

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

DEPARTMENT: MPO

AGENDA DATE: November 02, 2010

CONTACT PERSON NAME AND PHONE NUMBER: Roy Gilyard, 591-9735 x 13

DISTRICT(S) AFFECTED: All

SUBJECT:

That the City Manager be authorized to sign a Memorandum of Understanding among THE CITY OF EL PASO, a municipal corporation situated in El Paso County, Texas, in its capacity as the designated Metropolitan Planning Organization for the El Paso Urban Transportation Study Area ("MPO"), the LOWER VALLEY RIO GRANDE VALLEY DEVELOPMENT COUNCIL ("LRGVDC") and the HIDALGO COUNTY METROPOLITAN PLANNING ORGANIZATION ("HCMPO"), concerning the 2010 Border To Border Transportation Conference to be held in El Paso, Texas, November 16-18, 2010, as therein described.

BACKGROUND / DISCUSSION:

The MOA will allow LRGVDC and HCMPO to pay for the 2010 Border to Border conference services that will be invoice to the El Paso MPO. The El Paso MPO will forward invoices to LRGVDS and HCMPO for payment.

PRIOR COUNCIL ACTION:

None

AMOUNT AND SOURCE OF FUNDING:

Zero dollar amount. Account 502215, Fund 05043, Grant G781102, Dept. ID 68150009, No budget transfer required.

BOARD / COMMISSION ACTION:

Enter appropriate comments or N/A

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

DEPARTMENT HEAD:

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

Information copy to appropriate Deputy City Manager

RESOLUTION

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

That the City Manager be authorized to sign a Memorandum of Understanding among THE CITY OF EL PASO, a municipal corporation situated in El Paso County, Texas, in its capacity as the designated Metropolitan Planning Organization for the El Paso Urban Transportation Study Area ("MPO"), the LOWER VALLEY RIO GRANDE VALLEY DEVELOPMENT COUNCIL ("LRGVDC") and the HIDALGO COUNTY METROPOLITAN PLANNING ORGANIZATION ("HCMPO"), concerning the 2010 Border To Border Transportation Conference to be held in El Paso, Texas, November 16-18, 2010, as therein described.

ADOPTED this _____ day of _____, 2010.

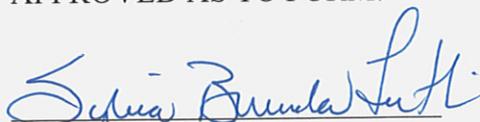
CITY OF EL PASO:

John Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Sylvia Borunda Firth
Senior Assistant City Attorney

APPROVED AS TO CONTENT:



Roy Gilyard, Executive Director
Metropolitan Planning Organization

STATE OF TEXAS §
 § **MEMORANDUM OF UNDERSTANDING**
COUNTY OF EL PASO §

THIS MEMORANDUM OF UNDERSTANDING is entered into this ___ day of _____, 2010 by and among the CITY OF EL PASO, a municipal corporation duly organized and existing under the laws of the State of Texas (“CITY”), in its capacity as the EL PASO METROPOLITAN PLANNING ORGANIZATION (“MPO”), the LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL (“LRGVDC”), and the HIDALGO COUNTY METROPOLITAN PLANNING ORGANIZATION (“HCMPO”), to-wit:

WHEREAS, the LRGVDC and the HCMPO, with the assistance of the MPO, are co-sponsoring The 2010 Border to Border Convention in El Paso, Texas, from November 16, 2010 to November 18, 2010; and,

WHEREAS, CITY has agreed to lease to the LRGVDC and the HCMPO, through the MPO, the El Paso Convention Center, and other accessory facilities, for the 2010 Border To Border Convention, and to provide such catering services as may be necessary for said Convention; and,

WHEREAS, the parties hereto agree that the cost of the use of El Paso’s convention facilities, and other accessory facilities, and catering services will be invoiced to the LRGVDC and the HCMPO, through the MPO; and,

WHEREAS, all parties agree that such invoices will be forwarded to the LRGVDC and the HCMPO for payment, and that payment shall be made by LRGVDC and HCMPO within thirty (30) days of their receipt by LRGVDC and HCMPO

