

CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: Public Health

AGENDA DATE: January 27, 2009

CONTACT PERSON/PHONE: Michael Hill , Department of Public Health, 771-5702.

DISTRICT(S) AFFECTED: All

SUBJECT: Authorize the Mayor to sign an Inter-local agreement with the county for Animal Shelter Advisory Committee (ASAC).

BACKGROUND / DISCUSSION: Request that the Mayor be authorized to sign an Inter-local agreement with El Paso County. The agreement authorizes the city's new ASAC to serve as the ASAC for the County, thus fulfilling the statutory obligation of both entities to have an ASAC in their jurisdiction. The Inter-local agreement was approved by the Commissioner's Court on January 12, 2009.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

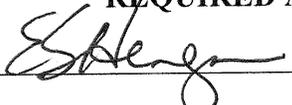
Council recently took action to create a new city ASAC to replace a former joint City-County committee

AMOUNT AND SOURCE OF FUNDING: No fiscal impact.

BOARD / COMMISSION ACTION:

Enter appropriate comments or N/A

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required)  **FINANCE:** (if required) _____

DEPARTMENT HEAD: _____

(Example: if RCA is initiated by Purchasing, client department should sign also)

Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA: _____

CITY MANAGER: _____ **DATE:** _____

CITY CLERK DEPT.
09 JAN 15 PM 12:38

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Interlocal Governmental Agreement between the CITY OF EL PASO ("City") and the COUNTY OF EL PASO ("County"), for the provision of authorizing the city's new Animal Shelter Advisory Committee to serve as the Animal Shelter Advisory Committee for the County.

Dated this 27th day of January 2009.

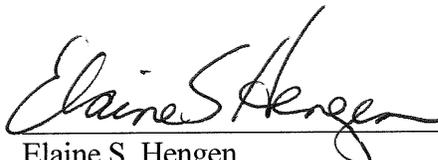
CITY OF EL PASO

John F. Cook, Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM



Elaine S. Hengen
Senior Assistant City Attorney

APPROVED AS TO CONTENT



Michael Hill, Director
Department of Public Health

CITY CLERK DEPT.
09 JAN 15 PM 12:39

STATE OF TEXAS)
)
COUNTY OF EL PASO)

INTERLOCAL AGREEMENT

THIS AGREEMENT is entered into on last listed approved date below between the CITY OF EL PASO, TEXAS (“City”), a home rule municipal corporation, and the COUNTY OF EL PASO, TEXAS ("County"), a duly formed Texas county, by and through its duly authorized officials, pursuant to the Interlocal Cooperation Act.

RECITALS

WHEREAS, the City and County are authorized to enter into this Agreement pursuant to the Interlocal Cooperation Act, Chapter 791, Texas Government Code; and

WHEREAS, the City and the County are required by the terms of Section 823.005, Texas Health and Safety Code, to appoint an advisory committee to assist in complying with the terms of that statute, as there are animal shelters located within each entity’s jurisdiction; and

WHEREAS, the City and the County mutually agree to terminate the Interlocal Agreement dated February 3, 1987, and amended on February 9, 1999, which had created a joint animal shelter advisory committee, and hereby enter into this Agreement that will allow the City’s Animal Shelter Advisory Committee to perform the statutory functions for the County within the unincorporated areas of the County of El Paso; and

WHEREAS, nothing in this agreement precludes the City and the County, either mutually or separately, from creating additional boards or committees to study animal welfare issues and provide advice and recommendations back to the governing bodies regarding those issues.

FOR THESE REASONS, and in consideration of the mutual promises contained in this Agreement, the County and the City mutually agree as follows:

1. TERMINATION OF PRIOR AGREEMENT. The City and the County mutually agree to terminate, effective 11:59 p.m, January 31, 2009, the Interlocal Agreement dated

February 3, 1987, and amended on February 9, 1999, which had created a joint animal shelter advisory committee.

2. ESTABLISHMENT OF ADVISORY COMMITTEE. The City of El Paso has by ordinance, effective February 1, 2009, created an Animal Shelter Advisory Committee in compliance with Section 823.005, Texas Health and Safety Code, which performs the statutorily required duties within the city limits of the City of El Paso.

3. DUTIES AND SERVICES IN THE COUNTY.

- A. The Animal Shelter Advisory Committee is hereby designated by the County as its committee that will perform the duties required by Chapter 823, Texas Health and Safety Code, for and on behalf of the County of El Paso within the unincorporated areas of the County, effective February 1, 2009.
- B. The City shall provide copies of the Committee's annual report and the minutes of the Committee's meetings held during that year to the County Judge within 30 days after the City Council receives the annual report. Such documents may be mailed to the address contained in Paragraph 5, or otherwise delivered to include electronic delivery to up to three separate email addresses provided by the County Judge.

4. PAYMENT FOR SERVICES.

- A. In the event that the County elects to receive paper copies of the documents referenced in Paragraph 3B, the City shall bill the County on an annual basis for the administrative costs of providing such documents at the rates established by the State of Texas for charges under the Public Information Act.
- B. In the event that it is necessary for City staff to travel to animal shelters outside of the El Paso City limits in conjunction with the provision of administrative assistance to the Committee in the enforcement of the Committee's statutory duties, the County shall reimburse the City for such actual services to include reimbursement of the City's costs for the employees' services and the actual mileage traveled at the current rate established by the Internal Revenue Service.

C. The County shall pay all bills sent by the City pursuant to this paragraph within 30 days after receipt. Prior to the deadline for payment, the County may request clarification, if necessary, regarding the amounts billed.

5. TERMINATION. This Agreement may be terminated by either party upon sixty days written notice to the other party at the following addresses:

CITY: City of El Paso
Attn: City Manager
2 Civic Center Plaza
El Paso, Texas 79901

COUNTY: County of El Paso
Attn: County Judge
500 E. San Antonio
El Paso, Texas 79901

6. SEVERABILITY. Every provision of this Interlocal Agreement is intended to be severable. If any term or provision hereof is illegal or invalid for any reason whatsoever, such illegality or invalidity shall not affect the validity of the remainder of this Agreement.

7. ENTIRE AGREEMENT; AMENDMENTS. This Interlocal Agreement constitutes the entire understanding of the parties hereto with respect to the subject matter hereof and no amendment, modification or alteration of the terms shall be binding unless the same is in writing, dated subsequent to the date hereof and duly executed by the parties hereto.

(signature pages to follow)

Signature page for the City of El Paso, Interlocal Agreement between
the City of El Paso and the County of El Paso, Texas.

CITY OF EL PASO

John F. Cook, Mayor

APPROVED this ____ day of _____ 2009.

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Elaine S. Hengen
Senior Assistant City Attorney

CITY CLERK DEPT.
09 JAN 15 PM 12:39

(signatures continue on the following page)

Signature page for the County of El Paso, Interlocal Agreement between
the City of El Paso and the County of El Paso, Texas.

COUNTY OF EL PASO

County Judge Anthony Cobos

APPROVED this ____ day of _____, 2009.

ATTEST:

APPROVED AS TO FORM:

County Clerk

County Attorney