



******* NOTICE OF PUBLIC MEETING *******
Denton County Commissioners Court
Courthouse-on-the-Square, 110 West Hickory, Denton, Texas
Tuesday, March, 4, 2008, 9:00 A.M.
******* Addendum Agenda *******

***** Please turn off all audible pagers and cellular phones, \$5.00 fine. *****

A copy of the Agenda book is available for public review in the Aide-to-the-Court's Office. Some numbered agenda categories may have no posted items. Please contact the Aide-to-the-Court if assistance for hearing impaired is needed.

CALL TO ORDER

INVOCATION

PLEDGES OF ALLEGIANCE

Pledge of Allegiance to the United States Flag

Pledge of Allegiance to the Texas Flag

"Honor the Texas Flag, I pledge allegiance to thee, Texas, one State under God, one and indivisible."

1. PUBLIC INPUT FOR ITEMS NOT LISTED ON THE AGENDA

Citizens should complete a witness form located on the side table. Pursuant to State Open Meetings Law, the Commissioners Court is restricted in discussing or taking action on items not posted on the agenda. Action on your statement can be taken only at a future meeting.

In order to expedite the flow of business and to provide all citizens the opportunity to speak, the Commissioners Court may impose a three-minute limitation on persons addressing the Court. Please address all comments to the Presiding Officer.

2. CONSENT AGENDA

Any Court member can remove an item from this agenda to be considered separately.

- A) Approval of Order Making Appointments, and any appropriate action. (Appointments have been posted and advertised. Interviews were conducted as set forth in the Denton County policies adopted by the Commissioners Court, except as otherwise stated in the appointment orders. These appointments are within the budgetary constraints.) Human Resources
- B) Approval of Intra-Departmental Transfers, and any appropriate action. Budget
- C) Approval of Payroll. Treasurer
- D) Approval of award for Lois Road East and Old Lois Road Roadway Improvement Project, Bid #01-08-1875, to Jagoe Public for \$1,394,765.10, and any appropriate action. Purchasing
- E) Approve the Final Plat of Timberlake Trails, Precinct 1. Planning
- F) Approve the re-appointment of Mr. Fred Busche to the Denton County Transportation Committee as a Precinct # 3 representative. Commissioner Pct. 3
- G) Approval of the re-appointment of Mr. Scott Corbitt to the Denton County Transportation Committee as a

3. RESOLUTIONS / AWARDS / REPORTS / PRESENTATIONS

4. PUBLIC HEARINGS

- A) Public hearing to Approve an amendment to the Lake Ray Roberts Land Use Ordinance for a zoning change from Agriculture (AG) to Residential Medium Density District (R-2) for the R. Bebee Survey Abstract 29, Tract 47 & 48 Precinct #1 as recommended by The Lake Ray Roberts Planning and Zoning Commission and the Planning Department.

5. AUDITOR/TREASURER

- A) Approval of Bill Report. (Payments from CSCD, Community Corrections, TAIP, Sheriff's Training, Sheriff's Forfeiture, VIT Interest, DA Check Fee, and DA Forfeiture Funds are presented for recording purposes only.)
- B) Review and Re-affirmation of Denton County's (1) General Fund Unreserved Fund Balance Policy; and 2) Debt Management Policy
- C) Approval of the Denton County Investment Report for the Quarter Ended 12/31/2007

6. PURCHASING

- A) Approval of Evaluation Committee's recommendation to rank Freese and Nichols as the most qualified firm for architectural services for the Denton County Courts Building, 4th Floor Project; and any appropriate action.(CONFIDENTIAL UNTIL AFTER AWARD)

7. BUDGET

- A) Approval of Budget Amendment Request #100740 for prior year purchases for various County Departments in the amount of \$2,528,628; and any appropriate action.
- B) Approval of Budget Amendment Request #100750 to increase revenues and expenses for the Vehicle Emissions Compliance Program in Non-Departmental in the amount of \$684,374 and any appropriate action.

