

# PENDING APPROVAL

## OKLAHOMA COUNTY BOARD OF COUNTY COMMISSIONERS

### AGENDA ITEM REQUEST SHEET

FOR THE \_\_\_\_\_ AGENDA

DEPARTMENT: District 3 REQUESTED BY: Ray Vaughn

REQUISITION NO.: N/A REQUISITION SHEET ATTACHED: \_\_\_\_\_ YES  X \_\_\_\_\_ N/A

NAME OF FUNDS: N/A

FUND NUMBERS: N/A / \_\_\_\_\_ / \_\_\_\_\_

DOES THE AGENDA ITEM CONTAIN PRIVACY-PROTECTED OR SECURITY INFORMATION? \_\_\_\_\_ YES  X \_\_\_\_\_ NO

AGENDA ITEMS CONTAINING PRIVACY-PROTECTED OR SECURITY INFORMATION WILL NOT BE HYPERLINKED TO THE AGENDA.

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

AGENDA ITEM READS AS FOLLOWS: Discussion and possible action to approve the Mutual Agreement between Oklahoma County and the City of Edmond, Oklahoma to assist the City of Edmond in the reconstruction, improvement, repair and maintenance of certain town streets as may be requested by the City of Edmond. This agreement shall commence on July 1, 2010 and will continue through June 30, 2011. This item has been approved as to form and legality by Assistant District Attorney John M. Jacobsen and is requested by Commissioner Ray Vaughn. No requisition is required.

APPROVED BY DA  
(If Applicable)

APPROVED BY ENGINEER  
(If Applicable)

APPROVED BY PURCHASING  
(If Applicable)

  
\_\_\_\_\_  
ASSISTANT DISTRICT ATTORNEY

\_\_\_\_\_  
COUNTY ENGINEER

\_\_\_\_\_  
PURCHASING AGENT

Please initial that document has been reviewed for privacy-protected or security information

DISTRICT ATTORNEY: \_\_\_\_\_ YES \_\_\_\_\_ N/A

COUNTY CLERK: \_\_\_\_\_ YES \_\_\_\_\_ N/A

Indicate any privacy-protected information that exists \_\_\_\_\_

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

DATE OF REQUEST: \_\_\_\_\_ APPROVED BY: \_\_\_\_\_

CHAIRMAN

**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: 5/26/10  
COUNTY DEPARTMENT MAKING REQUEST: Highway District #3

**STATE WITH SPECIFICITY, WHAT THE REQUEST IS AND WHY THE ASSISTANCE OF THE DISTRICT ATTORNEY'S OFFICE IS NEEDED:** Mutual agreement for fiscal year 2010-2011 between the City of Edmond, Oklahoma and the Board of County Commissioners enabling Oklahoma County at the request of the City of Edmond to construct, improve, repair or maintain any of the roads, streets or highways within the city limits of the City of Edmond. If any question, please contact Cheryl Lenochoan, Ext. 2181. Return approved document to Cheryl at District #3. No requisition is required. Copy of 09-10 agreement attached.

**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).

*Raymond L. Vaughan*  
COUNTY OFFICER

DATE RECEIVED BY DISTRICT ATTORNEY: 5/26/10

REPLY BY DISTRICT ATTORNEY: Reviewed

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

RECEIVED  
MAY 26 2010  
CIVIL DIVISION  
DISTRICT ATTORNEY

DAVID W. PRATER  
DISTRICT ATTORNEY

By: *J*

**MUTUAL AGREEMENT BETWEEN THE BOARD OF COUNTY COMMISSIONERS OF OKLAHOMA COUNTY AND THE CITY OF EDMOND TO RECONSTRUCT, IMPROVE, REPAIR AND ASSIST IN THE MAINTENANCE OF CERTAIN CITY STREETS IN THE CITY OF THE EDMOND PURSUANT TO TITLE 69 O.S. § 1903 (B).**

This agreement entered into this 10<sup>th</sup> day of May, 2010, by and between the Board of County Commissioners of Oklahoma County, hereinafter referred to as Oklahoma County and the City of Edmond, hereinafter referred to as City.

**WITNESSETH:**

**WHEREAS**, Title 69 O.S. § 1903 (B) authorizes Oklahoma 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**, Oklahoma County has a duty to maintain section line roads; and

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

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

1. Oklahoma County may perform work and maintain certain roadways within the incorporated limits of the City of Edmond.
2. The City's governing body must submit written requests to Oklahoma County for particular described streets or portions of streets for which the City needs assistance in reconstruction, improvement, repair and maintenance. Said requests shall adequately describe street location and type of assistance needed from Oklahoma County and for what anticipated period of time. If Oklahoma County through the Board of County Commissioners approves the City's request for assistance; said request shall be performed pursuant to the authority of this agreement.
3. The City may, under separate agreement, furnish to Oklahoma County the funds to pay its share of the costs of manpower, equipment and material for joint projects.
4. No party to the contract shall be liable for the acts or omissions of the other parties or for failure to inspect or supervise the performance of the other parties.
5. The parties understand and agree that this agreement in no way relieves the City of its primary duty to maintain its streets in a reasonable safe condition for travel by the public.
6. This agreement shall be effective July 1, 2010 and continue until June 30, 2011.

# PENDING APPROVAL

APPROVED by the City of Edmond this 10<sup>th</sup> day of May, 2010.

THE CITY OF EDMOND

Patricia Day  
Mayor

ATTEST:



APPROVED by the Board of County Commissioners of Oklahoma County this \_\_\_\_ day of \_\_\_\_\_, 2010.

BOARD OF COUNTY COMMISSIONERS  
OKLAHOMA COUNTY, OKLAHOMA

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

ATTEST:

\_\_\_\_\_  
County Clerk

Approved as to form and legality this 10 day of May, 2010.

[Signature]  
Assistant District Attorney