

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

DEPARTMENT: DEPARTMENT OF INFORMATION TECHNOLOGY
AGENDA DATE: May 14, 2013
CONTACT PERSON/PHONE: MIGUEL GAMINO, DEPARTMENT OF INFORMATION TECHNOLOGY DIRECTOR, 541-4746
DISTRICT (S) AFFECTED: ALL

SUBJECT:

That the City Manager be authorized to necessary to sign a Mutual Termination Agreement between the County of El Paso, Texas and the City of El Paso to terminate the 2009 Interlocal Agreement regarding the Management Services for the City Information Technology Department. The City and County are restructuring the shared services information technology approach for the two governmental entities.

BACKGROUND / DISCUSSION:

On December 22, 2009, the Council authorized the Mayor to sign an Inter local Agreement between the City of El Paso and the County of El Paso regarding the provision of management services by the County for the City's IT Department.

The agreement was to have resulted in the County's IT Department overall oversight and direction, including providing management and technical assistance, including oversight of the City's IT Director.

The term of the agreement was for three years with automatic renewals.

PRIOR COUNCIL ACTION:

No

AMOUNT AND SOURCE OF FUNDING:

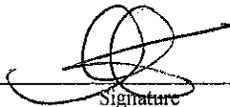
NA

BOARD / COMMISSION ACTION:

N/A

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

DEPARTMENT HEAD: Miguel Gamino, IT Director


Signature

5/7/13
Date

RESOLUTION

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

That the City Manager be authorized to sign a Mutual Termination Agreement between the County of El Paso, Texas and the City of El Paso to terminate the 2009 Interlocal Agreement regarding the Management Services for City Information Technology Department. The City and County are restructuring the shared services information technology approach for the two governmental entities.

ADOPTED this ____ day of May, 2013.

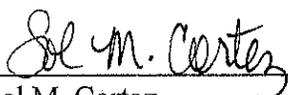
CITY OF EL PASO

John Cook
Mayor

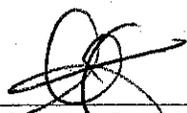
ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Sol M. Cortez
Assistant City Attorney



Miguel Gamino Jr. Director
Information Technology Department

STATE OF TEXAS
COUNTY OF EL PASO

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MUTUAL TERMINATION
AGREEMENT

This Mutual Termination Agreement is made this _____ day of _____, 2013 by and between the City of El Paso, a home-rule municipal corporation, hereinafter referred to as the "CITY," and the County of El Paso, Texas, hereinafter referred to as the "COUNTY."

WITNESSETH

WHEREAS, on December 22, 2009 the CITY and the COUNTY entered into an Interlocal Agreement regarding the Management Services for the City's Information Technology Department ("2009 Agreement"); and

WHEREAS, the CITY and the COUNTY are restructuring the shared services information technology approach for the CITY and COUNTY and are proposing to enter into a new interlocal agreement for IT joint projects; and

WHEREAS, the parties desire to mutually terminate the 2009 Agreement.

NOW THEREFORE BE IT RESOLVED by the parties as follows:

1. The CITY and COUNTY hereby mutually agree to terminate the 2009 Agreement.
2. The CITY and County agree and hereby do waive any notice for termination that may be required by the 2009 Agreement. It is the intention of the parties that the termination of the 2009 Agreement is to be without additional costs, obligation or liability on the part of either party.
3. **The CITY and the COUNTY do hereby forever release and discharge each other from any and all obligations, claims, causes of actions, damages, losses, liabilities, costs and expenses, including without limitation, reasonable attorneys' fees whether known or unknown, directly or indirectly related to the 2009 Agreement.**
4. This Agreement shall be interpreted and enforced in accordance with the laws of the State of Texas. Venue for any action shall be in the City of El Paso, El Paso County, Texas.

[Signatures on the following page]

IN WITNESS WHEREOF, this Mutual Termination Agreement has been executed by the parties named hereinabove as of the date, month and year first written above.

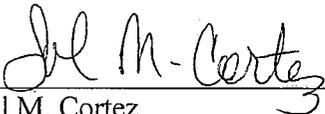
THE CITY OF EL PASO, TEXAS

By: _____
John F, Cook
Mayor

ATTEST:

Richarda D. Momsen, City Clerk

APPROVED AS TO FORM:



Sol M. Cortez
Assistant City Attorney

APPROVED AS TO CONTENT:



Miguel A. Gamino, Director
Information Technology Department

COUNTY OF EL PASO

By: _____
Veronica Escobar
County Judge

ATTEST:

Delia Briones, County Clerk

APPROVED AS TO FORM:

Cygne Nemir
Assistant County Attorney

APPROVED AS TO CONTENT:

David Garcia, Director
County Information Technology