



Board Agenda Item 54

DATE: September 10, 2019

TO: Board of Supervisors

SUBMITTED BY: Steven E. White
Department of Public Works and Planning

SUBJECT: Master Agreement with City of Fresno for Maintenance and Repair of Shared Infrastructure

RECOMMENDED ACTION(S):

- 1. Approve and authorize the Chairman to execute a Master Dual Jurisdiction Cooperative Agreement with the City of Fresno for construction projects for repairs and/or improvements, and certain types of maintenance of public roads and associated facilities for which the City and County share jurisdictional responsibility (\$0);**
- 2. Approve and authorize the Chairman to execute a Resolution delegating authority to the Director of the Department of Public Works and Planning to execute, upon review by County Counsel as to legal form and Auditor-Controller/Treasurer-Tax Collector as to accounting from, individual Project Specific Supplement Agreements with the City of Fresno as described in the Master Dual Jurisdiction Cooperative Agreement.**

Approval of the first recommended action will establish general terms and conditions associated with dual jurisdiction City of Fresno (City)/County of Fresno (County) transportation improvement and maintenance projects. Specific terms applicable to any particular project will be established via a Project Specific Supplement Agreement (PSS), which will be executed by the Director of the City of Fresno's Department of Public Works (City Director) and the County's Director of the Department of Public Works and Planning (County Director). Approval of the second recommended action will delegate authority to the County Director to execute a PSS applicable to each individual joint project. Each PSS will be based on the template, included as Attachment A, which incorporates all provisions of the Master Dual Jurisdiction Cooperative Agreement that are not expressly modified by the PSS, and additional terms that define each agency's respective responsibilities and share of costs for each project. This item is countywide.

ALTERNATIVE ACTION(S):

Your Board may choose not to approve either or both of the recommended actions; however, repair and/or improvement of roads for which the City and County share jurisdictional responsibility will continue to require separate agreements approved by the Board of Supervisors.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. The projects covered by the recommended agreement will be identified within each agency's budgets and will follow each agency's approval protocols. Sufficient appropriations and estimated revenues are included in the Department's Roads Org 4510 FY 2019-20 Recommended Budget.

DISCUSSION:

On December 12, 2017, the Board approved a proposal to develop a master agreement with the City relating to construction and maintenance projects on public roads for which the City and County share jurisdictional responsibility. The staff report (BAI # 6, December 12, 2017) discussed the long history of cooperative agreements between the parties with regard to dual jurisdiction roads, and presented a proposal to develop a master agreement relating to such projects. The purpose was to streamline the approval process for both agencies relating to projects for repairs and/or improvements to such roads, as well as certain types of maintenance projects.

Currently, each such project is brought to the Board by means of a separate agenda item on the Board's consent agenda and, in similar fashion, each such project is taken before the Fresno City Council for approval. The master agreement concept approved by the Board contemplated delegation of authority to the County Director to execute, on the County's behalf, the Project Specific Supplement (PSS) Agreements that will be applicable to each individual dual jurisdiction project. Each future PSS will incorporate all provisions of the proposed Master Dual Jurisdiction Cooperative Agreement to the extent not expressly modified by the PSS, and will set forth those additional provisions defining each agency's respective responsibilities and cost share for each project, as is consistent with Attachment A.

The proposed agreement and resolution were approved by the City on July 25, 2019. Your Board's approval of the recommended actions will enable Department staff to implement the program in cooperation with their counterparts at the City and thereby streamline the process for construction of such dual jurisdiction projects.

The primary aspects of the proposed agreement structure is summarized as follows:

- The County Director seeks delegation by the Board of authority to enter into the PSS Agreements for each individual project, following approval by County Counsel as to legal form and by the Auditor-Controller/Treasurer-Tax Collector as to accounting form. Each such project either:
 - 1) already would have been listed in the previously Board-approved Road Improvement Program (RIP), a five-year program that is updated by the Board on an annual basis; or,
 - 2) would otherwise have been previously approved by the Board pursuant to approval of an agenda item pertaining to the project.
- As noted in the staff report presented to your Board in 2017, the proposal would constitute a departure from standard County procedure, which contemplates Board approval and execution by the Chairman of agreements between the County and another public agency. Under the proposed agreement structure, the Board already would have approved both the master agreement and the template for the PSS Agreements, an approach that would result in a savings of time and money for both the City and County. For the County, it would streamline the process by significantly reducing the cost of preparation of a separate agreement and agenda item for each such project. The Board would be informed of the progress of those individual projects by the Director's submission of periodic reports, either quarterly or biannually, as the Board may direct.
- The initial term of the proposed agreement will expire on December 31, 2024, subject to possible extension by your Board's approval of a written amendment. The initial term limitation essentially creates the equivalent of a pilot program with an approximate five-year term, as it relates to the delegation of authority to execute individual PSS Agreements.
- It also is the intention of the County Director to provide for a specific and appropriate record-keeping procedure applicable to each project for which a PSS is executed between the City and County.

OTHER REVIEWING AGENCIES:

The Master Agreement was approved by the City of Fresno on July 25, 2019.

REFERENCE MATERIAL:

BAI #6, December 12, 2017

BAI #75, April 26, 2005

BAI #29, June 16, 1981

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachment A

On file with Clerk - Agreement with City of Fresno

On file with Clerk - Resolution

CAO ANALYST:

Sonia M. De La Rosa