8. HUMAN RESOURCES

9. HEALTH

10. PUBLIC WORKS

11. COUNTY CLERK

12. SHERIFF

- A) Approve Memorandum of Understanding between the North Central Texas Council of Governments and Denton County Criminal Justice Agencies for Participation in the Law Enforcement Analysis Portal (LEAP) Project.

13. OTHER DEPARTMENTS

- A) Approval of possible action related to a disaster declaration and court order related to the threat of wild land fires from drought conditions and including the discharge and sale of aerial fireworks, and any appropriate action. Emergency Services
- B) Approval of space allocation in the Denton County Courts Building relative to the 4th Floor build-out; and

any appropriate action.

- C) Approval of Change Order No. 3 for the Lower Level Renovation of the Denton County Courts Building in the amount of \$10,428.75 and any appropriate action.

14. LEGAL

- A) Recommend approval of the JURY + Jury Management System Software Maintenance Agreement between Denton County, Texas and Jury Systems Incorporated, and any appropriate action.
- B) Recommend approval of Amendment No. 1 to TechShare Resource Sharing Addendum Juvenile Information System (JIS) between Denton County and the Texas Conference of Urban Counties (CUC).
- C) Recommended approval of the Fire Protection Service Agreement between Denton County, Texas, and the City of Oak Point Fire Department, and any appropriate action.
- D) Recommended approval of the Juvenile Post-Adjudication Facilities services between Denton and Hunt Counties, and any appropriate action.
- E) Approve the Interlocal Cooperation Agreement between Denton County, Texas, and the City of Denton, Texas, for engineering and construction on Brinker Road/Shady Oaks Drive in the amount of \$800,000.00, with funding to come from Commissioner Precinct #4 TRIP-04 funds for Brinker Road. Commissioner Precinct #4.
- F) Approve the Local Project Advanced Funding Agreement (LPAFA) between Denton County, Texas, and the State of Texas, acting through the Texas Department of Transportation for Right-of-Way acquisition for the FM 544 Project from Dozier Lane to SH 121 (ROW CSJ 0619-05-033). Commissioner Precinct #2.
- G) Approval of scheduling a Public Hearing for April 1, 2008, at 9:10 a.m., to discuss and take formal action on abandoning a portion of Old Alton Road in an unincorporated area of Denton County Commissioner Precinct #1.
- H) Recommend approval of Amendment One [Lease of State of Texas Registration and Title System (RTS) Information Resources and Support] to the Agreement for the use of State of Texas Automation Equipment; Remote Sticker Printing System (RSPS) for Bill Utter Ford, and the Interlocal Cooperation Agreement for Motor Vehicle License Point of Sale Equipment Lease between Denton County and motor vehicle dealership, Bill Utter Ford.

15. EXECUTIVE SESSION

16. ADDENDA

- A) Recommend approval of the Agreement between Treasury Law Enforcement Agencies and Local, County and State Law Enforcement Agencies for the Reimbursement of Expenses, and any appropriate action.
- B) Approval of a resolution requesting the Texas Department of Transportation and the North Texas Tollway Authority to waive the requirement to develop a market valuation as allowed by SB 792 under the Terms and Conditions that the corridor be developed utilizing the Regional Transportation Council's Managed Lanes Policy, and further requesting the North Texas Tollway authority to waive their right to develop the project and to strongly support TxDOT's development of the IH 35E Managed Lanes Project from IH 635 to US 380 and to acknowledge that NTTA's primary role will be to provide the associated toll operations at a reasonable cost, and any appropriate action. County Judge

17. FUTURE MEETINGS

- A) 1:30 p.m. Tuesday, July 15, 2008 - Presentation of Recommended Budget by Budget Office.
- B) Tuesday, July 22, 2008 Public Meeting -Budget Workshop with Commissioners Court.
- C) Thursday, July 24, 2008 Public Meeting - Budget Workshop with Commissioners Court for Appeals (if Needed).
- D) Tuesday, July 29, 2008, Public Meeting - Budget Workshop with Commissioners Court.
- E) Tuesday, August 5, 2008, Public Meeting - Budget Workshop with Commissioners Court.
- F) Tuesday, August 12, 2008, Public Meeting - Final Budget Workshop with Commissioners Court.
- G) 10:00 a.m. Tuesday, September 9, 2008, Public Hearing on Proposed Budget at the Courthouse on the Square.

