RESOLUTION AMENDING BYLAWS OF THE NORTH CENTRAL TEXAS ECONOMIC DEVELOPMENT DISTRICT (NCTEDD)

WHEREAS, the North Central Texas Council of Governments (NCTCOG) is a Texas political subdivision and non-profit corporation organized and operating under Texas Local Government Code Chapter 391 as the regional planning commission for the 16-county North Central Texas region; and,

WHEREAS, NCTCOG is a voluntary association of, by and for local governments established to assist in planning for common needs, cooperating for mutual benefit, and coordinating for sound regional development; and,

WHEREAS, at NCTCOG’s request, the Economic Development Administration designated an Economic Development District for the North Central Texas Region, which includes the 16 counties of Collin, Dallas, Denton, Ellis, Erath, Hood, Hunt, Johnson, Kaufman, Navarro, Palo Pinto, Parker, Rockwall, Somervell, Tarrant and Wise; and

WHEREAS, the North Central Texas Economic Development District (NCTEDD) brings together the private and public sectors in partnership to provide a coordinated strategy and economic development technical assistance with such things as strategic planning, grant writing, grant administration and training workshops to promote economic growth in the North Central Texas region; and

WHEREAS, on October 27, 2016, the NCTCOG Executive Board approved Bylaws of the NCTEDD thereby establishing the Board for the District, which is comprised of economic development officials from the public and private sectors, educational institutions, workforce development boards, chambers of commerce, economic development corporations and business leaders to guide the activities of the Economic Development District as required by the Economic Development Administration’s regulations; and

WHEREAS, the NCTEDD Board has reviewed the existing Board membership categories established in the Bylaws and is recommending that the size of membership categories should be expanded to include more representation for city population sizes less than 25,000; for city population sizes between 25,000 and 50,000; and for private sector and principal economic interest categories; and

WHEREAS, the NCTEDD Board met on Friday, April 27, 2018 and voted unanimously to forward a recommendation to the NCTCOG Executive Board for amendments to its Bylaws to accommodate the needs and request for expansion of the NCTEDD Board membership categories.

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

Section 1. The amended Bylaws of the North Central Texas Economic Development District, included as Attachment 1, are hereby approved.

Section 2. This resolution shall be transmitted to The U. S. Department of Commerce Economic Development Administration.
Section 3. This resolution shall take effect immediately upon its adoption.

Tom Lombard, President
North Central Texas Council of Governments
Councilmember, City of North Richland Hills

I hereby certify that this resolution was adopted by the Executive Board of the North Central Texas Council of Governments on May 24, 2018.

J. D. Clark, Secretary/Treasurer
North Central Texas Council of Governments
County Judge, Wise County
RESOLUTION ENDORSING FY 2019 CRIMINAL JUSTICE PRIORITIES FOR NORTH CENTRAL TEXAS

WHEREAS, the North Central Texas Council of Governments (NCTCOG) is a Texas political subdivision and non-profit corporation organized and operating under Texas Local Government Code Chapter 391 as the regional planning commission for the 16-county North Central Texas region; and,

WHEREAS, NCTCOG is a voluntary association of, by and for local governments established to assist in planning for common needs, cooperating for mutual benefit, and coordinating for sound regional development; and,

WHEREAS, the FY 2019 NCTCOG criminal justice priorities contain requests from local governments and non-profit organizations for Criminal Justice Division funds, and include the separate priority rankings for the program areas specified by the Texas Office of the Governor; and,

WHEREAS, the North Central Texas Council of Governments' Criminal Justice Program will continue to assist local governments within the planning region as defined by the Office of the Governor (OOG); and,

WHEREAS, the Criminal Justice Policy Development Committee scored applications on April 20, 23, 25, 27 and May 2, 2018, in accordance with OOG guidelines, and recommended Executive Board endorsement of the Committee's FY 2019 priorities; and

WHEREAS, the North Central Texas Council of Governments will follow a required format for the purpose of submission, in accordance with the requirements of the Interlocal Cooperation Agreement between the Office of the Governor, Criminal Justice Division and the North Central Texas Council of Governments.

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

Section 1. The NCTCOG Executive Board endorses the priority rankings of projects requesting FY 2019 Criminal Justice funding for North Central Texas as attached hereto.

Section 2. Such priorities will be filed with the Office of the Governor according to the requirements contained in the Interlocal Cooperation Agreement between the Office of the Governor, Criminal Justice Division and the North Central Texas Council of Governments.

Section 3. This resolution shall be in effect immediately upon its adoption.

Tom Lombard, President
North Central Texas Council of Governments
Councilmember, City of North Richland Hills

I hereby certify that this resolution was adopted by the Executive Board of the North Central Texas Council of Governments on May 24, 2018.

J.D. Clark, Secretary-Treasurer
North Central Texas Council of Governments
County Judge, Wise County
RESOLUTION AUTHORIZING FISCAL YEAR 2019-2020 FUNDING INITIATIVES SUPPORTING SUSTAINABLE ENVIRONMENTAL EXCELLENCE

WHEREAS, the North Central Texas Council of Governments (NCTCOG) is a Texas political subdivision and non-profit corporation organized and operating under Texas Local Government Code Chapter 391 as the regional planning commission for the 16-county North Central Texas region; and,

WHEREAS, NCTCOG is a voluntary association of, by and for local governments established to assist in planning for common needs, cooperating for mutual benefit, and coordinating for sound regional development; and,

WHEREAS, NCTCOG's 2015-2020 Strategic Plan establishes a vision of success for Sustainable Environmental Excellence; and,

WHEREAS, the vision reaches across a broad range of specialties to aid the region in sustainable development and redevelopment efforts; and,

WHEREAS, the Strategic Plan provides the framework which presents the vision of success through preferred outcomes, an overview of high level opportunities and goals, and strategic priorities established for delivery of services to achieve the outcomes; and,

WHEREAS, NCTCOG is working with local governments, federal/state agencies, and other partners to implement the adopted vision and strategic plan through numerous grants, fee-for-service programs, and the pursuit of other opportunities for the continuation of programmatic initiatives.

