

ACTION FORM BRYAN CITY COUNCIL

DATE OF COUNCIL MEETING: March 25, 2014		DATE SUBMITTED: March 6, 2014	
DEPARTMENT OF ORIGIN: Public Works		SUBMITTED BY: E. Zaragoza	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	STRATEGIC INITIATIVE:
<input type="checkbox"/> BCD	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1ST READING	<input type="checkbox"/> PUBLIC SAFETY
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2ND READING	<input checked="" type="checkbox"/> SERVICE
<input checked="" type="checkbox"/> REGULAR	<input checked="" type="checkbox"/> STATUTORY		<input type="checkbox"/> ECONOMIC DEVELOP.
<input type="checkbox"/> WORKSHOP	<input type="checkbox"/> REGULAR		<input type="checkbox"/> INFRASTRUCTURE
			<input checked="" type="checkbox"/> QUALITY OF LIFE
AGENDA ITEM DESCRIPTION: Consider approving an Interlocal Agreement (ILA) with Brazos County, Texas for the Brazos County Sheriff's Department to provide inmate services in the form of minor public works construction and maintenance projects, landscaping and litter patrol services within the City of Bryan.			
SUMMARY STATEMENT: The Public Works Department is requesting approval of an Interlocal Agreement (ILA) with the Brazos County Sheriff's Department in order to leverage and maximize labor resources to complete select minor public works construction and maintenance projects within the City.			
<p>A previous ILA was adopted by City Council on May 13, 2004, but was limited to the Sheriff's Department performing only minor landscaping maintenance and litter patrol within the City's right-of-ways and Downtown area. The current proposed ILA is broader and not only includes landscaping and litter patrol, but minor public works construction projects as well. In addition, there are provisions for cost sharing on projects (for projects where the County and City both benefit) and agreements to pay the costs of the supervision of inmates (e.g., for projects where the City may be the sole beneficiary).</p> <p>Approving this ILA will replace the existing agreement and expand the scope of projects for which inmate labor may be used. The proposed ILA increases opportunities for inmates to gain work experience and work off some of their sentence as allowed by law while at the same time beautifying the community, providing lower cost public works projects, and maintaining the community's streets, rights-of-way, and public places.</p>			
STAFF ANALYSIS AND RECOMMENDATION: Public Works respectfully request the City Council approve the proposed Interlocal Agreement with Brazos County, Texas for the Brazos County Sheriff's Department to provide inmate services in the form of minor public works construction and maintenance projects, landscaping and litter patrol services within the City of Bryan.			
<p>Approving this ILA will replace the existing agreement and expand the scope of projects for which inmate labor may be used. The proposed ILA increases opportunities for inmates to gain work experience and work off some of their sentence as allowed by law while at the same time beautifying the community, providing lower cost public works projects, and maintaining the community's streets, rights of way, and public places.</p>			
OPTIONS (In Suggested Order of Staff Preference):			
<ol style="list-style-type: none"> 1. Approve the agreement 2. Approve the agreement with modifications, which may require additional review by the County and consideration by the City Council at a future meeting 			

3. Do not approve the agreement

ATTACHMENTS:

1. ILA-City of Bryan and Brazos County Sheriff's Department

FUNDING SOURCE: Funding for projects would come from departments requesting the labor

APPROVALS: Jayson E. Barfknecht 03/06/14; Hugh R. Walker, 03/07/2014

APPROVED FOR SUBMITTAL: CITY MANAGER Kean Register, 03-11-2014

APPROVED FOR SUBMITTAL: CITY ATTORNEY Janis K. Hampton, 03/12/2014

Revised 05/2013

STATE OF TEXAS §

COUNTY OF BRAZOS §

**INTERLOCAL AGREEMENT
CITY OF BRYAN AND BRAZOS COUNTY
BRAZOS COUNTY SHERIFF'S DEPARTMENT INMATE SERVICES**

THIS INTERLOCAL AGREEMENT is hereby made and entered into this ___ day of _____, 2014, by and between the CITY OF BRYAN, TEXAS, a home rule municipal corporation ("Bryan") and BRAZOS COUNTY TEXAS, ("County"), each acting by and through its duly authorized agents;

WHEREAS, the respective participating governments (the "Parties") are authorized by the Interlocal Cooperation Act, Texas Government Code, Chapter 791, to enter into a joint agreement for the performance of the governmental function of constructing and maintaining public works projects and public infrastructure; and

WHEREAS, the Parties have previously entered into an Agreement providing selected and specific maintenance/beautification service through the use of Brazos County Sheriff's Department inmates on May 13, 2004; and

WHEREAS, the Parties desire to terminate and replace the earlier agreement to expand the scope of projects for which inmate labor may be used, increasing opportunities for inmates to gain work experience and work off some of their sentence as allowed by law while at the same time beautifying the community, providing lower cost public works projects, and maintaining the community's streets, rights of way, and public places; and

WHEREAS, the County has Sheriff's Department inmates who are capable of performing community service work, including but not limited to minor public works construction and maintenance projects, landscaping maintenance, and litter patrol; and

WHEREAS, the Parties recognize that allowing inmates to work off time saves the County tax dollars by reducing the number of days in custody, and saves the City tax dollars by reducing labor costs for minor projects; and

NOW THEREFORE, in consideration of the mutual covenants and conditions contained herein, the Parties agree as follows:

A. SCOPE

1. When available, the County shall provide Bryan with supervised inmates who can provide manual labor on minor public works infrastructure construction and maintenance projects, landscaping construction and maintenance projects, litter control, and any other reasonable task requested by the City, agreed to by the County, and permitted by law.

2. Services provided by the County to Bryan shall be limited to City Projects within the Bryan city limits. The Parties may agree to limitations where inmate services may not be used, for example within the vicinity of schools.

11. No Amendment to this Agreement shall be effective and binding unless and until it is reduced to writing and signed by the authorized representatives of all parties.

12. This Agreement has been made under and shall be governed by the laws of the State of Texas. This Agreement and all matters related thereto shall be performed in Brazos County, Texas. The venue of any lawsuits arising out of this Agreement shall be in Brazos County, Texas.

13. Failure of any party at any time, to enforce a provision of this Agreement, shall not constitute a waiver of that provision, nor in any way affect the validity of this Agreement or the right of any party thereafter to enforce each and every provision hereof. No term of this Agreement shall be deemed waived or breach excused unless the waiver shall be in writing and signed by the party(ies) claimed to have waived. Furthermore, any consent to or waiver of a breach will not constitute a consent to or waiver of or excuse of any other different or subsequent breach.

14. It is understood and agreed that this Agreement may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes.

NOW THEREFORE, this Agreement is made and entered into, by and between the City of Bryan and Brazos County, to be effective when signed by the last party whose signing makes the Agreement fully executed.

CITY OF BRYAN

BRAZOS COUNTY

Jason P. Bienski, Mayor

Duane Peters, County Judge

Christopher C. Kirk, County Sheriff

ATTEST:

ATTEST

Mary Lynne Stratta, City Secretary

Karen McQueen, County Clerk

APPROVED AS TO FORM:

Janis K. Hampton, City Attorney