

THE STATE OF TEXAS

COUNTY OF COLLIN

Subject: Budget Amendment FY2008-093, Interlocal Agreement, Denton County, US 380 - Engineering

On August 26, 2008, the Commissioners Court of Collin County, Texas, met in regular session with the following members present and participating, to wit:

Keith Self		County Judge, Presiding
Phyllis Cole	Not Present	Commissioner, Precinct 1
Jerry Hoagland		Commissioner, Precinct 2
Joe Jaynes		Commissioner, Precinct 3
Kathy Ward		Commissioner, Precinct 4

During such session the court considered approval of an Interlocal Agreement with Denton County for Design Schematic and Environmental Assessment for US 380.

Thereupon, a motion was made, seconded and carried with a majority vote of the court for approval of an Interlocal Agreement with Denton County for Design Schematic and Environmental Assessment for US 380 from Denton/Collin County Line to just west of FM 423 in Denton County, budget amendment in the amount of \$487,000 and further authorize the County Judge to finalize and execute same. Same is hereby approved as per the attached documentation.

Keith Self, County Judge

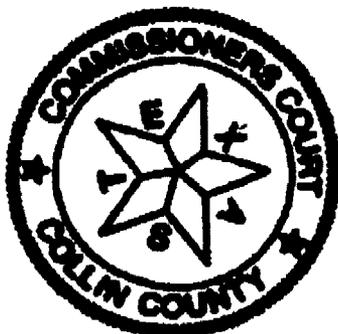
NOT PRESENT

Phyllis Cole, Commissioner, Pct. 1

Jerry Hoagland, Commissioner, Pct. 2

Joe Jaynes, Commissioner, Pct. 3

Kathy P. Ward, Commissioner, Pct. 4



ATTEST:

Stacey Kemp, Ex-Officio Clerk
Commissioners' Court
Collin County, TEXAS

AI-28652

Item #: 8.

Commissioners Court

Date: 08/26/2008

Submitted For: Ruben Delgado
Department: Engineering

Submitted By: Linda James, Engineering

Information

Description of Agenda

Approval of ILA between Collin County & Denton County on US 380 from Denton Collin County Line to FM 423

Purchasing Department Action

Commissioners' Court consideration and any action regarding approval of an Interlocal Agreement (ILA) between Collin County & Denton County on for design schematic and environmental assessment for US 380 from Denton/Collin County Line to just west of FM 423 in Denton County. Denton County to contribute \$587,000.00 toward satisfactory completion of the project.

Finance Department Action

This will require a budget increase in the revenue budget and the expenditure budget in the bond fund of \$587,000, but will have no impact on the fund balance. See Fiscal Impact section for budget amendment.

Auditor's Office Action

Budget amendment required to project if ILA is approved.

Commissioners Court

Consideration, discussion and any action regarding the approval of an Interlocal Agreement with Denton County for Design Schematic and Environmental Assessment for US 380 from Denton/Collin County Line to just west of FM 423 in Denton County, budget amendment in the amount of \$587,000 and further authorize the County Judge to finalize and execute same, Engineering.

Budget Information

Information about available funds

Budgeted: Funds Available: Adjustment: Amount Available: \$587,000

Unbudgeted: Funds NOT Available: Amendment:

Account Code(s) for Available Funds

1: 431-0000-251.00-00

Fund Transfers
Fiscal Impact

Trans Amt:

From:

To:

Dept. Name:

Additional Line Items:

Remarks:

No county funds required.

Trans Amt: \$587,000
From: 431-0000-251.00-00
To: 431-7530-332.01-68
Dept. Name: Engineering

Additional Line Items:

Remarks:

To budget revenue funding from Denton County.

Trans Amt: \$587,000
From: 431-0000-251.00-00
To: 431-7530-680-92-50 / 9554A

Dept. Name: Engineering

Additional Line Items:

Remarks:

Attachments

Link: [Court Order](#)

Link: [Agenda Memo](#)

Link: [Denton County Court Order](#)

Link: [Interlocal Cooperation Agreement](#)

Link: [Location Map](#)



To: Commissioners Court

Date: July 24, 2008

From: Ruben E. Delgado, P.E.
Director of Engineering

Re: US 380
From: Denton/Collin County line To: FM 423
Approval of Agreement between Denton County and Collin County to
Administer Engineering Services

Collaborating with the Cities of Prosper and Frisco, the Texas Department of Transportation (TXDOT), North Texas Tollway Authority (NTTA), Collin County has been developing engineering schematics with the intent to advance US 380, from Coit Road to the Denton County Line, to a Public Hearing and eventually a Finding of No Significant Impact(FONSI).

