

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

A RESOLUTION authorizing the County Executive to execute an Intergovernmental Cooperative Agreement with the Mid-America Regional Council to participate in the first phase of the Little Blue River Watershed Feasibility Study, at an actual cost to the county in the amount of \$9,469.00.

RESOLUTION NO. 20735, August 9, 2021

INTRODUCED BY Tony Miller, County Legislator

WHEREAS, the U.S. Army Corps of Engineers has proposed a cost-share study be performed to identify mitigation and restoration strategies related to ongoing flooding and degradation occurring along the entire length of the Little Blue River and its tributaries in Jackson County; and,

WHEREAS, the County owns and manages significant land holdings and improvements in the Little Blue watershed, including the Little Blue Trace Trail, the longest trail in Jackson County, that has experienced significant damage from flooding in recent years; and,

WHEREAS, the funds for the first phase of the study are available from a federal grant secured by the U.S. Army Corps of Engineers, and from local governments participating in the watershed in the study as stakeholders, in amounts determined by their owned land area within the watershed; and,

WHEREAS, the U.S. Army Corps of Engineers is responsible for development of project scope, including preliminary engineering analysis, the project schedule and the long-term project budget in partnership with participating communities and the Mid-America Regional

Council (MARC) is responsible for management and facilitation of the project, technical staff support, and use of its database of relevant natural resource information to support the project's development; and,

WHEREAS, participation in the first phase of the study does not commit the County, or any other stakeholder, to participate in any future study phase or the actual implementation of any project; now therefore,

BE IT RESOLVED by the Legislature of Jackson County, Missouri, that the County Executive be and hereby is authorized to execute the attached agreement with MARC to participate the first phase of the Little Blue River Watershed Feasibility Study, at an actual cost to the County in the amount of \$9,469.00; and,

BE IT FURTHER RESOLVED that the Director of Finance and Purchasing be and hereby is authorized to make all payments, including final payment on the Agreement.

Effective Date: This Resolution shall be effective immediately upon its passage by a majority of the Legislature.

APPROVED AS TO FORM:

Quynh D. Hatcher
Chief Deputy County Counselor

Bryan O. Corish
County Counselor

Certificate of Passage

I hereby certify that the attached resolution, Resolution No. 20735 of August 9, 2021, was duly passed on *August 16*, 2021 by the Jackson County Legislature. The votes thereon were as follows:

Yeas *9*

Nays *0*

Abstaining *0*

Absent *0*

 8.16.2021
Date

Mary Jo Spino
Mary Jo Spino, Clerk of Legislature

There is a balance otherwise unencumbered to the credit of the appropriation to which the expenditure is chargeable and there is a cash balance otherwise unencumbered in the treasury to the credit of the fund from which payment is to be made each sufficient to provide for the obligation herein authorized.

ACCOUNT NUMBER: 013 1507 56060
ACCOUNT TITLE: County Improvement Fund
Special Projects in Public Works
Other Improvements
NOT TO EXCEED: \$9,469.00

 8/5/2021
Date

Anthony Starn
Chief Administrative Officer

MID-AMERICA REGIONAL COUNCIL
LITTLE BLUE RIVER WATERSHED FEASIBILITY STUDY – PHASE ONE

AGREEMENT

PARTIES: **Jackson County, MO (County) and Mid-America Regional Council, (“MARC”)**

R E C I T A L S:

1. Dramatic changes in the Little Blue River’s basin conditions related to urbanization and other factors are causing increased frequency of flooding and rapid erosion that threatens the large federal investment and other significant public infrastructure, as well as the protected communities and installations. If continued unchecked, the adverse effects of the transforming watershed will cause significant deterioration to the federal flood-protection projects, increasing damage to critical infrastructure, wildlife habitat and public recreation investment. A comprehensive watershed study is required to unite the communities and agencies in the leveraging of resources for the protection of federal investment, infrastructure, habitat conservation, and storm water management allowing for increased economic benefits to the area.
2. The United States Army Corps of Engineers (“Corps”) has authorization to conduct a comprehensive Little Blue River Watershed Feasibility Study in partnership with local communities that determines the causes and potential solutions to demonstrated watershed impacts. The authorization provides for federal support for one-half of study costs. The other half of study costs will be contributed by local partners (“Stakeholders”).
3. The first phase of this project, funded through this agreement, will be to develop a detailed scope of work, schedule and budget for the overall initiative. The effort will be carried out in coordination with and with the full participation and agreement of Stakeholders. Stakeholder participation in subsequent project phases will be determined after the scoping process is completed.
4. The Project leverages substantial resources from a variety of Stakeholders. The following cities, counties and agencies have expressed an interest in participating in Phase One of the Little Blue River Feasibility Study:
 - Cities of Belton, Blue Springs, Grandview, Independence, Kansas City, Lee’s Summit and Raytown in Missouri
 - Jackson County, Missouri,
 - Mid-America Regional Council, and
 - United States Army Corps of Engineers, Kansas City District.
5. The Stakeholders have requested that MARC serve as the official “Non-Federal Sponsor” to enter into an agreement with the Corps to conduct the study. MARC will coordinate and facilitate Stakeholder support of, participation in and contributions to the upcoming study. Further, MARC will help assure that the Stakeholders’ needs are addressed during the study, including but not limited to the following:
 - Long-term viability of federal infrastructure investments

- Reliable flood protection along the Little Blue River and its tributaries
- Stable tributary channels, river banks and bed elevation, and
- Natural habitat and ecosystem protection and restoration.

PURPOSE:

Jackson County, Missouri is interested in participating in a partnership to develop an initial scope of work, schedule and budget for Phase One of Little Blue River Feasibility Study (“Project”).

PROJECT COST

Total project cost for developing a detailed scope of work, schedule and budget: \$70,000 from August 1, 2021 – March 31, 2022:

- USACE – Development of project scope, schedule and budget in partnership with participating communities - \$50,000, of which one-half will be paid with federal resources.
- MARC – Management, Facilitation and Administration Cost - \$20,000.

EFFECTIVE

The parties mutually agree to Articles I, II, and III in accordance with this Agreement from the 1st day of August 2021 until the 31st day of March 2022. This agreement may be renewed thereafter to provide continued funding for the Project as mutually determined by the Corps and Stakeholders, including Jackson County, Missouri.

ARTICLE I

Jackson County, Missouri AGREES:

1. To fund their portion of the Project not to exceed \$9,469, with payment due on or before September 30, 2021.
2. To provide MARC at least sixty (60) day notice of its intent to no longer participate in the Project.

ARTICLE II

MARC AGREES:

1. To provide project management and stakeholder facilitation.
2. To contract with the Corps to develop a scope of work, schedule and budget. Implementation of the project will be carried out in a subsequent phase of the project. The Corps will contribute \$25,000 in federal funds to the project.
3. MARC will collect funds from the County and other stakeholders, and disburse \$25,000 in funds to the Corps; and
4. MARC will retain \$20,000 to administer and facilitate the project.

ARTICLE III

BOTH PARTIES MUTUALLY AGREE:

1. That this Agreement and all contracts entered into under provisions of this Agreement shall be binding upon the County and MARC; and
2. That no third party beneficiaries are intended to be created by this Agreement, nor do the parties herein authorize anyone not a party to this Agreement to maintain a suit for damages pursuant to the terms or provisions of this Agreement.

IN WITNESS WHEREOF: the parties hereto have caused this Agreement to be signed by their authorized officers on the day and year first above written.

Mid-America Regional Council

Jackson County, Missouri

David Warm
Executive Director

Frank White Jr.
Jackson County Executive

Date

Date