NOW THEREFORE, the parties hereby agree as follows:

1. SCOPE OF AGREEMENT

- A. **CITY’S RESPONSIBILITIES:** The CITY shall provide catering services and lease its convention facilities, and accessory facilities, to the MPO in connection with the 2010 Border to Border Convention, to be held from November 16, 2010 to November 18, 2010. The CITY shall invoice the cost of the use of its convention facilities and the cost of the catering services to the MPO.
- B. **MPO’s RESPONSIBILITIES:** The MPO shall forward all invoices from the CITY regarding the 2010 Border to Border Convention to the LRGVDC and the HCMPO.
- C. **LRGVDC’s and HCMPO’s RESPONSIBILITIES:** The LRGVDC and the

HCMPO shall submit payment of all CITY invoices directly to the CITY no later than thirty (30) days after their receipt from the MPO.

2. **LOCATION OF PERFORMANCE.** All services contemplated under the terms of this Memorandum of Understanding shall be performed in El Paso, El Paso County, Texas.
3. **TERM:** This Memorandum of Understanding shall terminate upon the conclusion of the 2010 Border to Border Convention.
4. **CONSIDERATION.** The LRGVDC and the HCMPO agree to pay CITY for the use of the CITY's convention facilities and for the CITY's catering services.
5. **GOVERNING LAWS.** This Memorandum is entered into in the State of Texas and shall be construed in accordance with and governed by the laws of the State of Texas.
6. **ASSIGNMENT.** This Memorandum may not be assigned or transferred in any way without the written consent of all parties.
7. **INDEPENDENT CONTRACTOR.** The parties hereby agree that no personnel provided by the LRGVDC or the HCMPO shall be considered an employee of CITY. CITY shall not be subject to any obligations or liabilities of any agent or representative of the LRGVDC or the HCMPO incurred in the performance of this Memorandum of Agreement.
8. **NOTICE.** Any notices required under this Memorandum shall be sufficient if sent by Certified Mail, Return Receipt Requested, postage prepaid, to CITY, to MPO or to LRGVDC/HCMPO at the following addresses:

CITY: City Manager, City of El Paso
2 Civic Center Plaza, Tenth Floor
El Paso, Texas 79901-1196

MPO: Executive Director, Metropolitan Planning Organization
10767 Gateway Blvd. West, Suite 605
El Paso, Texas 79935

LRGVDC/
HCMPO: Executive Director, Hidalgo County MPO
510 S. Pleasantview Dr.
Weslaco, TX 78596

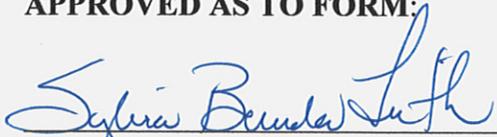
12. **ENTIRE AGREEMENT.** This Memorandum contains all agreements, representations and understandings of the parties hereto, and shall not be waived, altered or modified except by written agreement of both parties.

EXECUTED on the day and year first written above.

CITY OF EL PASO

Joyce A. Wilson, City Manager

APPROVED AS TO FORM:



Sylvia Borunda Firth
Senior Assistant City Attorney

APPROVED AS TO CONTENT:



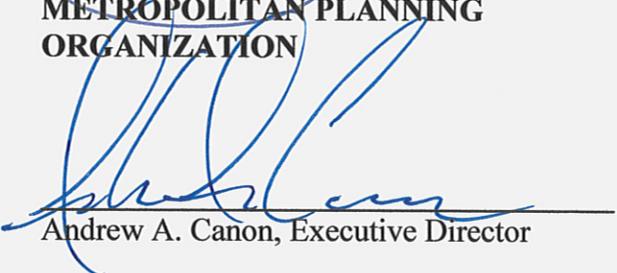
Roy Gilyard, Director
El Paso Metropolitan Planning Organization

**LOWER RIO GRANDE VALLEY
DEVELOPMENT COUNCIL**



Director

**HIDALGO COUNTY
METROPOLITAN PLANNING
ORGANIZATION**



Andrew A. Canon, Executive Director

APPROVED AS TO FORM:



Eduardo Miranda
El Paso MPO Legal Counsel