the public.

PENDING APPROVAL

6. Notwithstanding anything to the contrary herein, the City acknowledges that the County's performance of work under this agreement is subject to the County's availability of highway department personnel, equipment, labor and materials, and to weather conditions or circumstances beyond the reasonable control of the County.

7. Notwithstanding anything to the contrary herein, the County acknowledges that the City's performance of work under this agreement is subject to the City's availability of personnel, equipment, labor and materials, and to weather conditions or circumstances beyond the reasonable control of the City.

APPROVED by the governing bodies of the parties on the dates hereafter set forth.

APPROVED by the City this _____ day of _____, 2010.

ATTEST:

THE CITY OF OKLAHOMA CITY

City Clerk

By _____
Mayor

REVIEWED for form and legality.

Assistant City Attorney

APPROVED by the County this _____ day of _____, 2010.

**BOARD OF COUNTY COMMISSIONERS
OF OKLAHOMA COUNTY, OKLAHOMA**

ATTEST:

By _____
Chairman

County Clerk

By _____
Vice-Chair

APPROVED

By _____
Member

County Engineer

APPROVED as to form and legality this 19 day of April, 2010.

Assistant District Attorney