H) Tuesday, September 9, 2008, Public Meeting to Adopt Budget and Tax Rate (The meeting to adopt the tax rate must be 3 to 14 days after tax rate public hearing, if a rate increase above the effective rate is proposed).

18. RECESS

19. RECONVENE IF NECESSARY

20. ADJOURNMENT

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids of services such as interpreters for persons who are deaf or hearing impaired, readers, or large print are requested to contact the Aide-to-the-Court at 940-349-2830 two (2) work days prior to the meeting so that appropriate arrangements can be made.

Commissioners Court Agendas are on the Internet: <http://www.dentoncounty.com>

BRaille IS NOT AVAILABLE

16 - ADDENDA

**Denton County
Commissioners Court**

Request For Agenda Placement

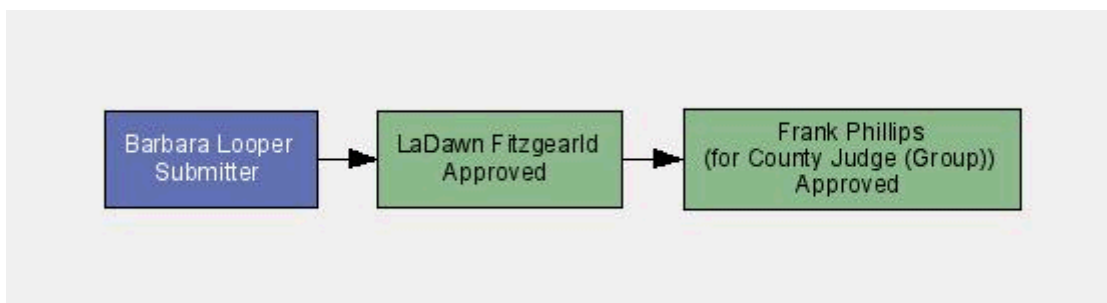
Submitted By: Kim Gilles	Requested Agenda Date: Mar 4, 2008
Department: District Attorney	Grouping: ADDENDA

Specific Agenda Wording:

Recommend approval of the Agreement between Treasury Law Enforcement Agencies and Local, County and State Law Enforcement Agencies for the Reimbursement of Expenses, and any appropriate action.

APPROVAL FLOW

16 - A - Contract - Treasury Law Enforcement Agencies - Reimbursement of Expenses



Denton County Commissioners Court

Mar 4, 2008

Date

Court Order Number

The Order:

Recommend approval of the Agreement between Treasury Law Enforcement Agencies and Local, County and State Law Enforcement Agencies for the Reimbursement of Expenses, and any appropriate action.

Motion by _____ Seconded by _____

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 _____

Other Action: Pulled from Consent _____ No Action _____ Postponed _____

BY ORDER OF THE COMMISSIONERS COURT:

ATTEST:

Presiding Officer

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

APPROVED AS TO FORM:

BY: _____
Deputy County Clerk

Assistant District Attorney

AGENDA PLACEMENT MEMO

DATE: Feb 28, 2008
TO: Commissioners Court
FROM: Kim Gilles
SUBJECT: Contract - Treasury Law Enforcement Agencies - Reimbursement of Expenses

REQUESTED ACTION/RECOMMENDATION

Recommend approval of the Agreement between Treasury Law Enforcement Agencies and Local, County and State Law Enforcement Agencies for the Reimbursement of Expenses, and any appropriate action.

