

PENDING APPROVAL

OKLAHOMA COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM REQUEST SHEET

For the June 16, 2010 Agenda

DEPT. _____ Ray Vaughn _____ EXT. 1503

NAME OF FUNDS: _____ FUND CODES: _____

REQUISITION NO. _____ REQUISITION SHEET MUST BE ATTACHED (If applicable)

AGENDA ITEM DESCRIPTION:

Discussion and possible action to approve resolution _____ calling for an election to include certain territory in the Deer Creek Fire Protection District. This territory, located within Oklahoma County, is described as all of Section 5; Section 8; Section 9 NW/4, SW/4; Section 17 NE/4; NW/4; and section 4 NE/4, NW/4, SW/4; all in Township 14 North, Range 3 West of the Indian Meridian, Oklahoma County, Oklahoma.

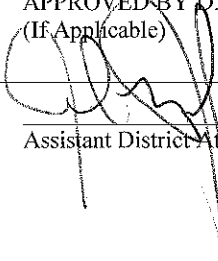
Requested by District 3 Commissioner Ray Vaughn and approved in form and legality by Assistant District Attorney John Jacobsen.

(ALL NECESSARY DOCUMENTATION MUST BE ATTACHED FOR APPROVAL)

APPROVED BY D.A.
(If Applicable)

APPROVED BY ENGINEER
(If Applicable)

APPROVED BY PURCHASING
(If Applicable)

 6/11/2010
Assistant District Attorney

County Engineer

Purchasing Agent

NOTE: A COMMISSIONER MUST APPROVE ALL EMERGENCY REQUESTS FOR ANY ITEM SUBMITTED AFTER THE DEADLINE (THE DEADLINE IS 9:00 A.M. ONE WEEK PRIOR TO THE DATE THAT THE AGENDA IS TO BE POSTED)

DATE OF REQUEST: _____

APPROVED BY: _____
COUNTY COMMISSIONER

Number of original documents to be returned to your department: _____

Special Instructions: _____

PENDING APPROVAL

REQUEST FOR DISTRICT ATTORNEY LEGAL SERVICES

521

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.

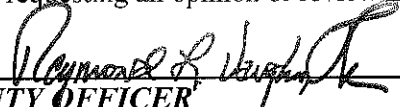
DATE OF REQUEST: 6/11/10

COUNTY DEPARTMENT MAKING REQUEST: BOCC_ Ray Vaughn, CHAIRMAN _____

STATE WITH SPECIFICITY, WHAT THE REQUEST IS AND WHY THE ASSISTANCE OF THE DISTRICT ATTORNEY'S OFFICE IS NEEDED: _____

Approve as to form and legality the resolution calling for an election to include certain territory, as described, in the Deer Creek Fire Protection District.

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).

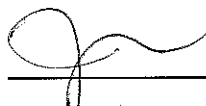


COUNTY OFFICER

.....
DATE RECEIVED BY DISTRICT ATTORNEY: 6/11/10

REPLY BY DISTRICT ATTORNEY: Reviewed

DAVID W. PRATER
DISTRICT ATTORNEY

By: 

RECEIVED
JUN 11 2010
CIVIL DIVISION
DISTRICT ATTORNEY

PENDING APPROVAL

RESOLUTION NO. _____ AND ORDER

"AN ORDER AUTHORIZING THE CALLING AND HOLDING OF A SPECIAL ELECTION IN OKLAHOMA COUNTY, STATE OF OKLAHOMA FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED VOTERS OF SAID COUNTY THE QUESTION OF APPROVAL OR DISAPPROVAL BY SAID VOTERS OF THE INCLUSION OF ADDITIONAL TERRITORY IN THE DEER CREEK FIRE PROTECTION DISTRICT, SPECIFICALLY DESCRIBED AS ALL OF SECTION 5; SECTION 8; SECTION 9 NW/4, SW/4; SECTION 17 NE/4, NW/4; & SECTION 4 NE/4, NW/4, SW/4; ALL IN TOWNSHIP 14 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN, OKLAHOMA COUNTY, OKLAHOMA."