As a result of our advanced work and submittal by TxDOT and Collin County to fund US 380 with Regional Toll Revenue Funds, NCTCOG selected US 380 for RTR funding.

Denton County wants to continue the development of US 380 schematics from the Denton County Line to FM 423 in the same manner as Collin County. Denton County requests Commissioners Court favorably consider approval of the attached agreement.

The agreement would forward \$587,000 to Collin County to disburse to the consulting engineer for the US 380 engineering services. The engineering services would be the same as Collin County's however the schematic would continue past the county line into Denton County.

Since this traffic in this area of Collin County and Denton County is growing exponentially and we want to obviate congestion at the county line, we request Commissioners Court approve the agreement between Denton and Collin County.

Although, we updated the court in March of this year on the status of US 380, we use this opportunity to brief the court on the complexities and status of the project.

xc: Bill Bilyeu
Commissioner Cynthia White, Denton County
Mike Hegerty, TCB, Inc.
Judge Horn, County Judge, Denton County

Denton County Commissioners Court

Aug 19, 2008

Date

08-01021

Court Order Number

The Order:

Discussion and approval of the Interlocal Cooperation Agreement between Denton County, Texas, and Collin County, Texas, for the US 380 Road Improvement Project, from the Denton County/Collin County line to just west of FM 423, located entirely within Denton County, Texas, in the amount of \$487,000.00, with funding to come from Precinct #1, TRIP-04 funds (FM 423), Auditor #76-7358-90-10. Upon approval, funds should be transferred to a new auditor account for the Precinct #1, TRIP-04 US 380 Advanced Planning Project. Commissioner Precinct #1.

Motion by Marchant Seconded by Mitchell

County Judge

Mary Horn

Yes

Abstain

No

Absent

Commissioner Pct No 1

Cynthia White

Yes

Abstain

No

Absent

Commissioner Pct No 2

Ron Marchant

Yes

Abstain

No

Absent

Commissioner Pct No 3

Bobbie J. Mitchell

Yes

Abstain

No

Absent

Commissioner Pct No 4

Andy Eads

Yes

Abstain

No

Absent

Motion Carried 4-0-0

Other Action: Pulled from Consent No Action Postponed

BY ORDER OF THE COMMISSIONERS COURT:

ATTEST:

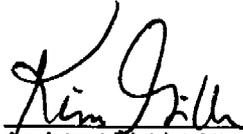
Mary Horn
Presiding Officer

Cynthia Mitchell, County Clerk
and Ex-Officio Clerk of the
Commissioners Court of
Denton County, Texas

APPROVED AS TO FORM:



Andy Eads
Deputy County Clerk


Assistant District Attorney

NOW, THEREFORE, this Agreement is hereby made and entered into by Denton County and Collin County upon and for the mutual consideration stated herein:

I.

Pursuant to Texas Government Code §791.011, Denton County and Collin County hereby enter into this Agreement in order to perform governmental functions and services in the area of streets, roads and drainage. The purpose of this Agreement is to provide a governmental function or service that each party to the Agreement is authorized to perform individually.

II.

Denton County and Collin County hereby agree that the scope of the Project shall be limited to the design schematic and Environmental Assessment for US 380 from the Denton County/Collin County Line to just west of FM 423 in Denton County, Texas.

III.

In performance of this Agreement, Collin County agrees to prepare the design schematic and Environmental Assessment for US 380 from the Denton County/Collin County Line to just west of FM 423 in Denton County, Texas; and Denton County agrees to contribute an amount which shall not exceed FOUR HUNDRED EIGHTY-SEVEN THOUSAND AND NO/100 DOLLARS (\$487,000.00) toward satisfactory completion of the Project, with funding to come from the Transportation Road Improvement Program – 2004 (“TRIP-04”).

IV.

