



County of Fresno

Hall of Records, Rm. 301
2281 Tulare Street
Fresno, California
93721-2198

Legislation Text

File #: 19-1517, **Version:** 1

DATE: January 7, 2020

TO: Board of Supervisors

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

SUBJECT: Master Dual Jurisdiction Cooperative Agreement with City of Reedley 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 Reedley 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, effective upon execution through December 31, 2025, with option to extend upon mutual agreement (\$0); and**
- 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 form, individual Project Specific Supplement Agreements with the City of Reedley 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 Reedley (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 City's Engineer/Director of the Department of Public Works (City Director) and the Director of the County's 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. The PSS template expressly incorporates all provisions of the Master Dual Jurisdiction Cooperative Agreement (Master Agreement) that are not expressly modified by the PSS, and each PSS will include additional terms that define each agency's respective responsibilities and share of costs for each individual project. This item pertains to locations within District 4.

ALTERNATIVE ACTION(S):

Your Board may choose not to approve either or both 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 Adopted Budget.

DISCUSSION:

The recommended agreement is functionally and structurally similar to Agreement No. 19-449 with the City of Fresno, approved by your Board on September 10, 2019. The purpose is to streamline the approval process for both agencies relating to projects for repairs and/or improvements, as well as certain types of maintenance on public roads for which the parties share jurisdictional responsibility.

Currently, each such project is brought to the Board by means of a separate agenda item and, in similar fashion, each such project is taken before the Reedley City Council for approval. The recommended Master Agreement would delegate authority to the County Director to execute, on the County's behalf, the PSS Agreements that will be applicable to each individual dual jurisdiction project. Each future PSS will incorporate all provisions of the proposed Master 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.

The proposed agreement and resolution were approved by the City on October 22, 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.
- 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, 2025, subject to possible extension by the approval of a written amendment by your Board and the Reedley City Council. The initial term limitation essentially creates the equivalent of a pilot program with an approximate six-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 on October 22, 2019.

REFERENCE MATERIAL:

BAI #54, September 10, 2019

BAI #6, December 12, 2017

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachment A

On file with Clerk - Master Dual Jurisdiction Cooperative Agreement with City of Reedley

On file with Clerk - Resolution

CAO ANALYST:

Sonia M. De La Rosa