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

Section 1. NCTCOG is authorized to execute agreements with the Texas Commission on Environmental Quality (TCEQ) for funding in an amount of approximately $150,000 in federal/state funds per annum through FY2020 to allow NCTCOG to carry out its responsibilities as the designated area-wide water quality management planning agency, consistent with the work program initiatives endorsed by NCTCOG's Water Resources Council and approved by the TCEQ.

Section 2. NCTCOG is authorized to execute agreements with TCEQ and associated program recipients for Watershed Nonpoint Source Pollutant funding in an amount of approximately $150,000 in federal/state funds per annum through FY2020 to allow NCTCOG to conduct a nonpoint source management initiative in water quality impaired watersheds in the Greater Trinity River basin.

Section 3. NCTCOG is authorized to seek and accept fee-for-service funding from local governments and regional agencies in an amount of approximately $800,000 per annum through FY2020 for stormwater management initiatives and monitoring contract services consistent with the work programs endorsed by NCTCOG's Regional Stormwater Management Coordinating Council.

Section 4. NCTCOG is authorized to seek and accept fee-for-service funding from cities and counties along the Trinity River corridor in an amount of approximately $150,000 per annum through FY2020 for the Trinity River COMMON VISION program, consistent with the work program initiatives endorsed by the Trinity River COMMON VISION Steering Committee.
Section 5. NCTCOG is authorized to seek and accept fee-for-service funding from local governments and regional agencies in an amount of approximately $100,000 per annum through FY2020 for wastewater and treatment initiatives consistent with the work programs endorsed by NCTCOG's Wastewater and Treatment Education Roundtable.

Section 6. NCTCOG is authorized to seek and accept fee-for-service funding from local governments and regional agencies in an amount of approximately $400,000 per annum through FY2020 for public works initiatives consistent with the work programs endorsed by NCTCOG's Public Works Council.

Section 7. NCTCOG is authorized to execute agreements with the Federal Emergency Management Agency (FEMA) and/or the Texas Water Development Board for funding in an amount of approximately $1,000,000 per annum through FY2020 to build on the Cooperating Technical Partnership for flood risk reduction, consistent with the work program initiatives endorsed by NCTCOG's Public Works Council.

Section 8. NCTCOG is authorized to execute agreements with the Texas Department of Agriculture to support the Texas Community Development Block Grant program in an amount of approximately $40,000 in federal/state funds per annum through FY2020 for providing administrative services and technical assistance through Community and Economic Development Assistance funding.

Section 9. NCTCOG is authorized to seek and accept fee-for-service funding from local governments and regional agencies in an amount of approximately $100,000 per annum through FY2020 for building codes coordination initiatives consistent with the work programs endorsed by NCTCOG's Regional Codes Coordinating Committee.

Section 10. NCTCOG is authorized to execute agreements with the State Energy Conservation Office (SECO) for funding in an amount of approximately $600,000 in federal/state funds per annum through FY2020 to build on efforts towards reductions in energy consumption and resulting improvements to air quality, consistent with the Principles of Development Excellence and recommendations within Vision North Texas.

Section 11. NCTCOG is authorized to continue to conduct Center of Development Excellence and Vision North Texas outreach to member local governments, the development community, and other interested parties.

Section 12. NCTCOG is authorized to pursue other opportunities for cooperation or funding to implement the Sustainable Environmental Excellence visions, strategic plan, and objectives through FY2020, including but not limited to, cooperative activities and drafting of memoranda of agreements with state and federal partners, extension of interagency agreements to other local governments, identification of additional funding sources, and participation in and support of initiatives by other agencies.
Section 13. NCTCOG is authorized to receive the funding amounts identified herein and such funds shall be incorporated into the appropriate fiscal year budget.

Section 14. The Executive Director or designee is authorized to execute contractual agreements necessary to carry out the programs and activities described herein, including receipt of funds, in the name of the North Central Texas Council of Governments.

Section 15. This resolution shall be in effect immediately upon its adoption.

Tom Lombard, President
North Central Texas Council of Governments
Councilmember, North Richland Hills

I hereby certify that this resolution was adopted by the Executive Board of the North Central Texas Council of Governments on May 24, 2018.

J.D. Clark, Secretary-Treasurer
North Central Texas Council of Governments
County Judge, Wise County
RESOLUTION AUTHORIZING A CONTRACT WITH THE STATE ENERGY CONSERVATION OFFICE FOR A REGIONAL ENERGY MANAGEMENT PROGRAM

WHEREAS, the North Central Texas Council of Governments (NCTCOG) is a Texas political subdivision and non-profit corporation organized and operating under Texas Local Government Code Chapter 391 as the regional planning commission for the 16-county North Central Texas region; and,

WHEREAS, NCTCOG is a voluntary association of, by and for local governments established to assist in planning for common needs, cooperating for mutual benefit, and coordinating for sound regional development; and,

WHEREAS, 32.4% of energy consumption in 2017 was attributed to residential, commercial, and industrial sectors (Energy Information Administration); and,

WHEREAS, new peak demand records are being set each year and by 2050, North Texas will need more than 20% more production capacity than is currently available (Electric Reliability Council of Texas), and;

WHEREAS, continued population growth and economic development will increase the demand for energy; and,

WHEREAS, energy management is a challenge that member governments need dedicated resources for in order to become energy literate and make informed decisions; and,

WHEREAS, the Center of Development Excellence Resource Efficiency Principle provides the foundational regional goal to "design buildings, sites, communities and regional systems to use water, energy, and renewable resources responsibly, effectively and efficiently, and to retain non-renewable resources for the use of future generations;" and,

WHEREAS, the Dallas-Fort Worth region is in nonattainment of the federal air quality standard for ozone and NCTCOG is actively involved in the development and implementation of the State Implementation Plan for air quality; and,

WHEREAS, the funding will support initiatives currently listed in the DFW Eight-Hour Ozone State Implementation Plan; and,

WHEREAS, the NCTCOG Executive Board wishes to encourage regional efforts to achieve workable solutions that conserve resources, improve reliability of the electrical grid, and support efforts to attain the ozone standard.

