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

DEPARTMENT: **City Attorney**

AGENDA DATE: **August 15, 2006**

CONTACT PERSON/PHONE: **Elaine Hengen, 541-4550**

DISTRICT(S) AFFECTED: all

SUBJECT:
Resolution authorizing the Mayor to sign an amendment to the City-County Cooperative Agreement establishing the El Paso City-County Health & Environmental District to a provide for the City of El Paso to apply for grant funds when El Paso City-County Health & Environmental District is precluded, not qualified, or not authorized to apply and provide for the offset of any matching funds to the extent the City is obligated to pay to the Health District under this agreement.

BACKGROUND / DISCUSSION:
The Health District is requesting that the City and County adopt this amendment so that they can continue to apply for and receive grant funding that they are unable to secure under the El Paso City-County Health & Environmental District.

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

The current Interlocal Cooperative Agreement was entered into by City and the County on November 8, 2005. This is the first amendment.

AMOUNT AND SOURCE OF FUNDING: **N/A**

BOARD / COMMISSION ACTION:
Enter appropriate comments or N/A

Note: This is an Interlocal Governmental Agreement, so the Mayor's signature on the agreement is appropriate under Ordinance 16015.

**********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:

#24143

CITY MANAGER: _____ **DATE:** _____

#24143

RESOLUTION

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

That the Mayor be authorized to sign an amendment to the City-County Cooperative Agreement establishing the El Paso City-County Health & Environmental District to provide for the City of El Paso to apply for grant funds when El Paso City-County Health & Environmental District is precluded, not qualified, or not authorized to apply and provide for the offset of any matching funds to the extent the City is obligated to pay to the Health District under this agreement.

Dated this 15th day of August 2006.

CITY OF EL PASO

_____
John F. Cook, Mayor

ATTEST:

_____
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

_____
Ernesto Rodriguez
Assistant City Attorney

#24150/EROD

THE STATE OF TEXAS)
) COOPERATIVE AGREEMENT
COUNTY OF EL PASO) AMENDMENT NO. 1

THIS AMENDMENT TO THE COOPERATIVE AGREEMENT made and entered into by and between the CITY OF EL PASO, a home- rule municipal corporation of El Paso County, Texas, by and through its duly authorized officials and hereinafter referred to as "City", and the COUNTY OF EL PASO, State of Texas, by and through its duly authorized officials, hereinafter referred to as "County", and in accord with the requirements as stated in Texas Health & Safety Code Sections 121.041 and 121.044,

WITNESSETH:

Section 1. That Section IV, Management and Operation of the Agreement shall be amended to read as follows:

IV. MANAGEMENT AND OPERATION

1. Management and Operation

The Board shall manage and operate the District in accordance with federal and state laws, regulations, and rules, now in effect or hereafter promulgated and in accordance with its approved adopted budget. Except as otherwise provided herein, the Board may adopt such administrative policies and procedures as it deems reasonable and necessary to carry out its duties.

The District shall employ sufficient personnel to operate the District in an effective manner as provided in its annual budget and staffing table and which is acceptable to the Texas Department of Health for the purpose of qualifying for state matching funds for the operation of the District. To facilitate the general administrative support provided by the City, the District shall adopt personnel classifications, which are compatible with City payroll and personnel systems.

The District may contract for the goods, services, and grants necessary and prudent for the operation of the District. In the event of an emergency situation necessitating the entry into a contract for goods or services in an amount not to exceed $25,000.00 or the immediacy of a deadline for submission of any grant application or acceptance, and the

Board of Health is not able to meet to approve such contract or grant, the director of the District, upon the approval of the City Manager for the City of El Paso and the County Judge for the County of El Paso or their designees, may authorize such contract or grant. However, the District's contractual obligations shall not exceed the annual budgetary allocations made by the City and the County and all District contracts must be approved in accordance with such administrative procedures as may be required in the City's financial and procurement policies.

Where the Health District is precluded, not qualified, or not authorized to apply for any grant funding, the City, upon request of the Board, is authorized to apply for grant funding on behalf of the Health District. The Health District shall be obligated to perform under the grant and comply with any and all grant requirements, terms and conditions. If any matching funds are required, the City is authorized to offset the matching funds to the extent the City is obligated to pay to the Health District under this agreement.

The District shall provide such reports and information as may be requested by the City or the County.

Unless otherwise prohibited by law, the District may provide services related to public health in other incorporated areas within the county, provided such services are wholly funded by the incorporated cities where the services are to be performed.

Section 2. Except as amended herein, the Cooperative Agreement dated on or about November 8, 2005 shall remain in full force and effect.

IN WITNESS WHEREOF, APPEAR THE FOLLOWING SIGNATURES AND SEALS:

ATTEST:

THE CITY OF EL PASO

_____
Richarda Duffy Momsen
City Clerk

_____
Mayor John F. Cook
Date:_____

ATTEST:

THE COUNTY OF EL PASO

County Clerk

County Judge Dolores Briones
Date: _____

APPROVED AS TO CONTENT:

Jorge C. Magaña, MD, FAAP
Director
El Paso City-County
Health & Environmental District

APPROVED AS TO FORM:

Assistant County Attorney

APPROVED AS TO FORM:

Ernesto Rodriguez
Assistant City Attorney