BACKGROUND

The Denton County District Attorney's Office has been invited to participate in the North Texas Asset Forfeiture Task Force, sponsored by the Internal Revenue Service, a proactive enforcement program that identifies individuals and the assets they gain resulting from the perpetuation of complex financial fraud and organized crime, which includes crimes associated with identity theft, fraudulent schemes, illicit drug activities and other crimes that affect the citizens of Denton County.

OPERATIONS AND MAINTENANCE

Tasks and duties associated with the task force will be accomplished by existing personnel and the use of all district attorney resources will be fully reimbursed.

LEGAL INFORMATION

The District Attorney has the discretion to participate in such task forces and can seek reimbursement to the County for any costs incurred. Commissioners Court has the discretion to authorize the auditor to sign the reimbursement agreement as the Chief Financial Officer of the County.

FINANCIAL IMPACT

Overtime for personnel, vehicle costs and the use of other resources will be fully reimbursed per the reimbursable cost agreement. Reimbursement costs of \$16,000.00 per year maximum for all overtime expenses and an additional \$10,000.00 maximum for travel and expenses.

A leased vehicle will be used for task force business only and the termof the lease will be year-to-year.

PROJECT SCHEDULE

The term of participation in the North Texas Forfeiture Task Force is one fiscal year with the option to be renewed each year as long as the task force is in existence.

PRECEDING COURT ACTION

None.

**AGREEMENT BETWEEN TREASURY LAW ENFORCEMENT AGENCIES
and
LOCAL, COUNTY AND STATE LAW ENFORCEMENT AGENCIES
FOR THE REIMBURSEMENT OF EXPENSES**

This agreement is entered into by the Denton County District Attorney's Office and Internal Revenue Service, Criminal Investigation, for the purpose of receiving reimbursable costs incurred by the Denton County District Attorney's Office in providing resources to joint operations/task forces.

Payments may be made to the extent they are included in the Treasury law enforcement agency's Fiscal Year Plan, and the monies are available within the Treasury Forfeiture Fund to satisfy the request(s) for reimbursable overtime expenses.

I. LIFE OF THIS AGREEMENT

This agreement is effective on the date it is signed by both parties and terminates on the last day of the current Fiscal Year. Agreements are required on a Fiscal Year basis and must be renewed, if appropriate, by September 30th of each Fiscal Year for the following Fiscal Year.

II. AUTHORITY

This agreement is established pursuant to the provisions of 31 U.S.C. 9703, the Treasury Forfeiture Fund Act of 1992, which provides for the reimbursement of certain expenses of local, county, and state law enforcement agencies incurred as participants in joint operations/task forces with a Department of the Treasury law enforcement agency.

III. PURPOSE OF THIS AGREEMENT

This agreement establishes the procedures and responsibilities of both the Denton County District Attorney's Office and the Criminal Investigation, Internal Revenue Service, for the reimbursement of certain overtime and other expenses pursuant to 31 U.S.C. 9703.

IV. NAME OF TASK FORCE/JOINT OPERATION (If Applicable)

The Name of this Task Force is North Texas Asset Forfeiture Task Force.

Projected Dates of Remaining Operation: 10/01/2007 to 09/30/2008.

V. CONDITIONS AND PROCEDURES

A. Assignment of Denton County District Attorney's Office Officers

To the maximum extent possible, Denton County District Attorney's Office shall assign dedicated officer(s) to the Task Force/Joint Operations.

The Denton County District Attorney's Office shall provide the Criminal Investigation, Internal Revenue Service, with the names, titles, badge or ID numbers of the officer(s) assigned to the Task Force/joint Operation in an attachment to this agreement.