WHEREAS, the County Commissioners of Oklahoma County on March 10, 2010, received and accepted a citizens' petition, Resolution by the Deer Creek Fire Protection District Board of Directors, and Consent and Certification by the DCFPD for the inclusion of specified land into the Deer Creek Fire Protection District according to 19 O.S. Sec. 901.22 ; and

WHEREAS, the County Commissioners of Oklahoma County held a public hearing regarding the same on March 31, 2010, and have determined that there are no valid protests; and

WHEREAS, the land included in the expansion and the boundaries thereof shall be as follows: All of Section 5; Section 8; Section 9 NW/4, SW/4; Section 17 NE/4, NW/4; & Section 4 NE/4, NW/4, SW/4; all in Township 14 North, Range 3 West of the Indian Meridian, Oklahoma County, Oklahoma. Said subsections are bounded by the following area: ½ mile north of the intersection of North Pennsylvania Ave & Northwest 206th Street north to the intersection of North Pennsylvania Ave & West Waterloo Road; east to the intersection of North Santa Fe Ave & West Waterloo Rd; south ½ mile; west ½ mile; south 1 ½ mile; west ½ mile to the intersection of North Western Ave & Northwest 220th St; south ½ mile; west to starting location; and

WHEREAS, the County Commissioners of Oklahoma County find that inclusion of the expanded area will be conducive to the public safety of the area incorporated therein.

NOW, THEREFORE, BE IT ORDERED BY THE BOARD OF COUNTY COMMISSIONERS OF OKLAHOMA COUNTY, STATE OF OKLAHOMA:

Section 1. Proposition. That the Board of County Commissioners hereby calls a special election to be held in said County on the 24th day of August, 2010, for the purpose of submitting to the registered voters thereof the following proposition:

PROPOSITION

SHALL THE FOLLOWING DESCRIBED LANDS BE INCLUDED IN, BECOME A PART OF AND SUBJECT TO THE RULES, REGULATIONS AND TAXES OF THE DEER CREEK FIRE PROTECTION DISTRICT:

PENDING APPROVAL

ALL OF SECTION 5; SECTION 8; SECTION 9 NW/4, SW/4; SECTION 17 NE/4, NW/4; & SECTION 4 NE/4, NW/4, SW/4; ALL IN TOWNSHIP 14 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN, OKLAHOMA COUNTY, OKLAHOMA.

Section 2. Notice and Conduct of Election. That such call for said election shall be by Notice of Election attached hereto and approved hereby and signed by the Board of County Commissioners and attested by the County Clerk, setting forth the Proposition to be voted upon and the hours of opening and closing the polls; that the ballots shall set forth the Proposition to be voted upon substantially as set out in Section 1 hereof; and that the returns of said election shall be made to and canvassed by the Oklahoma County Election Board, and that such elections shall be conducted in accordance with the general election laws of the state and the regular election officials shall be in charge at the usual polling place of each regular precinct, or part of a precinct, which shall include lands within the boundaries of such proposed district.

ORDERED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF OKLAHOMA, STATE OF OKLAHOMA, THIS ____ DAY OF JUNE, 2010.

(SEAL)

Chairman

Member

Member

ATTEST:

County Clerk

PENDING APPROVAL

CERTIFICATE OF VOTING

The Board of County Commissioners of Oklahoma County met in regular session at the County Office Building, 320 Robert S. Kerr Avenue, Oklahoma City, Oklahoma, on the ____ day of June, 2010, at 9:00 o'clock A.M.

PRESENT:

ABSENT:

Thereupon, the Chairman introduced an Order concerning approval of inclusion of additional land into the Deer Creek Fire Protection District for the purpose of public safety within Oklahoma County.

The Order was adopted by the following vote:

AYE:

NAY:

The Order was thereupon signed by the Commissioners, attested by the County Clerk, sealed with the seal of the County Clerk of Oklahoma County and is in form attached hereto and made a part of this Certificate.

DATED this ____ day of June, 2010.

(SEAL)

County Clerk

PENDING APPROVAL

AFFIDAVIT

STATE OF OKLAHOMA)
) SS
 COUNTY OF OKLAHOMA)

The undersigned, of lawful age, being first duly sworn on oath, states:

That I am County Clerk of Oklahoma County; that pursuant to the Open Meeting Law, 25 O.S. §301-314 (2001) I posted on the bulletin board of the Board of County Commissioners in the County Building, 320 Robert S. Kerr Avenue, Oklahoma City, Oklahoma, the attested Agenda for the June 16, 2010, meeting of the Board of County Commissioners, at least twenty-four (24) hours prior to the time of said meeting and that said Agenda attached to this affidavit and made a part hereof reflects the date, time and place of the meeting wherein the attached Resolution was adopted.

DATED this ____ day of June, 2010.

(SEAL)

 County Clerk

SUBSCRIBED AND SWORN to before me this ____ day of June, 2010.

(SEAL)

 Notary Public

My commission expires: _____.
 My commission number: _____.