

# BOARD OF COUNTY COMMISSIONER'S

## MINUTES

**December 22, 2010**

The special meeting of the Board of County Commissioners was called to order this 22nd day of December, 2010, in meeting room 200 of the Cleveland County Office Building by Chairman Rusty Sullivan. Tammy Howard, County Clerk/Secretary, called roll and those present were:

Rusty Sullivan, Chairman  
George Skinner, Vice-Chairman  
Rod Cleveland, Member  
Tammy Howard, Secretary

Others present were: Lindsey Bailey

Rod Cleveland moved, seconded by George Skinner, not to enter into Executive Session for the Discussion, Consideration, and/or Action regarding whether Cleveland County should assume any potential liability for unattainable lien waivers for the Etowah Road Project Job #CIRB-114C(210)RB Etowah Road Project J/P#24829 and COM3-1470, and whether on not to require an indemnity agreement from the landowner and setting a base amount, pursuant to the provisions of the Oklahoma Open Meetings Act, Title 25, O.S. Sec. 307 (B)(3)(4).

The vote was: Rusty Sullivan, yes; George Skinner, yes; Rod Cleveland, yes.  
Motion Carried.

Chairman Sullivan called for the Discussion, Consideration, and/or Action regarding whether Cleveland County should assume any potential liability for unattainable lien waivers for the Etowah Road Project Job #CIRB-114C(210)RB Etowah Road Project J/P#24829 and COM3-1470, and whether on not to require an indemnity agreement from the landowner and setting a base amount, pursuant to the provisions of the Oklahoma Open Meetings Act, Title 25, O.S. Sec. 307 (B)(3)(4).

Discussion was held by the Board with legal counsel David Batton, Assistant District Attorney, by telephone, regarding the problems faced by both the landowners and the county in being able to issue payments to the landowners and having to include the mortgage companies on the payments. Board considered whether Cleveland County should assume any potential liability for unattainable lien waivers for the Etowah Road Project Job #CIRB-114C(210)RB Etowah Road Project J/P#24829 and COM3-1470, and whether on not to require an indemnity agreement from the landowner and setting a base amount. To avoid added expense and time consumption based upon little exposure to liability, David Batton, after consultation with ODOT, suggested that the Board by motion have County assume liability for payments to landowners less than \$10,000.00 but require an indemnity agreement from landowners for payments more than \$2500.00 up to \$10,000.00 and execute a blanket unattainable lien waiver to ODOT regarding those properties

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where payment was less than \$10,000.00. Motion made by Rod Cleveland, seconded by George Skinner.

The vote was: Rusty Sullivan, yes; George Skinner, yes; Rod Cleveland, yes.  
Motion Carried.

There being no further business to come before the Board, Rod Cleveland moved, that the meeting be adjourned. George Skinner seconded the motion.

The vote was: Rusty Sullivan, yes; George Skinner, yes; Rod Cleveland, yes.  
Motion Carried.