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

Section 1. A contract between NCTCOG and the State Energy Conservation Office, for a Regional Energy Management program in an approximate amount of $125,000, be and is hereby approved.
Section 2. The Executive Director or designee is authorized to execute contractual agreements necessary to carry out the initiatives described herein, in the name of the North Central Texas Council of Governments.

Section 3. This resolution shall be in effect immediately upon its adoption.

Tom Lombard, President
North Central Texas Council of Governments
Councilmember, North Richland Hills

I hereby certify that this resolution was adopted by the Executive Board of the North Central Texas Council of Governments on May 24, 2018.

J.D. Clark, Secretary-Treasurer
North Central Texas Council of Governments
County Judge, Wise County
RESOLUTION AUTHORIZING TRANSFER OF HIGH OCCUPANCY VEHICLE ENFORCEMENT VEHICLES TO DALLAS COUNTY

WHEREAS, the North Central Texas Council of Governments (NCTCOG) is a Texas political subdivision and non-profit corporation organized and operating under Texas Local Government Code Chapter 391 as the regional planning commission for the 16-county North Central Texas region; and,

WHEREAS, NCTCOG is a voluntary association of, by and for local governments established to assist in planning for common needs, cooperating for mutual benefit, and coordinating for sound regional development; and,

WHEREAS, NCTCOG has been designated as the Metropolitan Planning Organization (MPO) for the Dallas-Fort Worth Metropolitan Area by the Governor of the State of Texas in accordance with federal law; and,

WHEREAS, the Regional Transportation Council (RTC), comprised primarily of local elected officials, is the regional transportation policy body associated with NCTCOG, and has been and continues to be a forum for cooperative decisions on transportation; and,

WHEREAS, on April 9, 2015, the RTC awarded Tarrant County funds for the purchase of High Occupancy Vehicle (HOV) Enforcement Vehicles for use in the North Tarrant Express Corridor to assist Tarrant County with its HOV enforcement obligations pursuant to an agreement with the Texas Department of Transportation; and,

WHEREAS, on April 23, 2015, the NCTCOG Executive Board authorized an Interlocal Agreement to reimburse Tarrant County for the purchase of HOV enforcement vehicles; and,

WHEREAS, on August 31, 2017, Tarrant County’s agreement with the Texas Department of Transportation expired and Tarrant County subsequently returned the vehicles to NCTCOG; and,

WHEREAS, Dallas County expressed interest in utilizing the vehicles in areas of interest to the RTC and NCTCOG; and,

WHEREAS, on May 1, 2018, the Dallas County Commissioners Court adopted a court order approving an Interlocal Agreement with NCTCOG for the transfer of the vehicles to Dallas County.

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

Section 1. An Interlocal Agreement between NCTCOG and Dallas County for the transfer of two 2016 Ford Interceptors, be and is hereby approved.
Section 2. The Executive Director or designee is authorized to execute an Interlocal Agreement with Dallas County in the name of the North Central Texas Council of Governments to carry out the initiatives described herein.

Section 3. This resolution shall be in effect immediately upon its adoption.

Tom Lombard, President
North Central Texas Council of Governments
Councilmember, North Richland Hills

I hereby certify that this resolution was adopted by the Executive Board of the North Central Texas Council of Governments on May 24, 2018.

J.D. Clark, Secretary-Treasurer
North Central Texas Council of Governments
County Judge, Wise County
RESOLUTION AUTHORIZING AN AGREEMENT WITH THE CITY OF IRVING FOR THE
STATE HIGHWAY 356/IRVING BOULEVARD FUNDING PARTNERSHIP

WHEREAS, the North Central Texas Council of Governments (NCTCOG) is a Texas
political subdivision and non-profit corporation organized and operating under Texas Local
Government Code Chapter 391 as the regional planning commission for the 16-county North
Central Texas region; and,

WHEREAS, NCTCOG is a voluntary association of, by and for local governments
established to assist in planning for common needs, cooperating for mutual benefit, and
coordinating for sound regional development; and,

WHEREAS, NCTCOG has been designated as the Metropolitan Planning Organization
(MPO) for the Dallas-Fort Worth Metropolitan Area by the Governor of the State of Texas in
accordance with federal law; and,

WHEREAS, the Regional Transportation Council (RTC), comprised primarily of local
elected officials, is the regional transportation policy body associated with NCTCOG, and has
been and continues to be a forum for cooperative decisions on transportation; and,

WHEREAS, on December 9, 2010, the City of Irving established the "Tax Increment
Reinvestment Zone Number Two, City of Irving, Texas - Irving Boulevard" 2 (TIRZ Number
Two) and a "Tax Increment Fund" (TIF) for the purposes of promoting development within the
Zone; and,

WHEREAS, NCTCOG and City of Irving staffs have had ongoing discussions about a
possible funding a partnership for the reconstruction of SH 356/Irving Boulevard from O’Conner
Road to Strickland Place in Irving to facilitate the removal of SH 356/Irving Boulevard from the
state highway system and to test an innovative funding mechanism through the use of a TIRZ
and associated funds to advance off-system transportation improvements and promote
redevelopment within a local jurisdiction; and,

WHEREAS, on March 8, 2018, the RTC approved a funding partnership to allocate
$12 million to the project in Regional Toll Revenue (RTR) funds and the City of Irving in return
would contribute a like amount to the RTC through the use of TIRZ revenues under the terms
and conditions of an Agreement.

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

Section 1.  An Interlocal Agreement between NCTCOG and the City of Irving for the
SH 356/Irving Boulevard Funding Partnership whereby the City of Irving will
repay $12,000,000, plus interest to NCTCOG, as RTC’s fiscal agent, be
and is hereby approved.

