

APPROVED**AI-30484****CC REGULAR****Meeting Date:** 01/24/2012**Submitted For:** Martha Salazar**Submitted By:** Vangie Garcia, PURCHASING DEPT.**Department:** PURCHASING DEPT.**Information****CAPTION**

- ✓ a. Acceptance and approval of the Interlocal Cooperation Agreement between Hidalgo County Precinct No. 1 and Delta Lake Irrigation District for the provision of irrigation water for park(s);
- ✓ b. Acceptance and approval of an Interlocal Cooperation Agreement Project: provision of water for the irrigation of approximately 30 acres of park more specifically, Delta Lake Park in Precinct No. 1.

BACKGROUND

This Interlocal Agreement has a more defined specific term of five (5)-one (1) year renewals than the previous agreement.

Fiscal Impact**FISCAL YEAR:** 2012**ACCT. #:** 1200-452-00-121-013-0-411**FUNDS AVAILABLE Y/N?:****MATCHING FUNDS Y/N?:****BUDGETARY IMPACT:****FISCAL YEAR:****ACCT. #:****FUNDS AVAILABLE Y/N?:****MATCHING FUNDS Y/N?:****BUDGETARY IMPACT:**

Available balance as of 01/10/12-\$5,300.00; a prorated amount of \$733.33 effective 02/01/12 will be paid by the County to the Delta Lake Irrigation District within thirty (30) days after interlocal agreement is executed for the remainder of year 2012.

An annual fee of \$800.00 will be paid by County to Delta Lake Irrigation District effective for every renewal unless otherwise pursuant to article 3 of the interlocal.

Form Review**Inbox****Reviewed By****Date**

Form Started By: Vangie Garcia

Started On: 01/10/2012 01:36 PM

STATE OF TEXAS §
 §
COUNTY OF HIDALGO §

**INTERLOCAL COOPERATION AGREEMENT
BETWEEN HIDALGO COUNTY AND
DELTA LAKE IRRIGATION DISTRICT**

THIS AGREEMENT is made on this the 24th day of **January, 2012** by and between Hidalgo County, hereinafter referred to as “**County**” and **Delta Lake Irrigation District**, hereinafter referred to as “**Irrigation District**”, pursuant to the provisions of the Texas Interlocal Cooperation Act (the “**Act**”), as follows:

WITNESSETH:

WHEREAS, County desires to irrigate the Delta Lake Park Grounds (the “**Park**”), a County park facility, with water purchased and supplied by and through the facilities of the Irrigation District;

WHEREAS, County and Irrigation District acknowledge and agree that the sale of irrigation water by the Irrigation District and the purchase of irrigation water by the County to irrigate the Park are in furtherance of a governmental function and service under the Act with regards to both parties;

WHEREAS, Irrigation District agrees to deliver such amount of water as determined and requested by the County necessary to irrigate the Park located within the boundaries of County Precinct No. 1; and

NOW, THEREFORE, for and in good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, the County and the Irrigation District, in consideration of the mutual covenants expressed hereinafter, hereby agree as follows:

1. The Irrigation District will provide the amount of water as determined and requested by the County to the Park located at 28312 FM 88, 2½ Miles North Of Monte Alto, Edcouch, Texas 78538.
2. County Precinct No. 1 Park staff/employees must only use the water purchased and supplied by the Irrigation District to irrigate approximately 30 acres of the Park.
3. Hidalgo County Precinct No. 1 to pay a one-time pro-rated amount of \$733.33 for the remainder of year 2012 within thirty (30) days from the date the County receives an invoice from the Irrigation District. The term of this agreement shall commence from the date this agreement is approved by the County and Irrigation District and shall terminate on December 31, 2012. This agreement may be renewed by the County for five (5)-one (1) year terms at the same rates, terms and conditions. The County agrees to pay a one-time annual fee of \$800.00 effective January 1, 2013 payable within thirty (30) days from the date the County receives the invoice from the Irrigation District. If the Irrigation District wishes to adjust such \$800.00 amount in connection with a uniform adjustment to its water supply and delivery rates to all of its other existing water supply customers, the Irrigation District shall notify the County in writing, thirty (30) days before the expiration date of this Agreement.
4. During the term of the Agreement, either Party may terminate this Agreement by giving the other Parties thirty (30) days’ written notice of such termination.
5. **Conflict with Applicable Law.** Nothing in this Agreement shall be construed so as to require the commission of any act contrary to law, and whenever there is any conflict between any provision of this Agreement and any present or future law, ordinance or administrative, executive or judicial

14. **Headings.** The headings and captions contained in this Agreement are solely for convenient reference and shall not be deemed to affect the meaning or interpretation of any provision or paragraph hereof.
15. **Gender and Number.** All pronouns used in this Agreement shall include the other gender, whether used in the masculine, feminine or neuter gender, and the singular shall include the plural whenever and as often as may be appropriate
16. **Authority to Execute.** The execution and performance of this Agreement by County and Irrigation District have been duly authorized by all necessary laws, resolutions or corporate action, and this Agreement constitutes the valid and enforceable obligations of County and Irrigation District in accordance with its terms.
17. **Insurance.** Irrigation District shall provide insurance in force on all persons and vehicles connected with providing products and or services under this Contract naming County as additional insured, and shall furnish to County certificates of such insurances coverage Exhibit "C", which is attached hereto.
18. **Commitment of Current Revenues Only.** In the event that, during any term hereof, the Commissioners Court does not appropriate sufficient funds to meet the obligations of County under this Agreement, County may terminate this Agreement upon ninety (90) days written notice to Irrigation District. County agrees, however, to use reasonable efforts to secure funds necessary for the continued performance of this Agreement. The parties intend this provision to be a continuing right to terminate this Agreement at the expiration of each budget period of County pursuant to the provisions of Tex. Loc. Govt. Code Ann. 271.903 (Vernon Supp. 1996).

