

RESOLUTION

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

That the City Manager be authorized to sign a 2007 Affiliate Event Agreement by and between the City of El Paso and The Texas Round-Up, Inc. to allow the El Paso Ciclo Via to be recognized as an official Affiliate Event of the 2007 Texas Round-Up and for the City of El Paso to actively promote the Governor's Challenge Program.

APPROVED this ____ day of February 2007.

THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Momsen Duffy
City Clerk

APPROVED AS TO FORM:


Sylvia Borunda Firth
Senior Assistant City Attorney

CITY CLERK DEPT.
07 FEB - 7 AM 9:20



TEXAS

ROUND-UP

HEALTH & FITNESS INITIATIVE

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2007 Affiliate Event Agreement

This agreement ("Agreement") is entered into this 13th day of February 2007 by and between The Texas Round-Up, Inc. ("Corporation"), and City of El Paso ("Affiliate") to set forth the terms and conditions upon which Affiliate agrees to be associated with the 2007 Texas Round-Up ("Texas Round-Up Event"). The Corporation and the Affiliate are hereinafter referred to as the "Parties."

The Texas Round-Up Event, and any Affiliate Program and Event sponsored by the Affiliate are conducted to promote and fulfill the Corporation's mission to improve the health of Texas through education and promotion of physical activity and healthy living. The Corporation seeks to improve the quality of life by encouraging our community to sustain life-long habits of fitness and health through events and programs such as the Texas Round-Up. The Corporation is a non-profit organization exempt from federal tax pursuant to §501 (c)(3) of the Internal Revenue Code.

1. This Agreement shall be effective from the date first set forth above through December 31, 2007 ("Term").
2. The Affiliate desires to hold the following described physical fitness event ("Affiliate Event"): "Ciclo Via," El Paso, Texas, and by its signature below, the Corporation agrees to recognize the Affiliate Event as an official Affiliate Event of Texas Round-Up.
3. The Corporation grants the Affiliate a limited, non-exclusive license to use the Corporation's name, logo, service marks and trademarks ("Corporation Licensed Marks") solely for the purpose of including the Corporation in listings and descriptions of the Affiliate's promotional materials and advertisements for the Affiliate Event during the Term of this Agreement. The Affiliate shall not sublicense, transfer or assign the use of the Corporation Licensed Marks or sponsor licensed marks to any person or entity without the prior written consent of the Corporation or the sponsor. Except for the non-exclusive license to use granted herein, Affiliate acquires no right, title or interest in (or any goodwill associated with) the Corporation Licensed Marks or the Texas Round-Up Event.
4. The Corporation encourages the Affiliate to actively promote the Corporation's Governor's Challenge program. The Affiliate's participation can be counted towards a possible award in the Governor's Challenge. If the Affiliate is part of the Governor's Challenge program, the Affiliate agrees to utilize the Corporation's online Activity Training Program, powered by The Active Network, Inc., for data collection and analysis so that competition scores and results can be accurately tabulated for the Governor's Challenge.

5. The Affiliate agrees to place on the home page for its Affiliate Event web site and on all collateral promotional material the logo from the Corporation's Presenting Sponsor.

The Corporation will provide the logo to the Affiliate, upon approval from the Presenting Sponsor. The Affiliate may not use the logo, service marks and trademarks of the Corporation's Presenting Sponsor without prior written consent from the Corporation and the sponsor.

6. The Affiliate agrees not to recognize any sponsors of its Affiliate Event that conflict or compete with the Corporation's Presenting Sponsor of the Texas Round-Up Event. The Corporation will provide a complete list of sponsors. The Affiliate has secured the following sponsors:

\$15,000:

City of El Paso
Paso Del Norte Health Foundation
Cemex

\$10,000:

Hunt Family Foundation
Western Refining
Tenent Healthcare Foundation

\$7,500:

El Paso Electric Company

\$5,000:

Texas Gas Services
Dean Foods (Prices)
Petro Shopping Centers
Jobe Concrete Products

\$2,500:

Access Health Services
InterNational Bank
First Southwest Company

\$1,100:

Rep. Beto O'Rourke

\$1,000:

Law Office of James Martinez

\$500:

Rep. Presi Ortega
Mounce Green Law Firm

\$400:

Rep. Ann Morgan Lily

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The Corporation recognizes the Affiliate will continue to solicit sponsorships, but the Affiliate agrees that sponsors will not conflict with the Corporation's major sponsors.