Section 2.  NCTCOG is authorized to receive payments from the City of Irving under
the Interlocal Agreement authorized in Section 1.

Section 3.  These funds shall be incorporated in to the appropriate fiscal year budgets
and Unified Planning Work Program.
Section 4. The Executive Director or designee is authorized to execute an Interlocal Agreement with the City of Irving in the name of the North Central Texas Council of Governments to carry out the initiatives described herein.

Section 5. This resolution shall be in effect immediately upon its adoption.

Tom Lombard, President
North Central Texas Council of Governments
Councilmember, North Richland Hills

I hereby certify that this resolution was adopted by the Executive Board of the North Central Texas Council of Governments on May 24, 2018.

VD. Clark, Secretary-Treasurer
North Central Texas Council of Governments
County Judge, Wise County
RESOLUTION AUTHORIZING AGREEMENTS WITH SUBRECIPIENTS OF THE MINOR INTERSECTION IMPROVEMENTS FUNDING PROGRAM

WHEREAS, the North Central Texas Council of Governments (NCTCOG) is a Texas political subdivision and non-profit corporation organized and operating under Texas Local Government Code Chapter 391 as the regional planning commission for the 16-county North Central Texas region; and,

WHEREAS, NCTCOG is a voluntary association of, by and for local governments established to assist in planning for common needs, cooperating for mutual benefit, and coordinating for sound regional development; and,

WHEREAS, NCTCOG has been designated as the Metropolitan Planning Organization (MPO) for the Dallas-Fort Worth Metropolitan Area by the Governor of the State of Texas in accordance with federal law; and,

WHEREAS, the Regional Transportation Council (RTC), comprised primarily of local elected officials, is the regional transportation policy body associated with NCTCOG, and has been and continues to be a forum for cooperative decisions on transportation; and,

WHEREAS, the Dallas-Fort Worth region is in nonattainment of the federal air quality standard for ozone, and NCTCOG is actively involved in the development and implementation of the State Implementation Plan for air quality; and,

WHEREAS, on August 10, 2017, the RTC approved the criteria for the competitive selection of participation in the Minor Intersection Improvements Funding Program; and,

WHEREAS, on September 15, 2017 the RTC announced the Minor Intersection Improvements Call for Projects; and,

WHEREAS, on April 12, 2018, the RTC approved the selection of subrecipients in the Minor Intersection Improvements Funding Program; and,

WHEREAS, NCTCOG has complied with the RTC proceedings for competitive selections; and,

WHEREAS, the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code provides authority for NCTCOG and local governments to enter into an agreement for the provision of governmental functions and services of mutual interest.

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

Section 1. Agreements between NCTCOG and Subrecipients for the Minor Intersection Improvements Funding Program in an amount not to exceed $2,546,200 ($1,808,645 Congestion Mitigation and Air Quality Improvement Program Funds, $449,365 of local match, and $288,190 of additional local match), as outlined in Attachment 1, be and are hereby approved.
Section 2. The Executive Board authorizes Subrecipient Agreements for contingency awards as reflected in Attachment 1 to the extent the awarded applicants are unable to proceed.

Section 3. The Executive Director or designee is authorized to execute necessary agreements in the name of the North Central Texas Council of Governments to carry out the initiatives described herein.

Section 4. This resolution shall be in effect immediately upon its adoption.

Tom Lombard, President
North Central Texas Council of Governments
Councilmember, City of North Richland Hills

I hereby certify that this resolution was adopted by the Executive Board of the North Central Texas Council of Governments on May 24, 2018.

J.D. Clark, Secretary-Treasurer
North Central Texas Council of Governments
County Judge, Wise County
### Projects Awarded

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<th>Local/State Match</th>
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### Contingency Awards

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RESOLUTION APPROVING MODIFICATIONS TO THE FY2018 AND FY2019 UNIFIED PLANNING WORK PROGRAM FOR REGIONAL TRANSPORTATION PLANNING

WHEREAS, the North Central Texas Council of Governments (NCTCOG) is a Texas political subdivision and non-profit corporation organized and operating under Texas Local Government Code Chapter 391 as the regional planning commission for the 16-county North Central Texas region; and,

WHEREAS, NCTCOG is a voluntary association of, by and for local governments established to assist in planning for common needs, cooperating for mutual benefit, and coordinating for sound regional development; and,

WHEREAS, NCTCOG has been designated as the Metropolitan Planning Organization (MPO) for the Dallas-Fort Worth Metropolitan Area by the Governor of the State of Texas in accordance with federal law; and,

WHEREAS, the Regional Transportation Council (RTC), comprised primarily of local elected officials, is the regional transportation policy body associated with NCTCOG, and has been and continues to be a forum for cooperative decisions on transportation; and,

WHEREAS, federal law, Fixing America's Surface Transportation (FAST) Act, assigns the MPO the responsibility for carrying out the metropolitan planning process, in cooperation with the State and operators of publicly owned transit services; and,

WHEREAS, FAST assigns the MPO the responsibility for development of a Unified Planning Work Program which addresses the planning priorities of the metropolitan area and describes the metropolitan transportation and related air quality planning activities to be undertaken and capital purchases to be made to support the planning process; and,

WHEREAS, the FY2018 and FY2019 Unified Planning Work Program for Regional Transportation Planning was approved by the Regional Transportation Council and the NCTCOG Executive Board in July 2017; and,

WHEREAS, new initiatives, updates to existing projects, and funding adjustments have resulted in the need to amend the FY2018 and FY2019 Unified Planning Work Program; and

WHEREAS, the proposed modifications to the FY2018 and FY2019 Unified Planning Work Program for Regional Transportation Planning have been approved by the Regional Transportation Council.

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

Section 1. The Executive Board approves the proposed modifications to the FY2018 and FY2019 Unified Planning Work Program for Regional Transportation Planning.
Section 2. The FY2018 budget is hereby amended to incorporate the resources associated with the approval of this resolution.