B. Requests for Reimbursement of Overtime Expenses

1. The Denton County District Attorney's Office may request reimbursement for payment of overtime expenses directly related to work performed by its officer(s) assigned as members of a Joint Task Force/Operation with the Criminal Investigation, Internal Revenue Service, for the purpose of conducting official Treasury investigations.
2. The Denton County District Attorney's Office shall provide the Criminal Investigation, Internal Revenue Service, within 10 days of the signing of this agreement, a mandatory ACH Vendor Payment Enrollment Form for Electronic Funds Transfer.
3. Invoices submitted for the payment of overtime to Denton County District Attorney's Office officer(s) shall be submitted on the agency's letterhead. The invoice shall be signed by an authorized representative of that agency.
4. The Denton County District Attorney's Office will submit all requests for reimbursable payments together with appropriate documentation to the Criminal Investigation, Internal Revenue Service, , ATTN: Tamera Cantu, Supervisory Special Agent, 8404 Esters Blvd., Suite 100, Irving, TX 75063, 972-915-9635.

The Denton County District Attorney's Office shall certify that the request is for overtime expenses incurred by the Denton County District Attorney's Office for Participation with a joint operation conducted with the Criminal Investigation, Internal Revenue Service. The Denton County District Attorney's Office shall also certify that requests for reimbursement of overtime expenses have not been made to other Federal law enforcement agencies who may also be participating with the task force/joint operation.

The Denton County District Attorney's Office acknowledges that they remain fully responsible for their obligations as the employer of the officer(s) assigned to the task force/joint operation and are responsible for the payment of overtime earnings, withholdings, insurance coverage and all other requirements by law, regulation, ordinance or contract regardless of the reimbursable overtime charges incurred.

5. All requests for reimbursement of costs incurred by the Denton County District Attorney's Office must be approved and certified by the Criminal Investigation, Internal Revenue Service. The Treasury law enforcement agency shall countersign the invoices for payment.
6. All requests for reimbursement of costs are to be received by Criminal Investigation, Internal Revenue Service no later than 15 days after the previous month end. These requests for reimbursement are to be for a full month time period, from the first day to the last day of the month. *There should not be invoices covering only part of the month, as in 1/10/04 – 1/25/04.*
7. The Denton County District Attorney's Office is limited to a maximum reimbursement for all overtime expenses in connection with this operation of \$16,000.00 per year under this agreement. By statute, no single officer may earn more than \$15,000.00 per fiscal year in overtime regardless of the number of agreements he/she is authorized on. Travel and related expenses should not exceed a maximum of \$10,000.00 for this task force/joint operation for the Fiscal Year period.
8. The total dollar value of this agreement may be adjusted at anytime by Criminal Investigation, Internal Revenue Service based upon the following:
 - A) The Criminal Investigation, Internal Revenue Service may modify the total dollar obligation, resulting in an increase or decrease, if they determine that the original obligated amount is not commensurate with the rate of reimbursable requests, based on their analysis of submitted reimbursement requests.
 - B) The adjustments to the total dollar value of this agreement may result in a partial and/or total reduction of reimbursement funds requested. Any modification made to an authorized agreement will be documented in writing and immediately provided to the impacted state and local agency.

C. PROGRAM AUDIT

This agreement and its procedures are subject to audit by the Criminal Investigation, Internal Revenue Service, Department of the Treasury, Office of Inspector General, the General Accounting Office, and other government designated auditors. The Denton County District Attorney's Office agrees to permit such audits and agrees to maintain all records relating to these transactions for a period of not less than three years; and in the event of an on-going audit, until the audit is completed.

These audits may include reviews of any and all records, documents, reports, accounts, invoices, receipts or expenditures relating to this agreement; as well as the interview of any and all personnel involved in these transactions.

D. REVISIONS

The terms of this agreement may be amended upon the written approval of both the Denton County District Attorney's Office and the Criminal Investigation, Internal Revenue Service. The revision becomes effective upon the date of approval.

E. NO PRIVATE RIGHT CREATED

This is an internal government agreement between a Treasury Law Enforcement Agency and the Denton County District Attorney's Office, a Local/County/State Law Enforcement Agency, and is not intended to confer any right or benefit to any private person or party.

