

RESOLUTION NO. 2026-09-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS, APPROVING AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF EVERMAN AND THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS FOR THE TRAFFIC SIGNAL PARTNERSHIP PROJECT; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT AND ALL NECESSARY DOCUMENTS ASSOCIATED THEREWITH; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR ALL OTHER MATTERS RELATED THERETO.

WHEREAS, the City of Everman, Texas ("City") is a home-rule municipality duly organized and existing under the laws of the State of Texas; and

WHEREAS, the North Central Texas Council of Governments ("NCTCOG") has been designated as the Metropolitan Planning Organization for the Dallas-Fort Worth Metropolitan Area, and the Regional Transportation Council ("RTC") serves as the regional transportation policy body associated with NCTCOG; and

WHEREAS, on December 12, 2024, the RTC awarded RTC Local funding to the City of Everman for traffic signal improvements within the City; and

WHEREAS, on February 27, 2025, the NCTCOG Executive Board, acting in its capacity as the RTC's fiduciary agent, authorized NCTCOG to enter into an agreement with the City for the RTC Local funds awarded for the project; and

WHEREAS, the proposed Interlocal Cooperation Agreement provides for NCTCOG to reimburse the City for eligible project costs in an amount not to exceed **Two Hundred Seventy-Three Thousand Two Hundred Dollars (\$273,200.00)**; and

WHEREAS, the project generally consists of engineering, design, bidding, construction-phase services, equipment procurement, installation, and activation of a temporary traffic signal at the intersection of Everman Parkway/Shelby Road and South Race Street, together with related improvements and professional services; and

WHEREAS, the City will be responsible for costs exceeding the maximum reimbursement amount and for utility relocation costs associated with the project, which are not eligible for reimbursement under the Agreement; and

WHEREAS, Chapter 791 of the Texas Government Code, known as the Interlocal Cooperation Act, authorizes local governments and other governmental entities to contract with one another for governmental functions and services of mutual interest; and

WHEREAS, the City Council finds that approval of the Interlocal Cooperation Agreement and completion of the traffic signal project will promote public safety, improve traffic operations, reduce congestion, and serve the public health, safety, and welfare of the citizens of Everman and the traveling public.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS:

SECTION 1. FINDINGS INCORPORATED

The findings and recitations contained in the preamble of this Resolution are hereby found to be true and correct and are incorporated herein for all purposes as if fully set forth.

SECTION 2. APPROVAL OF INTERLOCAL COOPERATION AGREEMENT

The City Council hereby approves the **Interlocal Cooperation Agreement between the North Central Texas Council of Governments and the City of Everman for the Traffic Signal Partnership, NCTCOG Project No. TRN7705**, substantially in the form presented to the City Council and attached hereto as **Exhibit "A"**, and incorporated herein by reference.

SECTION 3. AUTHORIZATION OF CITY MANAGER

The City Manager is hereby authorized and directed to execute the Interlocal Cooperation Agreement on behalf of the City of Everman and to execute, submit, certify, and deliver any and all documents, forms, reimbursement requests, certifications, notices, acknowledgments, reports, and other instruments reasonably necessary or appropriate to implement, administer, and carry out the purposes of the Agreement and the project.

The City Manager is further authorized to take all administrative actions reasonably necessary to fulfill the City's obligations under the Agreement, obtain reimbursement of eligible project costs, coordinate with NCTCOG and other governmental entities, and facilitate the design, procurement, construction, installation, activation, and completion of the project, provided such actions remain within the authority granted by this Resolution, the adopted City budget, applicable procurement requirements, and applicable law.

SECTION 4. FUNDING AND CITY OBLIGATIONS

The City Council acknowledges that NCTCOG reimbursement under the Agreement shall not exceed **\$273,200.00**, and that the City shall be responsible for any project costs exceeding the maximum reimbursement amount as well as any utility relocation costs or other costs determined to be ineligible for reimbursement.

Any expenditure of City funds associated with the project shall be made from lawfully available and properly appropriated funds and in accordance with the City's adopted budget, purchasing policies, and applicable state law.

SECTION 5. PROJECT ADMINISTRATION

The City Manager, or the City Manager's authorized designee, is authorized to serve as the City's representative for purposes of administering the Agreement and coordinating the project, including submission and certification of reimbursement requests and other required documentation.

Nothing herein shall authorize the City Manager to materially increase the financial obligations of the City beyond amounts lawfully appropriated by the City Council or to approve a material amendment to the Agreement requiring City Council approval under applicable law.

SECTION 6. SEVERABILITY

Should any section, subsection, sentence, clause, or phrase of this Resolution be declared unconstitutional, illegal, or invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions of this Resolution, and the City Council hereby declares that it would have adopted the remaining portions notwithstanding the invalidity of any part.

SECTION 7. EFFECTIVE DATE

This Resolution shall take effect immediately upon its passage and approval.

PASSED AND APPROVED by the City Council of the City of Everman, Texas, on this 1st day of September, 2026.

APPROVED:

Ray Richardson, Mayor

ATTEST:

APPROVED AS TO FORM:

Mindi Parks, City Secretary

Victoria Thomas, City Attorney