Section 3. This resolution shall be in effect immediately upon its adoption.

Tom Lombard, President
North Central Texas Council of Governments
Councilmember, City of North Richland Hills

I hereby certify that this resolution was adopted by the Executive Board of the North Central Texas Council of Governments on May 24, 2018.

J.D. Clark, Secretary-Treasurer
North Central Texas Council of Governments
County Judge, Wise County
RESOLUTION AUTHORIZING GRANT APPLICATIONS TO THE ENVIRONMENTAL PROTECTION AGENCY

WHEREAS, the North Central Texas Council of Governments (NCTCOG) is a Texas political subdivision and non-profit corporation organized and operating under Texas Local Government Code Chapter 391 as the regional planning commission for the 16-county North Central Texas region; and,

WHEREAS, NCTCOG is a voluntary association of, by and for local governments established to assist in planning for common needs, cooperating for mutual benefit, and coordinating for sound regional development; and,

WHEREAS, NCTCOG has been designated as the Metropolitan Planning Organization (MPO) for the Dallas-Fort Worth Metropolitan Area by the Governor of the State of Texas in accordance with federal law; and,

WHEREAS, the Regional Transportation Council (RTC), comprised primarily of local elected officials, is the regional transportation policy body associated with NCTCOG, and has been and continues to be a forum for cooperative decisions on transportation; and,

WHEREAS, the Dallas-Fort Worth region is in nonattainment of the federal air quality standard for ozone and NCTCOG is actively involved in the development and implementation of the State Implementation Plan for air quality; and,

WHEREAS, the RTC is committed to the development and implementation of policies, projects, and programs to improve air quality and reduce emissions that create ozone; and,

WHEREAS, Subtask 3.03 of the Fiscal Year (FY) 2018 and FY2019 Unified Planning Work Program for Regional Transportation Planning includes implementation of air quality initiatives; and,

WHEREAS, the Environmental Protection Agency has released the Clean Diesel Funding Assistance Program Fiscal Year 2018 Request for Proposals, providing funding to projects that reduce emissions from diesel vehicles and equipment; and,

WHEREAS, the funding being sought will support initiatives currently listed in the DFW Eight-Hour Ozone State Implementation Plan.

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

Section 1. NCTCOG is authorized to submit two grant applications in the amount of $2.5 million each to the Environmental Protection Agency to implement projects in the ozone nonattainment area, including a proposal to install idle reduction technology and/or eligible equipment needs at freight distribution centers and terminals; and another proposal to fund vehicle or equipment projects for public sector fleets, or private companies that serve as contractors to the public sector.
Section 2. NCTCOG is authorized to receive approximately $2.5 million for each grant application or approximately $5 million in total from the Environmental Protection Agency.

Section 3. Subgrantee awards will be brought back to the Executive Board for contract approval. Subgrantees will be responsible for any grant-required match, which will be dependent on specific projects sub-awarded and may range from 40 to 75 percent of total project cost.

Section 4. These funds shall be incorporated into the appropriate fiscal year budgets and Unified Planning Work Program.

Section 5. The Executive Director or designee is authorized to execute necessary agreements in the name of the North Central Texas Council of Governments to carry out the initiatives described herein.

Section 6. This resolution shall be in effect immediately upon its adoption.

Tom Lombard, President
North Central Texas Council of Governments
Councilmember, North Richland Hills

I hereby certify that this resolution was adopted by the Executive Board of the North Central Texas Council of Governments on May 24, 2018.

J.D. Clark, Secretary-Treasurer
North Central Texas Council of Governments
County Judge, Wise County
RESOLUTION AUTHORIZING CONSULTANT CONTRACTS WITH KIMLEY-HORN AND ASSOCIATES, INC., AND HDR ENGINEERING INC., FOR THE REGIONAL TRAFFIC SIGNAL RETIMING PROGRAM

WHEREAS, the North Central Texas Council of Governments (NCTCOG) is a Texas political subdivision and non-profit corporation organized and operating under Texas Local Government Code Chapter 391 as the regional planning commission for the 16-county North Central Texas region; and,

WHEREAS, NCTCOG is a voluntary association of, by and for local governments established to assist in planning for common needs, cooperating for mutual benefit, and coordinating for sound regional development; and,

WHEREAS, NCTCOG has been designated as the Metropolitan Planning Organization (MPO) for the Dallas-Fort Worth Metropolitan Area by the Governor of the State of Texas in accordance with federal law; and,

WHEREAS, the Regional Transportation Council (RTC), comprised primarily of local elected officials, is the regional transportation policy body associated with NCTCOG, and has been and continues to be a forum for cooperative decisions on transportation; and,

WHEREAS, the Dallas-Fort Worth region is in nonattainment of the federal air quality standard for ozone, and NCTCOG is actively involved in the development and implementation of the State Implementation Plan for air quality; and,

WHEREAS, the Fiscal Year (FY) 2018 and FY2019 Unified Planning Work Program Subtask 5.05 provides for consultant assistance to implement the Regional Traffic Signal Retiming Program; and,

WHEREAS, on August 10, 2017, the RTC approved the criteria for the competitive selection of participation in the Regional Traffic Signal Retiming Program; and,

WHEREAS, on September 14, 2017 the RTC issued a Call for Projects to local agencies for selection of a list of prioritized corridors to be implemented as part of the Program; and,

WHEREAS, on January 19, 2018, NCTCOG initiated a Request for Proposals to secure consultant assistance for the Regional Traffic Signal Retiming Program; and,

WHEREAS, on April 26, 2018, the NCTCOG Executive Board adopted a resolution authorizing the receipt of Surface Transportation Block Grant, Congestion Mitigation and Air Quality Improvement Program, Regional Toll Revenue and associated local match funds for planning and implementation programs to be administered and managed by NCTCOG; and,

WHEREAS, Kimley-Horn and Associates, Inc. has been recommended by the Consultant Selection Committee to implement the Regional Traffic Signal Retiming Program for NCTCOG; and,

WHEREAS, HDR Engineering, Inc. has been recommended by the Consultant Selection Committee to implement the Regional Traffic Signal Retiming Program for NCTCOG; and,
WHEREAS, on April 12, 2018, the RTC approved the selection of agencies and prioritized corridors for the Regional Traffic Signal Retiming Program; and,

WHEREAS, NCTCOG has complied with federal and State regulations regarding contract and procurement proceedings.

