

**INTERLOCAL AGREEMENT
BETWEEN
COLLIN COUNTY
AND THE
CITY OF PLANO**

WHEREAS, the County of Collin, Texas (“County”) and the City of Plano (“City”) desire to enter into an agreement concerning the use of the County’s Local Initiative Project funding to purchase Idle Reduction Technology for law enforcement vehicles to improve air quality in the North Central Texas Region; and

WHEREAS, the Interlocal Cooperation Act (Texas Government Code Chapter 791) authorizes any local government to contract with one or more local government to perform governmental functions and services under the terms of the Act; and

WHEREAS, the Dallas-Fort Worth (DFW) region is in non-attainment of the federal air quality standards and the County is actively involved in the implementation of projects outlined in the State Implementation Plan (SIP) for air quality such as the Idle Reduction program listed as part of the Weight of Evidence Section of the DFW SIP; and

WHEREAS, the Texas Commission on Environmental Quality (TCEQ) was authorized to implement the Local Initiative Projects outlined in Senate Bill 12, passed by the 80th Texas Legislature and fund the programs annually up to five million dollars statewide with funds collected for the AirCheck Texas Drive a Clean Machine Program (formerly known as the Low Income Repair and Replacement Assistance Program or LIRAP); and

WHEREAS, Collin County’s share of these funds is \$34,153 for fiscal year 2009, \$279,726 for fiscal year 2010 and \$195,062 for fiscal year 2011; and

WHEREAS, the County agrees to provide the City funding from the County’s Local Initiative Project in the amount of \$477,540 if City agrees to provide matching and in-kind services in the amount of \$505,260 for the City’s Idle Reduction Technology program; and

WHEREAS, the City and the County find that this agreement will benefit the residents of the North Central Texas Region, by reducing idling emissions from law enforcement vehicles; and

WHEREAS, the City and County have determined purchasing the Idle Reduction Technology may be executed most economically by implementing this agreement; and

NOW, THEREFORE, this agreement is made and entered into by the County and the City upon and for the mutual consideration stated herein.

WITNESSETH:

ARTICLE I.

The City shall arrange for the purchase of Idle Reduction Technology to be installed in City police vehicles, following TCEQ guidelines, hereinafter called the "Project". The Project consists of items described in Exhibit "A".

ARTICLE II.

The City shall prepare a Project Proposal per the TCEQ requirements and submit the completed proposal to Collin County for approval. Once approved by the County and the City, the County shall submit the signed Project Proposal to TCEQ for review. TCEQ will notify the County once the Project is approved and will issue a Notice to Proceed to the County. The County will then request Local Initiative Project funds from TCEQ and forward the agreed upon funds to the City for the purchase of idle reduction technology.

ARTICLE III.

The City shall prepare plans and specifications for the implementation and use of Idle Reduction Technology on designated police vehicles, accept bids, award a contract and administer the contract in accordance with all TCEQ and state statutory requirements. The City shall provide the County with a copy of executed purchase contract(s) for the project.

ARTICLE IV.

The City will not expend funds to acquire Idle Reduction Technology until TCEQ issues a Notice to Proceed for this Project to Collin County.

ARTICLE V.

The City estimates the total actual cost of the project to be \$982,800. The County agrees to fund a portion of the total cost of items described in Exhibit "A", using Local Initiative Project Funds, in an amount not to exceed \$477,540 and the City agrees to return to the County all funds not expended on the Project. Per TCEQ's matching requirement, the City will contribute \$505,260 in TCEQ approved in-kind match. i.e. The automotive technician's time to install units in vehicles, the salaries of officers utilizing Idle Reduction Technology, cash or through other match eligible operating and maintenance costs. All payments will be made from current revenues available to the paying party.

ARTICLE VI.

Collin County's participation in this project shall not exceed \$477,540 as indicated in Article V. above. The City shall be responsible for any costs, which exceed the total estimated project cost.

ARTICLE VII.

The City shall also provide Quarterly Reports and Financial Status Reports, in electronic format or via US mail, to the TCEQ and County contact identified on Exhibit "A". Following completion of the project, the City shall provide an itemized final accounting of expenditures including in-kind services or donations for the project. All reporting will be done in compliance with TCEQ requirements.

ARTICLE VIII.