Signature

Printed Name Title
Denton County District Attorney's Office

Date:

Signature

Printed Name Title
Chief Financial Officer
Denton County

Date:

Signature

Printed Name Title
Special Agent in Charge
Criminal Investigation
Dallas Field Office
Internal Revenue Service

Date:

Signature

Printed Name Title
Criminal Investigation
Internal Revenue Service
Washington, DC

Date:

BUDGET IMPACT STATEMENT
Treasury Law Enforcement Agencies Overtime Agreement

Impact of Proposed Overtime Pay

Contract Period : October 1, 2007 thru September 30, 2008

	FY 2007 - 2008
	PROJECTED OVERTIME SALARY/BENEFITS
	Treasury Law Enforcement Agencies Reimbursement of Expenses Salary & Benefits
Salary	\$13,466
Longevity Pay	\$0
Degree Incentive	\$0
Certification Incentive	\$0
<i>Subtotal Salaries</i>	<u>\$13,466</u>
FICA	\$1,030
Retirement	\$1,219
Workers Comp. (Law Enf.)	\$255
TEC	\$30
Health Insurance	\$0
<i>Subtotal Benefits</i>	<u>\$2,534</u>
Total Salaries/Benefits	<u>\$16,000</u>
Travel and Related Expenses	\$10,000
Grand Total	<u>\$26,000</u>

BENEFIT RATES

	FY 2007	FY 2008	FY 2008	FY 2009
	Calendar Year	Adopted	Calendar Year	Budgeted Rates
FICA				
Standard	7.6500%	7.6500%	7.6500%	7.6500%
Limit	97,500	97,500	102,000	102,000
Over Limit	1.4500%	1.4500%	1.4500%	1.4500%
Retirement	9.2000%	9.0428%	8.9900%	9.0500%
Workers Compensation				
51910 - Computer Maintenance - Repair	0.4265%	0.7230%	0.2794%	0.7230%
55060 - Road Employees - Paving	2.0941%	3.9961%	1.5935%	3.9961%
56060 - Co. & Drain Dist. Comm.	0.5641%	1.0685%	0.4115%	1.0685%
73800 - Drivers	2.2024%	3.3728%	1.4970%	3.3728%
77040 - Firefighters & Drivers	0.8823%	1.4175%	0.6740%	1.4175%
77200 - Law Enforcement, Ambulance	1.2005%	1.8948%	0.8484%	1.8948%
83910 - Auto Mechanics	1.0583%	1.7096%	0.7333%	1.7096%
87420 - Juv. Prob., Collectors, Emerg. Mgt	0.1670%	0.3704%	0.1067%	0.3704%
88100 - Clerical	0.1038%	0.2529%	0.0660%	0.2529%
88200 - D.A. Personnel	0.0654%	0.2030%	0.0423%	0.2030%
88320 - Physician & Clerical	0.1692%	0.3562%	0.1067%	0.3562%
90140 - Building Maintenance & Janitor	1.6992%	2.5430%	1.1329%	2.5430%
TEC Unemployment	0.2200%	0.2200%	0.1900%	0.2200%
Health Insurance	\$8,230	\$8,830	\$8,830	\$8,830
Dental Insurance	\$0	\$0	\$0	\$0
Life Insurance	\$0	\$0	\$0	\$0

Grant Memorandum

To: Commissioners Court
From: Denton County Budget Office
Date: February 22, 2008

Department/Grant Title: Criminal District Attorney - Treasury Law Enforcement Agencies - Reimbursement of Expenses (01.3126.00.00 & 01.30.10)

Grant Period: October 1, 2007 - September 30, 2008 # of Employees: Overtime Grant

Funding Year/Type: NEW - 1st Year Agreement / Annual Application

Funding Year	Grant Funding	Required Cash Match	County Funding	Total Funding	County %	Grant %
1st Year- FY 2008	\$26,000	\$0	\$0	\$26,000	0.00%	100.00%

COMMENTS:

This agreement is between the Treasury Law Enforcement Agencies and Local, County and State Law Enforcement Agencies for the reimbursement of expenses, for the period of October 1, 2007 through September 30, 2008. The term of participation in the North Texas Asset Forfeiture Task Force is for one fiscal year with the option to be renewed each year as long as the task force is in existence.