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

Section 1. A contract between NCTCOG and Kimley-Horn and Associates, Inc. to implement a Regional Traffic Signal Retiming Program in an amount not to exceed $1.3 million be and is hereby approved.

Section 2. A contract between NCTCOG and HDR Engineering, Inc. to implement a Regional Traffic Signal Retiming Program in an amount not to exceed $1.3 million be and is hereby approved.

Section 3. NCTCOG is authorized to accept approximately $256,660 in local funds from participating local agencies in support of the Regional Traffic Signal Retiming Program.

Section 4. The Executive Director or designee of NCTCOG is authorized to execute agreements between NCTCOG and local agencies to collect the local match for the Regional Traffic Signal Retiming Program.

Section 5. The Executive Director or designee of NCTCOG is authorized to execute a contract with Kimley-Horn and Associates, Inc. and HDR Engineering, Inc. in the name of the North Central Texas Council of Governments.

Section 6. This resolution shall be in effect immediately upon its adoption.

Tom Lombard, President
North Central Texas Council of Governments
Councilmember, City of North Richland Hills

I hereby certify that this resolution was adopted by the Executive Board of the North Central Texas Council of Governments on May 24, 2018.

J.D. Clark, Secretary-Treasurer
North Central Texas Council of Governments
County Judge, Wise County
RESOLUTION AUTHORIZING AN AGREEMENT WITH THE NORTH CENTRAL TEXAS WORKFORCE DEVELOPMENT BOARD

WHEREAS, the North Central Texas Council of Governments (NCTCOG) is a Texas political subdivision and non-profit corporation organized and operating under Texas Local Government Code Chapter 391 as the regional planning commission for the 16-county North Central Texas region; and,

WHEREAS, NCTCOG is a voluntary association of, by and for local governments established to assist in planning for common needs, cooperating for mutual benefit, and coordinating for sound regional development; and,

WHEREAS, the North Central Texas Workforce Development Board (NCTWDB) oversees the planning, oversight, policy guidance and service delivery of workforce-related programs in the 14-county workforce development area; and,

WHEREAS, the NCTWDB, with concurrence from the Chief Elected Officials, selected and has contracted NCTCOG since 1996 to serve as its fiscal agent/grant recipient, administrative entity and staffing provider; and,

WHEREAS, NCTCOG and NCTWDB have reviewed the existing agreement for such services and recommend a new agreement to more accurately reflect roles and responsibilities in light of the current programmatic scope, scale and regulatory requirements.

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

Section 1. An agreement between NCTCOG and the North Central Texas Workforce Development Board, in substantially the same form as Attachment 1, be and is hereby approved.

Section 2. The Executive Director or designee is authorized to sign agreements consistent with the approval herein, in the name of the North Central Texas Council of Governments.

Section 3. This resolution shall be in effect immediately upon its adoption.

Tom Lombard, President
North Central Texas Council of Governments
Councilmember, North Richland Hills

I hereby certify that this resolution was adopted by the Executive Board of the North Central Texas Council of Governments on May 24, 2018.

J.D. Clark, Secretary-Treasurer
North Central Texas Council of Governments
County Judge, Wise County
INTERLOCAL AGREEMENT FOR SERVICES BETWEEN
NORTH CENTRAL TEXAS WORKFORCE DEVELOPMENT BOARD
AND
NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS

STATE OF TEXAS §
COUNTY OF TARRANT §

This agreement made, entered into and executed this ___ day of _____, 2018, by and
between the North Central Texas Local Workforce Development Board (hereinafter referred to as
the “BOARD”), and North Central Texas Council of Governments (hereinafter referred to as the
“NCTCOG”).

WHEREAS, the BOARD as duly certified by the Governor of the State of Texas on May 23,
1996, is recognized as the entity in the North Central Texas Local Workforce Development Area
(hereinafter referred to as the “Area”), with responsibility for the strategic and operational planning
and administration of workforce training and services funded through the Texas Workforce
Commission (hereinafter referred to as the “TWC”); and,

WHEREAS, the NCTCOG has been selected by the North Central Texas Chief Elected
Officials (hereinafter referred to as the “CEOs”) and the BOARD as the Area’s fiscal agent/grant
recipient and administrative agency; and,

WHEREAS, pursuant to the Interlocal Cooperation Act, Texas Government Code Chapter
791, the BOARD desires to obtain from the NCTCOG those fiscal, administration, staffing, and
other selected products and services described herein; and,

WHEREAS, the BOARD and the NCTCOG desire this agreement to set forth the terms
and conditions by which such services and products shall be delivered: and,

WHEREAS, the Parties understand that all services and products provided under this
agreement will be provided in accordance with the direction of the BOARD recognizing that the
NCTCOG will maintain administrative responsibility for its staff, who will remain subject to the
NCTCOG’s employment policies and office space; and,

WHEREAS, the NCTCOG recognizes that the delivery system will be under the BOARD’s
policy direction and intends to facilitate and carry out these policies in an objective, efficient, and
effective manner.