INDEMNIFICATION. To the extent allowed by law, each party agrees to release, defend, indemnify, and hold harmless the other (and its officers, agents, and employees) from and against all claims or causes of action for injuries (including death), property damages (including loss of use), and any other losses, demands, suits, judgements and costs, including reasonable attorneys' fees and expenses, in any way arising out of, related to, or resulting from its performance under this agreement, or caused by its negligent acts or omissions (or those of its respective officers, agents, employees, or any other third parties for whom it is legally responsible) in connection with performing this agreement.

ARTICLE IX.

VENUE. The laws of the State of Texas shall govern the interpretation, validity, performance and enforcement of this agreement. The parties agree that this agreement is performable in Collin County, Texas and that exclusive venue shall lie in Collin County, Texas.

ARTICLE X.

SEVERABILITY. The provisions of this agreement are severable. If any paragraph, section, subdivision, sentence, clause, or phrase of this agreement is for any reason held by a court of competent jurisdiction to be contrary to law or contrary to any rule or regulation having the force and effect of the law, the remaining portions of the agreement shall be enforced as if the invalid provision had never been included.

ARTICLE XI.

ENTIRE AGREEMENT. This agreement embodies the entire agreement between the parties and may only be modified in writing executed by both parties.

ARTICLE XII.

SUCCESSORS AND ASSIGNS. This agreement shall be binding upon the parties hereto, their successors, heirs, personal representatives and assigns. Neither party will assign or transfer an interest in this agreement without the written consent of the other party.

ARTICLE XIII.

IMMUNITY. It is expressly understood and agreed that, in the execution of this agreement, neither party waives, nor shall be deemed hereby to have waived any immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions. By entering into this agreement, the parties do not create any obligations, express or implied, other than those set forth herein, and this agreement shall not create any rights in parties not signatories hereto.

ARTICLE XIV.

TERM. This agreement shall be effective upon execution by both parties and shall continue in effect until the expiration of TCEQ's Notice to Proceed.

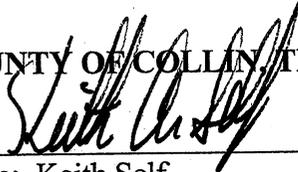
ARTICLE XV.

The declarations, determinations and findings declared, made and found in the preamble to this Agreement are hereby adopted, restated and made part of the operative provisions hereof.

APPROVED AS TO FORM:

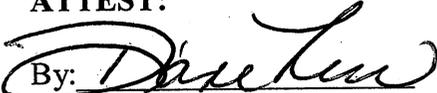
By: _____
Name: _____
Title: _____
Date: _____

COUNTY OF COLLIN, TEXAS

By: 
Name: Keith Self
Title: County Judge
Date: 8/23/11

Executed on this 23rd day of August,
2011, by the County of Collin,
pursuant to Commissioners' Court
Order No. 2011-610-08.22.

ATTEST:

By: 
Name: Diane Zucco
Title: City Secretary
Date: 8-13-11

CITY OF PLANO

By: 
Name: Bruce D. Glasscock
Title: City Manager
Date: 08/16/11

Executed on behalf of the City of
Plano pursuant to City
Council Resolution No. 2011-8-1(R)

APPROVED AS TO FORM:

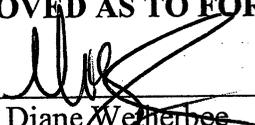
By: 
Name: ~~Diane Wetherbee~~
Title: City Attorney
Date: August 9, 2011

EXHIBIT "A"

The County will provide Local Initiative Project funding assistance for the following:

- Idle Reduction Technology for Police Vehicles

Total funding **\$477,540. See Article VI.**

Contact Information

Request for Local Initiative Project Funding submitted to:

Collin County
Special Projects
Jeff Durham
825 N. McDonald Street, Suite 145
McKinney, Texas 75069
972-548-3723

Submission of electronic quarterly, financial status and year end reports:

Jeff Durham
jdurham@collincountytexas.gov

Mike Regan
Michael.Regan@tceq.state.texas.gov

Submission of signed original copy of quarterly, financial status and year end reports:

Michael Regan
Texas Commission on Environmental Quality
Mobile Source Program Team
Mail Code 164
12100 Park 35 Circle
Austin, Texas 78753
512-239-2988

Project Manager Contact: (must be able to answer specific questions regarding project)

Name: Assistant Chief Ed Drain

Address: 909 14th Street

Plano, Texas 75074

Phone: 972-941-2412

Email: edd@plano.gov

**Texas Commission on Environmental Quality
Air Quality Division**

**FY 2010/2011
Local Initiative Projects**

**Project Proposal/Project Summary Forms
June 2008**

INSTRUCTIONS

This document provides the forms for use by the Counties in submitting local initiative projects for funding to the Texas Commission on Environmental Quality (TCEQ). These forms must be used by the County to submit projects to the TCEQ for review and acceptance.