This agreement is entered into by the Denton County District Attorney's Office and the Internal Revenue Service and is a proactive enforcement program that identifies individuals and the assets they gain resulting from the perpetuation of complex financial fraud and organized crime, which includes crimes associated with identity theft, fraudulent schemes, illicit drug activities and other crimes that affect the citizens of Denton County.

Reimbursement costs of \$16,000 per year maximum can be used for overtime for law enforcement personnel. Travel and related expenses will provide and an additional \$10,000 maximum for vehicle lease and other related expenses. A leased vehicle will be used for task force business only and the term of the lease will be year to year. Tasks and duties associated with the task force will be accomplished by utilizing existing investigators. All District Attorney expenses for this program will be fully reimbursed.

Please do not hesitate to contact me if you have any questions about my review. Any additional questions should be directed to Jamie Beck with the Criminal District Attorney's Office.

LaDawn Fitzgearld, Budget Analyst
Grant Reviewer



MEMO

To: Denton County Commissioners Court
From: James Wells, Denton County Auditor
Date: February 25, 2008
Re: Certification of Revenue – Treasury Law Enforcement Agencies Contract

Per Chapter 111.707 of the Local Government Code "SPECIAL BUDGET FOR REVENUE FROM INTERGOVERNMENTAL CONTRACTS", the county auditor shall certify to the Commissioners Court the receipt of all revenue from intergovernmental contracts that is available for disbursement in a fiscal year but not included in the budget for that fiscal year. On certification, the court shall adopt a special budget for the limited purpose of spending revenue from intergovernmental contracts for its intended purpose.

Accordingly, this is to certify that:

Additional grant funds in the amount of \$ 26,000 have been received from Internal Revenue Service for the Treasury Law Enforcement Agencies contract for the 2008 fiscal year. These funds are available for disbursement but were not included in the Denton County adopted budget for this fiscal year, therefore, the adoption of a budget amendment to appropriate these funds for spending these funds is appropriate.

James A. Wells, Denton County Auditor

**Denton County
Commissioners Court**

Request For Agenda Placement

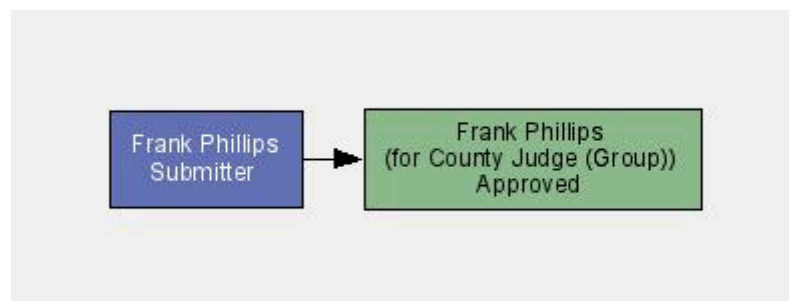
Submitted By: Frank Phillips	Requested Agenda Date: Mar 4, 2008
Department: County Judge	Grouping: ADDENDA

Specific Agenda Wording:

Approval of a resolution requesting the Texas Department of Transportation and the North Texas Tollway Authority to waive the requirement to develop a market valuation as allowed by SB 792 under the Terms and Conditions that the corridor be developed utilizing the Regional Transportation Council's Managed Lanes Policy, and further requesting the North Texas Tollway authority to waive their right to develop the project and to strongly support TxDOT's development of the IH 35E Managed Lanes Project from IH 635 to US 380 and to acknowledge that NTTA's primary role will be to provide the associated toll operations at a reasonable cost, and any appropriate action. County Judge

