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

CITY CLERK DEPT.
07 MAR -1 PM 2:17

DEPARTMENT: Municipal Clerk

AGENDA DATE: March 6, 2007

CONTACT PERSON/PHONE: Richarda Momsen, (915) 541-4127

DISTRICT(S) AFFECTED: All

SUBJECT:
APPROVE a resolution / ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include $ amount if applicable.

Approve a Resolution that the Mayor be authorized to sign an Interlocal Governmental Agreement between the City of El Paso and the El Paso, Socorro, and Ysleta Independent School Districts to allow for a joint election on May 12, 2007, for the purpose of sharing the costs.

BACKGROUND / DISCUSSION:
Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

To allow for the necessary interlocal agreements for a joint election that prorates the cost of the election among the City and the participating school districts.

PRIOR COUNCIL ACTION:
Has the Council previously considered this item or a closely related one?

Yes, every election year

AMOUNT AND SOURCE OF FUNDING:
How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

Yes, the election is budgeted.

Department	11010009	Municipal Clerk
Account.	502203	Elections
Fund	01101	General Fund

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:** _____

RESOLUTION

CITY CLERK DEPT.
07 MAR -1 AM 10:05

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 and Ysleta Independent School District to allow for a joint election on May 12, 2007 for the purpose of sharing the costs.

APPROVED this 6th day of March, 2007.

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

#28840\CityClerk\9\Reso YISD joint election\EHEN

STATE OF TEXAS §
§ Interlocal Government Agreement
COUNTY OF EL PASO §

CITY CLERK DEPT.
07 MAR -1 AM 10:05

This Agreement is entered by and between the City of El Paso ("CITY"), a municipal corporation situated in El Paso County, Texas, and Ysleta Independent School District ("YISD"), an Independent School District situated in El Paso County, Texas, pursuant to the Interlocal Cooperation Act, Art. 791.001 et seq., Texas Government Code.

WITNESSETH

WHEREAS, CITY and YISD, desire to hold a joint election on May 12, 2007 and a runoff election if necessary, and if both parties designate the same date for any runoff election for the purpose of sharing the costs of election;

NOW THEREFORE, IT IS HEREBY AGREED AS FOLLOWS:

1. PURPOSE. The purpose of this Agreement is to allow CITY and YISD to hold a joint election on May 12, 2007, and a joint runoff election, if needed and if both parties designate the same date for a runoff election, pursuant to Chapter 271 of the Texas Election Code.

2. TERM. The term of this Agreement shall begin as of the effective date and end on May 17, 2007 or on the sixth day after the date of any runoff election, provided both parties designate the same date for the runoff election.

3. LOCATION OF COMMON POLLING PLACES. The voters of particular election precincts may be served in this joint election by a common polling place located outside the boundary of the election precinct, inasmuch as the parties hereto have determined that the location of such polling places, as recommended by the County Elections Administrator, will adequately and conveniently serve the affected voters, and will facilitate the orderly conduct of the election, pursuant to Section 271.003 of the Texas Election Code.

4. ALLOCATION OF EXPENSES. CITY and YISD agree to provide to the County Election Department their respective costs as determined by the Elections Department pursuant to their respective agreements with the Election Department for the May 12, 2007 election, and any jointly held runoff election pursuant to Section 271.004 of the Texas Election Code. If either party cancels an election because a candidate is unopposed, then its share of the costs shall be adjusted accordingly.

5. EARLY VOTING. The parties hereto agree to conduct their early voting for the May 12 election any jointly held runoff election jointly, pursuant to Section 271.006 of the Texas Election Code, which will include mobile voting.

6. AMENDMENTS. This Agreement may be amended by mutual agreement of the parties hereto in writing to be attached to and incorporated into this Agreement.

7. LEGAL CONSTRUCTIONS. In case any one or more of the provisions contained in this Agreement shall be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

8. ENTIRE AGREEMENT. This Agreement supersedes any and all other agreements, either oral or in writing, between the parties hereto with respect to the subject matter hereof, and no other agreement, statement, or promise relating to the subject matter of this Agreement which is not contained herein shall be valid or binding.

CITY CLERK DEPT.
07 MAR -1 PM 2:19

EXECUTED this _____ day of March, 2007.

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

THE YSLETA INDEPENDENT SCHOOL DISTRICT

By: _____
Milton L. Duntley, President
Board of Trustees

ATTEST:

_____
Martha Y. Reyes, Secretary

APPROVED AS TO FORM:

_____
Jerry R. Wallace, Attorney
Delgado, Acosta, Braden & Jones, P.C.

CITY CLERK DEPT.
07 MAR -1 PM 2:19