NOW, THEREFORE, the BOARD and the NCTCOG, in consideration of the mutual
covenants and agreements herein contained, do mutually agree as follows:

I. ENGAGEMENT OF NCTCOG

The BOARD agrees to engage the NCTCOG and the NCTCOG agrees to perform the services
herein, and having rendered such services, the BOARD agrees NCTCOG is entitled to payment as
stated in Section VI to follow. In engaging the NCTCOG, the BOARD will be the program policy
body, addressing workforce development and child care services programs within the Area. The
BOARD will approve strategic and local plans designed to fully utilize available resources in the Area. The BOARD will approve an annual budget, and the BOARD is responsible for program oversight and will monitor performance to ensure products and services are effective; meet the Area’s workforce needs; and are in compliance with the goals, objectives, and performance standards of the Texas Workforce Commission and other applicable funding or legislative rules, regulations, and guidelines.

II. CHARACTER AND EXTENT OF SERVICES

NCTCOG is responsible for the administration and operation of workforce and childcare services within the Area consistent with the BOARD’s policies and approved budget. NCTCOG will accomplish this in three distinct, but related capacities:

A. Grant Recipient and Fiscal Agent

NCTCOG is the grant recipient and fiscal agent of the BOARD and agrees to carry out all functions associated with the designation, including: accounting, auditing, record keeping, and reporting to the BOARD, CEOs, TWC, and other applicable funding agencies. Comprehensive, timely, and accurate financial reporting will be conducted to provide the BOARD a clear picture of all available and utilized financial resources. NCTCOG agrees to provide copies of final independent financial audits and annual monitoring reports by TWC and Department of Labor (DOL) to the BOARD within thirty (30) days of acceptance.

Specifically, NCTCOG will provide the following to, or on behalf of the BOARD:

a. Financial reports
b. Comprehensive Annual Financial Report
c. Close-out reports to various BOARD funding agencies
d. Cash requests from TWC and other BOARD funding agencies
e. Financial and programmatic monitoring of subrecipients
f. Processing of payments
g. Financial analysis of awarded funds and contracts
h. Development of cost allocation plans
i. Represent the BOARD regarding all monitoring and audits performed by the BOARD’s various funding agencies and by the annual NCTCOG independent financial audit

B. Administrative Entity

NCTCOG is responsible for general management and administration of workforce activities, implementation of BOARD policies, development and implementation of the Area’s workforce plan(s), and providing administrative support to the BOARD.
More specifically, NCTCOG will:

a. Workforce Plan Development. NCTCOG staff will prepare all required strategic and local plans and present to the BOARD for review and approval. The plans will establish the overall environment needed to meet all regulatory requirements, as well as contain long-term goals, key performance measures, strategic priorities, and program indicators.

b. Office Space. NCTCOG will provide safe and efficient office space, equipment, furniture and supplies necessary for BOARD administration and operations. Space for the Workforce centers will be obtained according to the NCTCOG’s real estate procurement processes to ensure costs are reasonable, located within an effective service area, and appropriately sized.

c. Process Workforce Board Membership. The CEOs will be informed of BOARD vacancies as they occur so that all legislatively required representation can be met. NCTCOG staff will work with CEOs to facilitate the BOARD membership nomination process according to TWC requirements.

d. Procurement and Contracting Services. NCTCOG will procure goods and services for BOARD programs in compliance with applicable local, State, and federal procurement and contracting regulations.

e. Monitoring and Compliance. NCTCOG will continually perform monitoring, auditing, review, and evaluation activities in accordance with funding and legislative agency requirements and best practices.

f. Information Technology. NCTCOG will provide Information Technology infrastructure, application, and security services to support the goals and objectives of the BOARD. These services may include, but are not limited to: voice/data communications, deployment and maintenance of PCs/servers/network infrastructure, security risk analysis, security incident response services, and maintenance of enterprise application and database environments.

g. Financial Safeguards. NCTCOG will implement and maintain financial processes and controls to mitigate risks to workforce program funds, including but not limited to:

i. Budget to actual reports for both the BOARD and subrecipients

ii. NCTCOG annual independent financial audit

iii. NCTCOG annual independent single audit

iv. Periodic NCTCOG internal control reviews

v. Annual Workforce budget review and approval by the BOARD and its appropriate committees

vi. NCTCOG monitoring review of internal fiscal processes

vii. Annual inventory of capitalized furniture and equipment
viii. Insurance coverage for inventory and equipment within workforce centers and NCTCOG headquarters

ix. Fidelity bond and error and omissions insurance

h. Subrecipient Disallowed Costs. Any disallowed costs that are identified during a fiscal or programmatic monitoring of a subrecipient will be documented and made available to the BOARD. NCTCOG will make reasonable attempts to recover such disallowed costs and credit to the appropriate funding source.

C. Staffing Services

NCTCOG will recruit, hire, and employ professional staff to support the BOARD and its activities. These staff will at all times be NCTCOG employees and subject to NCTCOG’s personnel policies and pay schedules. NCTCOG retains sole authority for any personnel actions relating to such staff.

The Parties agree, however, that the NCTCOG Director of Workforce position, which serves in the capacity of Executive Director to the BOARD and is charged with carrying out its policy decisions in accordance with federal and State laws and regulations, shall be subject to the following conditions:

1) Hiring – The BOARD and NCTCOG will mutually agree on the hiring of any candidate for this position;

2) Annual Performance Review – The BOARD will have opportunity to provide input to, and participate in, the annual performance review of this position;

3) Termination – NCTCOG will seek prior BOARD input regarding termination actions relating to this position.

D. Conflicts of Interest

To demonstrate to the public and outside funding sources that sufficient internal controls are in place to prevent and avoid the appearance of conflicts of interest or the actual existence of conflicts of interest between or within the NCTCOG and its roles as the fiscal agent, the administrative entity, and staffing provider to the BOARD, NCTCOG agrees to submit to the Board for approval and annual review written policies and procedures designed to prevent and eliminate conflicts of interest and demonstrate compliance with the Workforce Innovation and Opportunity Act (WIOA) and corresponding regulations, relevant Office of Management and Budget circulars, and the State of Texas’ conflict of interest laws.