APPROVAL FLOW

16 - B - NTTA resolution



Denton County Commissioners Court

Mar 4, 2008

Date

Court Order Number

The Order:

Approval of a resolution requesting the Texas Department of Transportation and the North Texas Tollway Authority to waive the requirement to develop a market valuation as allowed by SB 792 under the Terms and Conditions that the corridor be developed utilizing the Regional Transportation Council's Managed Lanes Policy, and further requesting the North Texas Tollway authority to waive their right to develop the project and to strongly support TxDOT's development of the IH 35E Managed Lanes Project from IH 635 to US 380 and to acknowledge that NTTA's primary role will be to provide the associated toll operations at a reasonable cost, and any appropriate action. County Judge

Motion by _____ Seconded by _____

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 _____

Other Action: Pulled from Consent _____ No Action _____ Postponed _____

BY ORDER OF THE COMMISSIONERS COURT:

ATTEST:

Presiding Officer

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

APPROVED AS TO FORM:

BY: _____
Deputy County Clerk

Assistant District Attorney

**A RESOLUTION OF THE
COMMISSIONERS COURT OF DENTON COUNTY, TEXAS
REGARDING THE NORTH TEXAS TOLLWAY AUTHORITY**

- WHEREAS,** Denton County’s support for the tolling of SH 121 was predicated on funding and development of IH 35E within Denton County in a “near time frame”, and;
- WHEREAS,** The SH 121 Memorandum of Understanding executed by Denton County, TxDOT and the North Central Texas Council of governments affirmed the Region’s intent to fund and open IH 35E to traffic by 2011; and;
- WHEREAS,** Denton County has funded through its road bond programs more than \$250 million in “on-system” roadway improvements to roadways that connect to IH 35E, and;
- WHEREAS,** The \$250 million in “on-system” improvement success are directly impacted by the timely development of IH 35E, and;
- WHEREAS,** Denton County, TxDOT and the NCTCOG are scheduled to make recommendations related to the expenditure of SH 121 Regional Toll Revenue funds in April 2008, and;
- WHEREAS,** Denton County will begin in March 2008 to develop a new bond program for the November 2008 election, and;
- WHEREAS,** Denton County will need to first ensure that IH 35E will be developed and funded in a manner that permits its construction from IH 635 to US 380 will begin no later than 2010, and;
- WHEREAS,** Any delay to the development of IH 35E and its managed lanes due to the Market Valuation process outlined in SB 792 will dramatically increase the ultimate cost of IH 35E to Denton County, TxDOT and the Region, and;
- WHEREAS,** Sec. 228.0111 of SB 792 states in part that “the department and a local toll project entity may after agreement on terms and conditions agree to waive the requirement to develop a market valuation under this section.”

NOW THEREFORE BE IT RESOLVED THAT:

That the Denton County Commissioners Court hereby strongly requests the Texas Department of Transportation and the North Texas Tollway Authority to waive the requirement to develop a market valuation as allowed by SB 792 under the Terms and Conditions that the corridor be developed utilizing the Regional Transportation Council's Managed Lanes Policy. Further we request the North Texas Tollway authority to waive their right to develop the project and to strongly support TxDOT's development of the IH 35E Managed Lanes Project from IH 635 to US 380 and to acknowledge that NTTA's primary role will be to provide the associated toll operations at a reasonable cost.

DONE IN OPEN COURT, this the _____ day of _____, 2008, upon motion made by _____ and seconded by _____, and _____ members of the court being present and voting.

MARY HORN, COUNTY JUDGE

CYNTHIA WHITE, COMMISSIONER
PRECINCT 1

RON MARCHANT, COMMISSIONER
PRECINCT 2

BOBBIE J. MITCHELL, COMMISSIONER
PRECINCT 3

ANDREW EADS, COMMISSIONER
PRECINCT 4

ATTEST:

CYNTHIA MITCHELL, County Clerk and Ex-Officio
Clerk of the Commissioners Court of Denton County

BY: _____