Project Summary Form and Certification Form

The forms should be used by the County to provide the TCEQ information on each project approved for funding by its governing body. The *Project Summary Form* outlines the format for the County to provide the TCEQ with the necessary information concerning each project selected. The *Project Summary Form* will serve as the project proposal, as required by Section IV: Project Approval of the contract with the TCEQ.

A *Certification Form* serves as written certification by the County that the projects were reviewed for eligibility and found to meet the minimum criteria. It must be submitted with the project summary forms. The County may submit a resolution from its governing body indicating the support for the projects selected, but a certification form must still be submitted with the project summary forms.

The project summaries and certification form should be provided to the TCEQ for all projects. If, at a later date, additional projects are proposed for funding, additional project summary forms and certification forms must be submitted. Changes to existing projects must also be documented on a revised project summary form and submitted to the TCEQ.

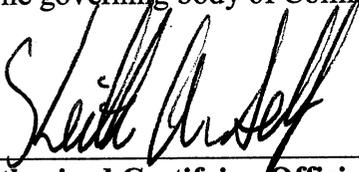
The TCEQ will review the project summaries and will notify the County in writing of any projects that the TCEQ determines may not meet project eligibility criteria under the terms of the grant agreement, or for which there may be a question about the project. The County is requested to respond to any request from the TCEQ for additional information concerning a project. The County may not proceed with funding a project until notified that it may do so by the TCEQ.

**FY 2010/2011 Local Initiative Projects
Project Summary**

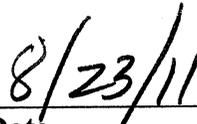
County Certification

Collin County makes the following certifications regarding the projects included with the accompanying Project Summaries:

1. The projects were selected in accordance with the procedures set forth in the grant agreement with Texas Commission on Environmental Quality (TCEQ);
2. The project proposals have been fully evaluated and determined to fit within the minimum criteria and standards established by TCEQ for this program, as well as more specific standards established for the project categories by the County;
3. The project proposals are consistent with and directly support implementation of the Texas Health and Safety Code, 382.220; and
4. The governing body of Collin County officially approved the selection of these projects on {date}.



Authorized Certifying Official



Date

Typed/Printed Name and Title: County Judge Keith Self

**FY 2010/2011 Local Initiative Projects
Project Summary Form**

New Revised

County: Collin	Fiscal Year: FY 2010 & FY 2011
Date: July 18, 2011	Revision Date:
Contact Person and Phone Number: Jeff Durham, 972-548-3723	

Brief Project Title: Idle Reduction Technology	Total Grant Funding: \$474,640
Counties to be Served: Collin	Matching/In-Kind Services: \$504,640
Project Dates: Start Date: Date Notice to Proceed Issued End Date: August 31, 2012	If contracting with another entity, list name and contact person: City of Plano, Assistant Police Chief Ed Drain. 972-941-2412

BUDGET CATEGORY	FUNDING AMOUNT	MATCHING/SOURCE
Personnel / Salaries <i>List personnel, # of hours, salary charged to grant</i> Installation of 122 Units @ \$495 each Officers time while utilizing the idle reduction technology 200 hours per week for 50 weeks @\$33.00 per hour		\$60,390 \$330,000
Fringe Benefits	N/A	\$99,000
Travel <i>List & itemize travel expenditures</i>	N/A	N/A
Supplies <i>List & itemize detailed travel expenditures</i>	N/A	N/A
Equipment <i>List & itemize equipment expenditures (must have a unit cost of \$5,000 or more)</i> 122 Independence Package Idle Reduction units @ \$3,695 each 30 Data collection and reporting units @ \$795 each-1year Approximately \$125 per vehicle for maintenance 122 vehicles = 122@ \$125 per vehicle	\$450,790 \$23,850	\$15,250
Construction <i>List & itemize construction expenditures</i>	N/A	N/A

Indirect Charges (not to exceed 10%)	N/A	N/A
TOTAL FUNDING	\$474,640	\$504,640

In-Kind Match:

The City of Plano will provide the in-kind matching requirement with the officer’s time while utilizing the idle reduction technology along with the associated fringe benefits. The City of Plano Police Department will adopt an alternative-power unit idling policy requiring vehicles with the equipment to shut-off the vehicle and use the alternative power unit during activities where use of the vehicle's equipment is not necessary. Such activities could include traffic control, traffic accident investigations, lunch breaks, and other activities where the law enforcement officer is required to be outside of the vehicle to perform the activity. Activities exempt from this policy will include those activities where idling is necessary to supply heat or air conditioning to ensure a law enforcement officer or a vehicle's occupant's health and safety while performing their duties. Vehicle Identification Numbers (VIN) will be provided to TCEQ when vehicles designated to be equipped with idle reduction technology are selected. Usage will be tracked by the data collection units installed on approximately 25% of the vehicles and VIN’s will be provided when the designated units are selected.

Project Description:

Studies show law enforcement vehicles spend from 2.4 hours (Travis County Sheriff’s Department) to 4.8 hours (Dallas Police Department) per day idling. When a vehicle idles, it emits harmful pollutants, carbon dioxide (CO₂) and nitrogen oxide (NO_x), into the air. Currently, the North Central Texas region is designated as nonattainment for NO_x by the Environmental Protection Agency (EPA). Since the region did not meet the standard, and the EPA is considering lowering the National Ambient Air Quality Standards (NAAQS) to the 60 - 70ppb range, North Central Texas must explore every avenue to reduce harmful vehicle emissions. Argonne National Laboratories estimates every hour of idling creates 35 “ghost” miles on the vehicle’s engine.¹ These “ghost miles” not only contribute to the vehicle’s emissions, but also to the overall wear and tear of the vehicle. A Dallas Police Department idling study revealed 0.75 gallons of gasoline was consumed, per vehicle, for each hour of idling. The EPA’s Fuel Economy Guide states one gallon of gasoline burned equals 20 pounds of CO₂ emitted². If the average daily idling time of police vehicles is 3.6 hours³, then each vehicle emits approximately 54 pounds of CO₂ emissions per day. This study also estimated 0.0658 pounds of NO_x emissions, per vehicle, per gallon of gasoline burned are emitted. Again, using an average daily idling time of 3.6 hours, each vehicle produces approximately 0.1035 pounds of NO_x emissions per day.

In order to comply with emergency vehicle operating procedures and reduce idling times, idle reduction technology systems have been developed that can be easily installed in emergency vehicles. When a patrol car arrives at the scene of a police incident, officers are required to leave the vehicle’s gasoline engine running in order to operate mission-critical electrical loads, such as the lights, radio, laptop and dashboard camera. Leaving the engine running wastes gasoline, pollutes the air, and wears down the engine. In order to address these idling issues, this proposal will require the installation of idle reduction technology that serve as an alternate power source and fit in the trunk or cargo area of patrol vehicles used by the Plano Police Department where it provides energy to power the vehicle's electrical load without the need to engage the engine. The Plano Police Department will commit to adopting and implementing an anti-idling policy for vehicles equipped with idle reduction systems installed, during routine traffic enforcement and traffic control support activities. This idle reduction technology allows the Plano Police Department to lessen the overall negative impacts on air quality while maintaining the ability to conduct daily enforcement activities. The installation and use of this idle

¹ <http://www.transportation.anl.gov/pdfs/TA/361.pdf>

² <http://www.fueleconomy.gov/feg/co2.shtml>

³ 2.4 hours, Travis County + 4.8 hours, Dallas/2 =3.6 hours

reduction technology combined with anti-idling policy by the Plano Police Department will contribute to an effective clean air strategy.

The City of Plano is proposing to install 122 idle reduction units in Police Department vehicles. Based upon the estimates listed above, the anticipated reductions produced by this project are:

- A CO₂ reduction of around 6.75 tons per year, per vehicle or 823.5 tons per year for the fleet.
- A NO_x emissions reduction of around 0.013 tons per year, per vehicle or 1.586 tons per year for the fleet.

In order to track the emissions benefits, the City of Plano will install 30 data collection units capable of tracking CO₂ and NO_x emission reduction statistics, and the associated fuel and cost savings along with creating clear, concise reports and graphs outlining the savings. The City of Plano will include this information in their quarterly reports to TCEQ.

Idle reduction programs are listed as part of the Weight of Evidence Section of the DFW SIP therefore Collin County will not claim any additional SIP credit for this project.

Authorized Signature: 

Date: 8/17/2001