III. ADDITIONAL SERVICES

NCTCOG agrees to undertake other appropriate activities as requested by the BOARD subject to staffing capacity, grant eligibility, and available funding.
IV. PERIOD OF SERVICE

The term of this Agreement is from July 1, 2018, until September 30, 2023, plus an option to extend the Agreement for one additional term of five years to occur after the determination by both the BOARD and the NCTCOG that:

1) funds are available;
2) the services contemplated by this Agreement continue to fulfill existing needs of the Workforce Area served by the BOARD;
3) the exercise of the option provides an advantageous method of fulfilling the BOARD’S need, price and other factors considered: and
4) NCTCOG’s performance of its responsibilities under this Agreement are determined to be satisfactory to the BOARD.

If the additional option is not exercised by the Parties or in the event of an early termination as provided for under the terms of this Agreement, the Parties agree to work together to achieve the orderly and efficient transition of services provided under this Agreement. The Parties further agree that transition costs will be determined based on scope and timeframe of transition to be mutually agreed to in writing. All services provided by NCTCOG during a transition will be on a cost recovery basis in accordance with Section VI.

V. PERFORMANCE MEASURES

The TWC annually sets performance standards through its contracts with the BOARD, referred to as Formally Contracted Measures, which the BOARD is required to have its workforce service provider(s) meet. Further, TWC sets workforce development measures through policy letters, which the BOARD is also bound to have its workforce service provider(s) meet (Formally Contracted Measures and workforce development measures through policy letters, hereinafter collectively referred to as “Performance Measures”). The NCTCOG acknowledges the requirements of the Performance Measures and agrees to use its best efforts to meet the Performance Measures. In furtherance of this objective, NCTCOG agrees to develop and present for BOARD approval an administrative policy which establishes a comprehensive framework of standards and processes intended to achieve the Performance Measures, including:

1) require any subrecipients to link goals with program objectives adopted at TWC and BOARD levels;
2) provide oversight, assistance, and support to subrecipients for integrating and coordinating strategic planning, budgeting, performance reporting, and performance-based decision making;
3) require any subrecipients to report results from key TWC or BOARD-level performance measures that were approved in addition to Formally Contracted Measures;
4) expand the information found in Formally Contracted Measures and BOARD-level Performance Measures with summaries at various levels of detail, for use in planning, budgeting, reporting, and decision making; and that such reports to be made widely available to the BOARD. These reports should present and analyze the results of any subrecipient programs in achieving the TWC defined measures of performance;
5) maintain controls necessary to ensure the accuracy, continuity, completeness, relevance, reliability and timeliness of performance information; and that each measure or objective has a definition;
6) ensure adequate training is provided to NCTCOG personnel and any subrecipients for performance measurement data reporting;
7) conduct reviews and compare reported performance measure data and notify TWC of any potential inaccuracies as appropriate;
8) use performance information, when appropriate, in making policy recommendations;
9) identify and implement a process intended to ensure that the programs supported with federal/state funds achieve measureable results that support BOARD goals, and that the measurement, monitoring, and reporting of these results meet funding source requirements.

The NCTCOG further agrees to include language in its contracts with subrecipients making the meeting of such Performance Measures a term and condition of the subrecipient's performance.

VI. REIMBURSEMENT/COST RECOVERY

NCTCOG will carry out its responsibilities under this Agreement on a cost recovery basis and seek reimbursement from available grants and contracts from TWC and other BOARD funding sources in accordance with the following:

A. Sufficient TWC and other BOARD funding sources are available;
B. Incurred costs are allowable, proper, reasonable, and necessary for carrying out grant objectives in accordance with state and federal regulations;
C. Costs are verifiable according to fiscal records and are reported to the TWC and other BOARD funding agencies in accordance with their requirements;
D. The BOARD agrees the NCTCOG indirect rate, as approved by NCTCOG's cognizant federal agency, as well as any applicable cost allocation plans and/or pools, shall apply with respect to distribution of NCTCOG expenditures to the various funding sources.

VII. DISALLOWED COSTS

Remedy for disallowed costs and other liabilities will be pursued according to the following:

A. First Priority-recover funds from the service provider(s) incurring the liability;
B. Second Priority-recover funds from an insurance carrier or bond issuer;
C. Third Priority-use available stand-in costs to resolve the disallowed costs or other liability; and
D. Fourth Priority-allocate liability equally to the 14 counties on a pro rata basis according to the funds distributed to the counties, and they shall, to the extent allowed by law, be the source of the last resort for outstanding BOARD liabilities.
VIII. DISPUTE RESOLUTION

Resolution of any dispute between the parties in the Agreement will be attempted first by mutually satisfactory negotiation. In the event of unresolvable issues of disagreement, it is a condition precedent to litigation that the parties submit to informal mediation before the Lead Chief Elected Official of the North Central Texas Workforce Development Board Area. Should mediation fail to achieve a mutually agreeable outcome, the mandatory and exclusive venue for the adjudication or resolution of any dispute arising out of this Agreement shall be in Tarrant County, Texas.

IX. AMENDMENT

This Agreement may be amended by the request of any party hereto, consistent with the law, through written agreement by all parties hereto. Any alterations, additions, or deletions to the terms of this Agreement which are required by changes in federal or State regulations are automatically incorporated into this Agreement without written amendment hereto and shall become effective on the date designated by such law or regulation.

X. TERMINATION

This Agreement may only be terminated for default, defined as malfeasance, misappropriation or material breach of this Agreement, by either Party upon written notice to the other Party; provided, however, that the Party receiving notice shall have sixty (60) days to cure the default. In the event no cure occurs, the Party which provided notice shall have the right to terminate the Agreement effective the later of 1) a date provided by the non-defaulting Party in writing to the other Party or 2) six (6) months following failure to cure. This Agreement may be terminated at any time upon mutual written agreement of the Parties.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]
IN TESTIMONY WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

NORTH CENTRAL TEXAS WORKFORCE DEVELOPMENT BOARD
(BOARD)

NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS
(NCTCOG)

Name

Name

Title

Title