Denton County agrees to contribute from current funds, FOUR HUNDRED EIGHTY-SEVEN AND NO/100 DOLLARS (\$487,000.00) toward satisfactory completion of the Project. Denton County’s payment shall be made within thirty (30) business days of the effective date of this Agreement. Collin County shall not be required to invoice Denton County in order to receive payment. Denton County shall remit payment made payable to Collin County, Texas, and the payment shall be mailed to Collin County, Texas, c/o Mr. Ruben Delgado – Director of Engineering, Collin County - McKinney Plaza, 825 N. McDonald Street, Suite 160, McKinney, Texas 75069. Attached to this Agreement is a certificate by the Denton County Auditor that Denton County shall include the sum in its budget in the amount of FOUR HUNDRED EIGHTY-SEVEN THOUSAND AND NO/100 DOLLARS (\$487,000.00) and that this amount

shall be itemized, set aside and approved by the Denton County Commissioners Court to be expended for the Project.

V.

This Agreement may be terminated in whole, or in part, by Denton County or Collin County upon thirty [30] days written notice to the other party setting forth a substantial failure by the defaulting party to fulfill its obligations under this agreement through no fault of the terminating party. No such termination may be affected unless the defaulting party is given: (1) written notice of intent to terminate, delivered via certified mail return receipt requested, setting forth the substantial failure to perform; (2) not less than thirty [30] calendar days to cure the failure; and (3) an opportunity for consultation with the terminating party prior to termination. In the event of termination by Denton County, Denton County shall reimburse Collin County for all invoices submitted up to and including the date of termination.

VI.

This agreement represents the entire integrated agreement between Denton County and Collin County and supersedes all prior negotiations, representations and/or agreements, either written or oral. This agreement may only be amended by written instrument signed by both of the Parties. Notices shall be directed as follows:

For County: Honorable Mary Horn
Denton County Judge
110 West Hickory
Denton, Texas 76201

Copy To: Denton County Criminal District Attorney's Office - Civil Division
P.O. Box 2850
Denton, Texas 76201

For County: Honorable Keith Self
Collin County Judge
210 S. McDonald Street, Suite 626
McKinney, Texas 75069

Copy To: Mr. Ruben Delgado – Director of Engineering
Collin County – McKinney Plaza
825 N. McDonald Street, Suite 160
McKinney, Texas 75069

VII.

The covenants, terms and conditions herein are to be construed under the laws of the State of Texas and are performable by the Parties in Denton County, Texas, and Collin County, Texas. The parties mutually agree that venue for any obligation arising from this Agreement shall lie in Denton County, Texas, and/or Collin County, Texas.

VIII.

Denton County understands and agrees that Denton County, its employees, servants, agents and/or representatives shall at no time represent themselves to be employees, servants, agents and/or representatives of Collin County.

IX.

Collin County understands and agrees that Collin County, its employees, servants, agents and/or representatives shall at no time represent themselves to be employees, servants, agents and/or representatives of Denton County.

X.

This writing is intended by the Parties as a final expression of their Agreement and it is a complete and exclusive statement of the terms of their Agreement. This Agreement can only be modified or terminated in writing signed by both of the Parties, or their duly authorized agents, in accordance with the provisions of Section VI of this Agreement.

XI.

This Agreement is not intended to extend the liability of the Parties beyond that provided for by law. Neither Denton County nor Collin County waives, nor shall be deemed to have hereby waived, any immunity or defense that would otherwise be available to it against claims arising by third parties.

XII.

In the event that any portion of this Agreement shall be found to be contrary to law, it is the intent of the Parties hereto that the remaining portions shall remain valid and in full force and effect to the fullest extent possible.

XIII.

The undersigned officers and/or agents of the parties hereto are the properly authorized officials and have the necessary authority to execute this Agreement on behalf of the Parties

hereto and each party hereby certifies to the other that any and all necessary resolutions extending said authority have been duly passed and are now in full force and effect.

XIV.

The term of this Agreement shall commence upon execution of the Agreement by the Parties and shall terminate upon completion of the Project or upon termination of the Agreement under the provisions of Section V of this Agreement.

XV.

This Agreement becomes effective when signed by the last party whose signing makes the respective agreements fully executed.

EXECUTED in duplicate originals this, the 19 day of August, 2008.

