



Legislation Text

File #: 23-460, Version: 1

STRATEGIC PRIORITY: Transportation & Infrastructure

AGENDA DATE: April 12, 2023

COUNCIL DISTRICT(S): All

DEPARTMENT: Department of Public Works

EXECUTIVE: Dr. Robert Perez

SUBJECT

Authorize **(1)** rescinding Resolution No. 22-1533, previously approved on October 12, 2022, for the extension of the Master Interlocal Agreement (ILA) prior to the City of Dallas receiving a copy of the new Master ILA from Dallas County; and **(2)** the first five-year renewal of the Master ILA with Dallas County, pertaining to the coordination of responsibilities for transportation-related maintenance on roadways and bridges within the City of Dallas, extending the period from December 30, 2022 to December 30, 2027 – Financing: No cost consideration to the City

BACKGROUND

The City of Dallas and Dallas County desire to continue the Master ILA to jointly coordinate, facilitate, and/or fund future maintenance activities on certain roadways within the city of Dallas. This agreement will also allow the City to continue to authorize and retain Dallas County through its Road and Bridge Division force to perform minor transportation-related services, including but not limited to pothole repairs, cleaning and clearing drainage culverts, roadway debris removal on certain public roadways and alleyways within the City of Dallas. This action will authorize the renewal of the Master Interlocal Agreement with Dallas County for the maintenance of roadways within the city of Dallas for an additional five years, from December 30, 2022 to December 30, 2027.

The Master ILA contains elements identified as contract standards generally agreeable to all cities and counties. These include items such as termination clauses, amendments, utilities, maintenance, obligations of the parties, and others. Individual roadway maintenance project needs will be addressed as supplements to the master agreement. There are no specific projects being approved or authorized with the master agreement at this time. Having the master agreement in place will allow future supplements to address the specific needs of individual projects. Each supplement will require future consideration and action by the City Council.

On October 20, 2022, the City of Dallas received a draft copy of the new Master Local Agreement with Dallas County which contained the following two new provisions:

- Orphaned Roads
- Small Watershed Dams

On November 15, 2022, Dallas County Attorney refused to omit Orphan Road or Small Watershed Dam language from the Master ILA. The following is their legal response:

- “Dallas County Public Works (DCPW) does not agree to the City of Dallas’s request to omit the Orphan Road and Small Watershed Dams language from the R&B Master ILA. The R&B Master ILA was drafted in such a way that it will not need to be altered for each city/town. Therefore, these clauses should remain as is for consistency. These same clauses were included in the 10-year MCIP Master Agreement approved by the City and County in 2021. For your convenience, please see the attached CO 2021-0697 and the corresponding MCIP Master Agreement between Dallas County and the City of Dallas, which includes Orphan Road and Small Watershed Dams language, along with the City Resolution approved on 6/9/2021. Please see the attachment for the language listed in the applicable Definitions section and Article XVII Orphan Roads and Article XVIII Small Watershed Dams from the MCIP Master Agreement. The language is also found in Article XI Orphan Road Policy and Article XII Small Watershed Dams of the R&B Master ILA currently under review by the City of Dallas.
- At least one ongoing Orphan Road situation applies to the City of Dallas. With regards to Watershed Dams situation, DCPW pointed out that careful review of the definition and wording in Article XII of the R&B Master ILA should make it clear that although it is currently not applicable for City of Dallas, it needs to remain in the R&B Master ILA to preserve consistency with all of the other cities/towns R&B Master ILA’s with Dallas County.

On December 13, 2022, City of Dallas, Dallas Water Utilities (DWU) Department were not opposed to Article XII, “Small Watershed Dams” policy. DWU currently has a list of dams they are responsible for maintaining and unaware of any other public dams.

On December 14, 2022, City of Dallas, Department of Public Works (PBW) determined that there are 10.7 linear miles of roadway that would be considered Orphaned Roads in the City of Dallas with an estimated \$110M commitment. Article XI. D. of the Orphan Road Policy states the following: “The County, at the discretion of the Commissioners Court, may also refuse to participate in discretionary projects, such as road and bridge district projects or MCIP projects, in a City that elects not to pursue the annexation of orphan road segments that abut its boundaries. Failure to notify the County of the City’s intent to annex and/or failure to submit a plan for annexation in a timely manner shall be construed by the County as the City’s election not to pursue annexation.” Although we can decide not to participate in the development of the Orphan Road Policy, but it will have a detrimental impact of receiving future funding from Dallas County; therefore, do not object to the new terms.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On December 13, 2017, the City Council authorized a Master Interlocal Agreement with Dallas County to jointly coordinate, facilitate, and/or fund future maintenance activities on certain roadways with the City of Dallas by Council Resolution No. 17-1892.

On October 12, 2022, the City Council authorized an extension of the Master Interlocal Agreement prior to the City of Dallas receiving a copy of the new Master ILA from Dallas County by Resolution No. 22-1533.

FISCAL INFORMATION

No cost consideration to the City.