7. The Affiliate agrees to provide the Corporation with the following statistics, as they relate to the Affiliate Event:

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- Total race registrations
- Race registrations by gender
- Race registrations by age:
 - 18 and Under
 - 19-35
 - 36-50
 - 51-65
 - 65 and Over
- Percent change in race registrations from 2006, if available

8. The Affiliate agrees to comply with all federal, state and local laws and regulations in hosting the Affiliate Event.

9. The Corporation will provide the Affiliate with consulting services on how to hold a successful Affiliate Event. The content and amount of services provided shall be in the Corporation's sole discretion, and the Corporation makes no representation on the success of the Affiliate Event.

10. The Corporation will recognize the affiliation in all Affiliate literature produced by the Corporation. The Corporation will provide the Affiliate with promotional material, such as posters and brochures, and will also provide a link from the Corporation's web site to the Affiliate Event's home web page.

11. The Corporation will provide the Affiliate, at no charge, one (1) 10x10 booth at the Texas Round-Up Health and Fitness Expo on Friday, April 27, 2007. In addition, the Corporation will provide the Affiliate Event with a Start Line Banner and Finish Line Tape ("Banners") that will include the name and logo of the Affiliate Event and the Corporation. The Texas Round-Up logo and the words, "A Texas Round-Up Event" will also need to be clearly displayed. The layout and content of the Banners is the responsibility of the Affiliate, but must be approved by the Corporation. Costs associated with the design and production of the Banners will be paid for by the Corporation.

12. While the Corporation recognizes the Affiliate Event as an affiliate to the Texas Round-Up Event, other than the requirements contained in this Agreement, the Corporation will have no duties, responsibility or control over the Affiliate Event.

13. TO THE EXTENT PERMITTED BY APPLICABLE LAW, THE AFFILIATE AGREES TO AND HEREBY, DOES INDEMNIFY, DEFEND (BY COUNSEL CHOSEN BY THE CORPORATION) AND AGREES TO HOLD HARMLESS THE CORPORATION, ITS OFFICERS, DIRECTORS, EMPLOYEES AND AGENTS ("INDEMINITEES") FROM ANY AND ALL CLAIMS, LIABILITIES, DAMAGES, LOSSES AND EXPENSES ALLEGED, INCURRED OR ASSESSED THAT ARISE OUT OF, OR ARE INCIDENT TO ANY ACTS, ERRORS OR OMISSIONS, TAKEN BY THE AFFILIATE, ITS SUBSIDIARIES OR AFFILIATES OR ANY OF THEIR OFFICERS, DIRECTORS, GOVERNING BODY, SHAREHOLDERS, PARTNERS,

AGENTS, REPRESENTATIVES, INDEPENDENT CONTRACTORS AND EMPLOYEES, IN CONNECTION WITH THE AFFILIATE EVENT, UNLESS SUCH CLAIMS, LIABILITIES, DAMAGES, LOSSES OR EXPENSES ARE CAUSED BY THE GROSS NEGLIGENCE BY AN INDEMNITEE.

- 14. If Affiliate breaches this Agreement, and the breach continues for more than fifteen (15) days after the Affiliate receives written notice of the breach from the Corporation, the Corporation may terminate this Agreement, bring a suit for specific performance or damages, or seek any combination of these remedies.
- 15. This Agreement shall be governed by the laws of the State of Texas, and venue for any cause of action arising out of this Agreement shall be in a court of competent jurisdiction in Travis County, Texas.
- 16. This Agreement constitutes the sole agreement between the Parties, and no amendment or other modification of this Agreement is valid unless it is in writing and signed by the Parties.
- 17. This Agreement shall not be assignable except by prior written consent of the Parties.
- 18. The signatories below and the Parties represent that they have the authority to enter this Agreement.