DENTON COUNTY, TEXAS

Denton County, Texas
110 West Hickory
Denton, Texas, 76201

By: Mary Horn
Honorable Mary Horn
Denton County Judge
8-19-08

COLLIN COUNTY, TEXAS

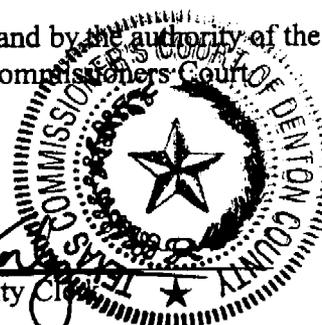
Collin County, Texas
210 S. McDonald Street
McKinney, Texas 75069

By: Keith Sel
Honorable Keith Sel
Collin County Judge
9/3/08

Acting on behalf and by the authority of the
Denton County Commissioners Court

ATTEST:

By: [Signature]
Denton County Clerk



Acting on behalf and by the authority of the
Collin County Commissioners Court

ATTEST:

By: [Signature]
Collin County Clerk



APPROVED AS TO FORM:

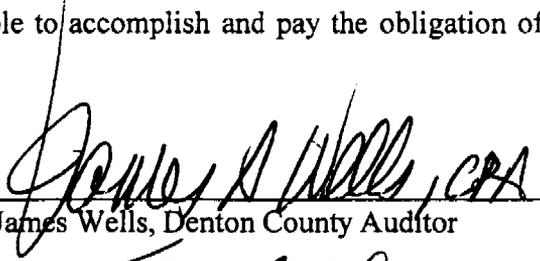
By: [Signature]
Assistant District Attorney

APPROVED AS TO FORM:

By: _____
County Attorney

COUNTY AUDITOR'S CERTIFICATE

I hereby certify funds ^{ARE} ~~will~~ be available to accomplish and pay the obligation of Denton County, Texas, under this Agreement.


James Wells, Denton County Auditor

TRIP 2008

EXHIBIT "A"

The Project consists of Collin County preparing the design schematic and Environmental Assessment for US 380 from the Denton/Collin County Line to just west of FM 423 in Denton County, Texas, and Denton County reimbursing Collin County in an amount which shall not exceed FOUR HUNDRED EIGHTY-SEVEN THOUSAND AND NO/100 DOLLARS (\$487,000.00) toward satisfactory completion of the Project, with funding to come from the Transportation Road Improvement Program – 2004 ("TRIP-04").

APPROVAL OF INTERLOCAL COOPERATION AGREEMENT PROJECT

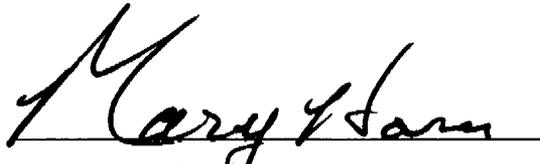
Denton County, Texas, acting by and through the Denton County Commissioners Court, having been advised of a Project whereby Collin County will perform a design schematic and Environmental Assessment for US 380 from Coit Road to just west of FM 423, Denton County, Texas, herein gives its specific written approval of the Project prior to beginning the Project in satisfaction of the requirements of the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code.

The description of the type of Project to be undertaken and its location are as follows: the development of the design schematic and Environmental Assessment for US 380 from the Denton/Collin County Line to just west of FM 423 in Denton County. The Project will take place entirely within Denton County, Texas.

The local government which requested the project and with which Denton County, Texas, has contracted is Collin County, Texas.

By vote on this date, the Denton County Commissioners Court has approved the project identified above and authorized execution of this document by the presiding officer on behalf of Denton County, Texas.

Date: 8-19-08


Presiding Officer of the Denton County
Commissioners Court

APPROVAL OF INTERLOCAL COOPERATION AGREEMENT PROJECT

Collin County, Texas, acting by and through the Collin County Commissioners Court, having been advised of a Project whereby Collin County will perform a design schematic and Environmental Assessment for US 380 from Coit Road to just west of FM 423, Denton County, Texas, herein gives its specific written approval of the Project prior to beginning the Project in satisfaction of the requirements of the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code.

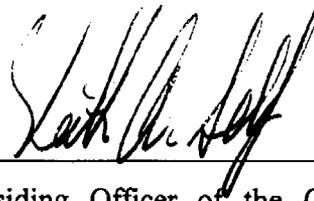
The description of the type of Project to be undertaken and its location are as follows: the development of the design schematic and Environmental Assessment for US 380 from the Denton/Collin County Line to just west of FM 423 in Denton County. The Project will take place entirely within Denton County, Texas.

The local government which requested the project and with which Collin County, Texas, has contracted is Denton County, Texas.

By vote on this date, the Collin County Commissioners Court has approved the project identified above and authorized execution of this document by the presiding officer on behalf of Collin County, Texas.

Date: _____

9/3/08



Presiding Officer of the Collin County
Commissioners Court

