

County Request No. 242

REQUEST FOR LEGAL SERVICES

This form is used to provide legal opinions and contract approval by the District Attorney's Office. Only that advice that is related to a pending or potential claim against the County or its officers and employees is protected by the attorney-client privilege. Opinions that are privileged should not be disclosed to anyone or the privilege may be waived.

All legal opinions and approvals rendered are based only on the documentation and information stated below or attached to this form and, thus, it is important that all relevant facts and information be provided at the time of review. Please advise the District Attorney's Office of new or additional information, as it may cause the opinion to change. In all cases, the opinions of the District Attorney's Office are not binding on the County, its officers or employees and may be followed or disregarded in the discretion of the elected official.

Date of Request: 04/29/2026 Department: District 2

State the nature of the legal request: _____

Review as to legality and form - General Mutual Cooperation Agreement between the Board of County Commissioners of Pottawatomie County and the Board of County Commissioners of Oklahoma County

received RECEIVED
APR 30 2026

CIVIL DIVISION
DISTRICT ATTORNEY
Brandi Mertens, Chief Deputy D2
County Officer or Department Director

Reply of District Attorney's Office: _____

Date of Reply: 4/30/2026 *[Signature]*
Assistant District Attorney

GENERAL MUTUAL COOPERATION AGREEMENT

**BETWEEN THE BOARD OF COUNTY COMMISSIONERS OF
POTTAWATOMIE COUNTY**

&

THE BOARD OF COUNTY COMMISSIONERS OF OKLAHOMA COUNTY

THIS GENERAL MUTUAL COOPERATION AGREEMENT (the "Agreement") is entered into effective July 1, 2026, between the **BOARD OF COUNTY COMMISSIONERS OF POTTAWATOMIE COUNTY**, and the **BOARD OF COUNTY COMMISSIONERS OF OKLAHOMA COUNTY**, political subdivisions organized and existing under the laws of the State of Oklahoma.

RECITALS:

WHEREAS, 69 O.S. § 601A, authorizes the County to use any funds which are in the county highway fund to construct and maintain as county highways those roads which best serve the most people of the county; and

WHEREAS, 69 O.S. §606 (as amended and effective July 1, 2015) authorizes the board of county commissioners of any two or more adjoining counties to unite in the construction of bridges over streams forming boundary lines between the counties of which the cost of the construction shall be allocated as agreed upon between the two counties, and after construction shall be jointly maintained by the two counties, and;

WHEREAS, 69 O.S. §621 (as amended and effective July 1, 2015) provides that all county highways on county lines shall be maintained and constructed by the counties or other jurisdictions adjoining, and further authorizes the board of county commissioners or other jurisdictions between which such roads are located to enter into agreements to provide for such maintenance and construction of such county line section roads, and;

WHEREAS, 69 O.S. § 1903B authorizes boards of county commissioners to enter into an agreement with a municipality or another county to construct, improve, repair or maintain any of the roads, streets or highways of the other parties to the contract; and

WHEREAS, the Board of County Commissioners of Oklahoma County and the Board of County Commissioners of Pottawatomie County find that it is to the mutual benefit of the citizens of both Pottawatomie County and Oklahoma County to enter into an agreement for mutual cooperation for maintenance, construction, and repair of certain county line section roads and bridges.

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

1. Oklahoma County may, at its discretion, perform work to construct, improve, or repair certain county section line roads and bridges.

2. The Board of County Commissioners of Pottawatomie County must submit specific written requests to the Board of County Commissioners of Oklahoma County, regarding particularly described county line section roads or bridges for which Pottawatomie County is seeking Oklahoma County's assistance in construction, improvement, repair and maintenance. Said requests shall adequately and specifically describe the county line section road or bridge location and the specific type of assistance needed from Oklahoma County and describe the anticipated period of time that such assistance shall be needed. If Oklahoma County approves the request for assistance made by Pottawatomie County, said request shall be performed pursuant to the authority of this Agreement and the specific agreement.
3. The Board of County Commissioners of Pottawatomie County shall, under the specific agreement, furnish to the Board of County Commissioners of Oklahoma County the funds to pay Pottawatomie County's share of the costs of labor, engineering, equipment, and material.
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 Board of County Commissioners of Pottawatomie County's primary duty to maintain its roads and highways in a reasonably safe condition for travel by the public for the duration of the project.
6. The Board of County Commissioners of Pottawatomie County hereby represents and warrants to Oklahoma County that Pottawatomie County owns, leases, or holds beneficial easements on any and all real property on which they seek Oklahoma County's assistance in construction, improvement, repair or maintenance.
7. Notwithstanding anything to the contrary herein, the Board of County Commissioners of Pottawatomie County acknowledges that Oklahoma County's performance of work under this agreement is subject to Oklahoma County's availability of highway department personnel, equipment, labor and materials, and to weather conditions or circumstances beyond the reasonable control of Oklahoma County.
8. This Agreement shall commence on July 1, 2026, and continue through June 30, 2027.

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

POTTAWATOMIE COUNTY

APPROVED by Pottawatomie County this _____ day of _____, 2026.

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

By _____
Chairman

ATTEST:

By _____
Member

County Clerk

By _____
Member

APPROVED as to form and legality this _____ day of _____, 2026.

Assistant District Attorney

OKLAHOMA COUNTY

APPROVED by Oklahoma County this _____ day of _____,
2026.

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

By _____
Chairman

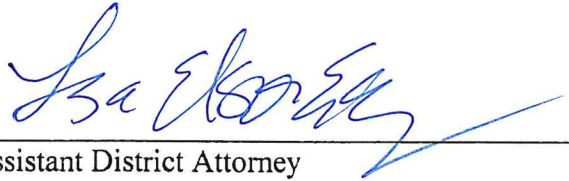
ATTEST:

By _____
Member

County Clerk

By _____
Member

APPROVED as to form and legality this _____ day of _____, 2026.



Assistant District Attorney