AGREED AND ACCEPTED:

AFFILIATE: CITY OF EL PASO

TEXAS ROUND-UP, INC.

By: _____
Joyce A. Wilson

By: _____

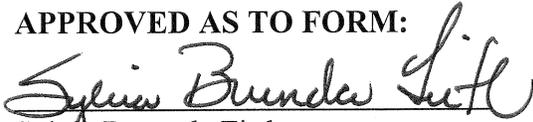
Title: City Manager

Title: _____

Date: _____

Date: _____

APPROVED AS TO FORM:



Sylvia Borunda Firth
Senior Assistant City Attorney

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Contact Information:

Affiliate Name: City of El Paso Contact: Sylvia Borunda Firth

Phone Number: 915-541-4656 Contact e-mail: firthsb@elpasotexas.gov

Website URL: _____

Address: 2 Civic Center Plaza, 10th Floor

City: El Paso State: Texas Zip: 79901

Federal Tax ID # or SSN: Tax ID #1746000749

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The logo features a solid black square on the left. To its right, the word "TEXAS" is written in a small, spaced-out, sans-serif font. Below "TEXAS", the words "ROUND-UP" are written in a large, bold, sans-serif font. Underneath "ROUND-UP", the words "HEALTH & FITNESS INITIATIVE" are written in a smaller, bold, sans-serif font.

**TEXAS
ROUND-UP
HEALTH & FITNESS INITIATIVE**

AFFILIATES PROGRAM

TALKING POINTS FOR PRESENTERS

THE TEXAS ROUND-UP IS A STATEWIDE HEALTH AND FITNESS INITIATIVE. Its MISSION IS TO STRIVE TO IMPROVE THE HEALTH OF TEXAS THROUGH EDUCATION AND PROMTION OF PHYSICAL ACTIVITY AND HEALTHY LIVING.

IT WAS ESTABLISHED TO ENCOURAGE AND ASSIST CITIES ACROSS TEXAS IN ADDRESSING THE INCREASE IN BOTH CHILDHOOD AND ADULT OBESITY AND TO BEGIN TO STEM THE COSTS OF OBESITY-RELAETEDE HEALTH ISSUES FOR BOTH INDIVIDUALS AND CITIES.

OUR CITY WILL BENEFIT FROM AN AFFILIATION WITH THE TEXAS ROUND-UP IN SEVERAL WAYS:

RAISE AWARENESS OF OUR RESIDENTS OF THE IMPORTANCE OF HEALTHIER LIFESTYLES

INCREASE SENSE OF COMMUNITY THROUGH POSITIVE LIFESTYLE PROGRAMS

RECEIVE STATEWIDE RECOGNITION FOR ESTABLISHING A PRO-ACTIVE PROGRAM TO ADDRESS A STATEWIDE HEALTH ISSUE

THE PROGRAM IS FREE TO OUR CITY

WHAT WOULD OUR CITY BE REQUIRED TO DO:

APPOINT SOMEONE TO BE LIAISON WITH THE TEXAS ROUND-UP.
(OUR LIAISON WOULD BE ENTITLED TO RECRUIT OTHERS TO ASSIST IN THE ADMINISTRATION OF THE PROGRAM)

DETERMINE HOW WE WANT TO PROMOTE AN ACTIVITIES PROGRAM IN OUR COMMUNITY, AND PARTICIPATE IN THE TEXAS ROUND-UP 6-WEEK ONLINE SYSTEM @ WWW.TEXASROUNDUP.ORG

ESTABLISH A CENTRAL LOCATION FOR RESIDENTS TO USE AS A RESOURCE FOR INFORMATION AND ACCESSING THEIR ONLINE WORKOUT LOGS

WE WOULD PLACE THE TEXAS ROUND-UP LOGO ON OUR OFFICIAL CITY WEBSITE

THE TEXAS ROUND-UP WOULD PROVIDE:

PROFESSIONAL SUPPORT AND EXPERTISE IN ADMINISTERING THE PROGRAM, IN AN ADVISORY CAPACITY

PROVIDE, AT NO COST TO THE CITY, A BANNER BEARING CITY OR EVENT LOGO, ALONG WITH THE TEXAS ROUND-UP LOGO, TO HANG AT OUR DESIGNATED HEADQUARTERS

ADVERTISE OUR CITY AS AN OFFICIAL TEXAS ROUND-UP CITY IN ALL APPROPRIATE MATERIALS PRINTED AFTER THE AGREEMENT HAS BEEN SIGNED

PLACE OUR CITY'S INFORMATION ON THE TEXAS ROUND-UP WEBSITE

OUR CITY WOULD BE PROCLAIMED AND "OFFICIAL TEXAS ROUND-UP CITY" AND WOULD RECEIVE AN OFFICIAL PROCLAMATION.

WE WOULD BE INVITED TO PARTICIPATE IN ALL OFFICIAL TEXAS ROUND-UP VIP FUNCTIONS INCLUDING, BUT NOT LIMITED TO: THE OFFICIAL KICK-OFF PRESS CONFERENCE (PROJECTED FOR FEBRUARY 14, 2007); GOVERNOR'S CHALLENGE CUP AWARDS CEREMONY AND RECEPTION (APRIL 27, 2007); VIP TENT AT ANNUAL STATEWIDE FAMILY FITNESS EVENT (APRIL 28, 2007)

THE TEXAS ROUND-UP IS NOT A PROGRAM FOR WOULD-BE WORLD-CLASS ATHLETES, BUT A PROGRAM FOR ALL OF US WHO WOULD BENEFIT BY MAKING AN EFFORT TO BE MORE ACTIVE TODAY THAN WE WERE YESTERDAY. ONE STEP AT A TIME.

WE, AS CITY LEADERS, KNOW THE IMPORTANT ISSUES FACING OUR COMMUNITY. IT IS IMPORTANT FOR US TO KEEP SIGHT OF THE FACT THAT OUR COMMUNITY, AS A WHOLE, AND OUR RESIDENTS, INDIVIDUALLY CAN WORK TOGETHER TO BECOME HEALTHIER, AND MORE ACTIVE.

TEXAS ROUND-UP

AFFILIATES PROGRAM • INFORMATION SHEET

WHY BECOME A TEXAS ROUND-UP CITY?

- For the health and well being of your city residents
- Raise community awareness about the benefits of physical activity
- To educate your city's youth about healthy lifestyles
- Raise awareness of the importance of physical activity
- Begin to combat the rising rate of obesity-related health issues

WHAT WOULD MY CITY HAVE TO DO?

HOST A FITNESS EVENT:

- 10K – 5K – 1 mile run/walk
- Biking event
- Swimming event
- Family sports day
- Whatever you choose
- Partner with an existing fitness event

OR

PARTNER WITH THE ACTIVITIES PROGRAM:

- Pro-active community outreach to advocate active lifestyle choices
- Publicly support the Texas Round-Up Activities Program initiative
- Form a "city" team and compete for trophies
- Get local businesses to support your program

OR

PARTICIPATE IN THE STATEWIDE EVENT IN AUSTIN

WHAT THE TEXAS ROUND-UP CAN DO TO HELP?

- Provide professional guidance to achieve your goals
- Supply assistance in your start-up program
- Assist in publicizing your participation
- Provide Start- and Finish-line banners for your event
- Provide free booth for your city at the statewide Texas Round-Up event in Austin
- Host events in local schools to further healthy lifestyles

HOW WILL MY CITY BE RECOGNIZED FOR THEIR EFFORTS?

- Invitations to Texas Round-Up VIP functions
- Official recognition as a Texas Round-Up Affiliate City
- Opportunity to challenge other cities to follow your lead

HOW DO I GET MORE INFORMATION?

Contact our Affiliates Coordinator, Penny Wheat at
(512) 378-0014 or penny@texasroundup.org.