WITNESS THE HANDS OF THE PARTIES effective as of the day and year first written above.

HIDALGO COUNTY

By: _____
Ramon Garcia, County Judge

DELTA LAKE IRRIGATION DISTRICT

By: _____
Dale Murden, President

ATTEST:

Arturo Guajardo, Jr., County Clerk

APPROVED AS TO FORM:
ATLAS & HALL, L.L.P.

Stephen L. Crain

APPROVED BY COMMISSIONERS COURT: 01/24/12

STATE OF TEXAS §
 §
COUNTY OF HIDALGO §

**APPROVAL OF
INTERLOCAL COOPERATION AGREEMENT
PROJECT**

In accordance with Texas Government Code §791.014, Hidalgo County, Texas acting by and through the Hidalgo County Commissioners Court, has been advised of a proposed project to irrigate approximately 30 acres of the Delta Lake Park Grounds located at 28312 FM 88, 2½ miles North of Monte Alto, Edcouch, Texas through an Interlocal Cooperation Agreement to be entered into with the Delta Lake Irrigation District and Hidalgo County.

By vote on **January 24th, 2012**, the Hidalgo County Commissioners Court has approved the Project identified above.

By: Ramon Garcia, County Judge

ATTEST:

Arturo Guajardo, County Clerk

APPROVED AS TO FORM:
Atlas & Hall, L.L.P.

By: _____
Stephen L. Crain

APPROVED BY COMMISSIONERS COURT: 01/24/12

Evangelina Garcia

From: Martha Salazar [mailto:martha.salazar@co.hidalgo.tx.us]
Sent: Wednesday, January 11, 2012 2:01 PM
To: 'Evangelina Garcia'
Subject: FW: Approval Of Interlocal Agreement between Hidalgo County Precinct One and Delta Lake Irrigation District

From: Steve Crain [mailto:scrain@atlashall.com]
Sent: Wednesday, January 11, 2012 1:52 PM
To: 'Martha Salazar'
Subject: RE: Approval Of Interlocal Agreement between Hidalgo County Precinct One and Delta Lake Irrigation District

The agreement is fine.

From: Martha Salazar [mailto:martha.salazar@co.hidalgo.tx.us]
Sent: Wednesday, January 11, 2012 11:53 AM
To: 'Steve Crain'
Cc: 'Evangelina Garcia'
Subject: FW: Approval Of Interlocal Agreement between Hidalgo County Precinct One and Delta Lake Irrigation District
Importance: High

Mr. Crain:
Document revised as per your recommendations. Please review and comment as to form.
Marty

From: Evangelina Garcia [mailto:evangelina.garcia@co.hidalgo.tx.us]
Sent: Wednesday, January 11, 2012 10:55 AM
To: 'Martha Salazar'
Subject: RE: Approval Of Interlocal Agreement between Hidalgo County Precinct One and Delta Lake Irrigation District

Marty:
Please forward to legal for approval as to form of revised document as requested.

Thank you

Vangie Y. Garcia, Contract's Manager
2802 S. Business Hwy. 281
New Administration Building
Edinburg, Texas 78539
(956) 292-7000-Extension 4856
email: evangelina.garcia@co.hidalgo.tx.us

From: Martha Salazar [mailto:martha.salazar@co.hidalgo.tx.us]
Sent: Tuesday, January 10, 2012 4:41 PM
To: 'Evangelina Garcia'
Subject: FW: Approval Of Interlocal Agreement between Hidalgo County Precinct One and Delta Lake Irrigation District

From: Steve Crain [<mailto:scrain@atlashall.com>]
Sent: Tuesday, January 10, 2012 3:28 PM
To: 'Martha Salazar'
Subject: RE: Approval Of Interlocal Agreement between Hidalgo County Precinct One and Delta Lake Irrigation District

The substance of the agreement is fine but you need to change the terms buyer, seller and company to the respective terms of County and District.

From: Martha Salazar [<mailto:martha.salazar@co.hidalgo.tx.us>]
Sent: Tuesday, January 10, 2012 2:27 PM
To: 'Steve Crain'
Cc: 'Evangelina Garcia'
Subject: FW: Approval Of Interlocal Agreement between Hidalgo County Precinct One and Delta Lake Irrigation District
Importance: High

Mr. Crain:
Please review and comment as to form.
Thanks,
Marty

From: Evangelina Garcia [<mailto:evangelina.garcia@co.hidalgo.tx.us>]
Sent: Tuesday, January 10, 2012 1:55 PM
To: 'Martha Salazar'
Subject: Approval Of Interlocal Agreement between Hidalgo County Precinct One and Delta Lake Irrigation District

Marty:
Please forward to legal for his review as to form of document the above attached Interlocal between Hidalgo County Precinct One and Delta Lake Irrigation District.

Legal previously had approved this document back on July 19, 2011 which was due to end on December 31, 2011. Thereafter, it had subsequent renewals pursuant to price remaining the same unless otherwise advised by the Delta Lake Irrigation District. The Precinct verified the price and will remain the same however, they want the term to be more specific. Therefore, on line item #3-I revised it to be more specific with a renewal term of five (5)-one (1) year renewals. This is the only thing that was changed along with this year's fee prorated from February 1, 2012 thru December 31, 2012.

I will be placing an agenda item for January 24, 2012 but do require legal's review and approval as to form of the document so as to attach as backup.

Thank you

Vangie Y. Garcia, Contract's Manager
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New Administration Building
Edinburg, Texas 78539
(956) 292-7000-Extension 4856
email: evangelina.garcia@co.hidalgo.tx.us