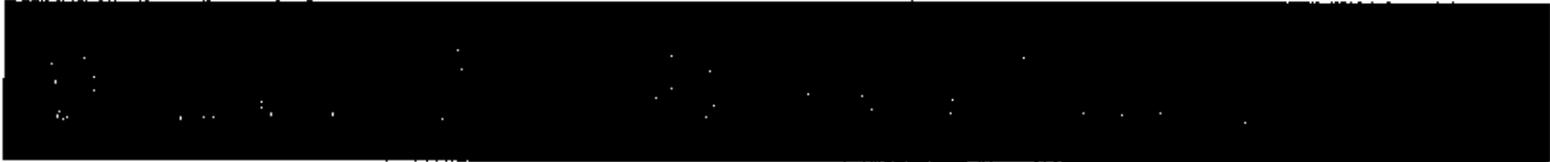


The Texas Round-Up Activities Program is a training initiative available to all Texans, regardless of age or current activity level. It provides free, professionally designed online training programs, as well as the option to choose from a list of individual activities.

Participation can be as part of a team, or as an individual. Everyone who logs their daily activities at www.texasroundup.org, will be eligible to compete for the Governor's Challenge awards. Satisfactory completion of each 6-week program will, also, allow participants to download a completion certificate signed by Governor Perry.

The town of DISH is a Texas Round-Up affiliate for the Activities Program, and takes a pro-active roll in promoting active lifestyles for all it's residents.

 **TEXAS**
ROUND-UP
HEALTH & FITNESS INITIATIVE



The Texas Round-Up strives to improve the health of Texas through education and promotion of physical activity and healthy living.

Through a targeted program that includes exercise, goal setting, education, and outreach, we have helped tens of thousands of Texans adopt and continue healthy exercise habits, and we are determined to continue this success through an effective public education program that includes Texans of all ages. Our goal is to engage cities across Texas to become staunch advocates for healthy living. The Texas Round-Up provides communities a chance for all Texans to dedicate themselves to a healthy future by rallying together and motivating each other to adopt and maintain healthier lifestyles.

 TEXAS
ROUND-UP
HEALTH & FITNESS INITIATIVE

Celebrate your community health! Encourage your city to take part in a Texas Round-Up event.

Texas Round-Up Affiliate Cities are encouraged to host a fitness event or participate in the statewide event held in Austin. You can establish a new event, or partner with an existing event in your city. Texas Round-Up events can include fun runs, swim-a-thons, bike races, days of fitness, walk events, soccer games and much more. Be creative. You can host any fitness or sport event that appeals to your local community.

Events hosted by affiliate cities also have the option of holding the event the same day as the Texas Round-Up in Austin, or cities may choose an alternate date.

Let us add your city to the following scheduled events:



Texas Round-Up 10K-5K-Family Mile
Austin, Texas
April 28, 2007

TEXAS
ROUND-UP
HEALTH & FITNESS INITIATIVE



Governor Perry's letter to all Mayors of Texas stated that "Many recent studies have shown roughly one in four adult Texans is obese. This affects not only individual health, but the health of our communities and society as a whole. Obesity and obesity-related illnesses currently cost Texas taxpayers and businesses billions in lost productivity and direct medical care costs. The Texas Round-Up is one of the ways we can work together to stop this unhealthy trend."

In today's environment, it is more difficult than ever to get all the exercise our bodies need through just our daily routine activities. The Texas Round-Up provides a professional, sensible approach to choosing activities which result in strong and healthy bodies, while fitting easily into busy schedules.

The Texas Round-Up is a program of health and fitness for Texans of all ages, at any fitness level. Everyone can enjoy the benefits of a healthier, more active lifestyle.

 **TEXAS**
ROUND-UP
HEALTH & FITNESS INITIATIVE

You can be instrumental in bringing this health and fitness initiative to your city. Join the Texas Round-Up movement and help make Texas the Fittest State in the Nation!

There are no membership fees to become an Official Texas Round-Up City. All we ask is a commitment to help us encourage Texans to incorporate physical activity and healthy choices into their daily lives.

Affiliated cities are encouraged to promote the online Activity Program and/or host a fitness event. Join the growing list of Texas Round-Up cities and become a part of this special statewide initiative.

