

State of Texas           §  
County of Hidalgo     §

**INTERLOCAL COOPERATION AGREEMENT**  
**BETWEEN HIDALGO COUNTY, TEXAS, AND CITY OF EDCOUCH, TEXAS**

**THIS AGREEMENT** is hereby made, entered into and executed by and between Hidalgo County, Texas, a duly organized political subdivision of the State of Texas, hereinafter "County," and the City of Edcouch, Texas, a duly organized political subdivision of the State of Texas, hereinafter "City." County and City are collectively referred to herein as "the Parties." The purpose of this Agreement is for County to transfer surplus animal cages to City, in accordance with Texas Local Government Code § 263.152. This Agreement shall be fully executed and enforceable on the date it is signed by both of the Parties.

**WITNESSETH**

**WHEREAS**, the Interlocal Cooperation Act, Chapter 791 Texas Government Code, provides authorization for a local government to contract with one or more local governments to perform governmental functions and services under the terms of the Act; and

**WHEREAS**, County has three (3) surplus animal cages (*see* attached Exhibit "A"); and

**WHEREAS**, County will transfer the animal cages to City to serve a public purpose; and

**WHEREAS**, City will accept the transfer of the animal cages and in exchange City will provide County with adequate consideration by relieving County of all relocation and transportation expenses related to the transfer of the surplus animal cages to City.

**AGREEMENT**

**NOW, THEREFORE**, in consideration of the premises and of the mutual covenants and agreements of the Parties hereto to be by them respectively kept and performed as hereinafter set forth, it is agreed as follows:

## **ARTICLE I.**

County hereby certifies that the animal cages have been declared surplus property by action taken by the Hidalgo County Commissioners Court, and that competitive bidding is not required since the purchaser is a political subdivision within County.

## **ARTICLE II.**

County hereby finds that the transfer of the surplus animal cages to City serves a public purpose.

## **ARTICLE III.**

County hereby transfers the surplus animal cages to City.

## **ARTICLE IV.**

City hereby accepts the transfer of the surplus animal cages.

## **ARTICLE V.**

In consideration for the transfer of the surplus animal cages to City by County, City hereby agrees that County shall have no financial responsibility for any relocation and transportation expenses related to the donation of the animal cages to City.

## **ARTICLE VI.**

City understands and agrees that City, its employees, servants, agents or representatives shall at no time represent themselves to be employees, servants, agents or representatives of County.

## **ARTICLE VII.**

City agrees to and accepts full responsibility for the acts, negligence or omissions of all City employees and agents, subcontractors or contract laborers and for those of all other persons doing work under a contract or agreement with City.

## **ARTICLE VIII.**

This Agreement is not intended to extend the liability of the Parties beyond that provided by law. Neither County nor City waive, nor shall be deemed to have hereby waived, any immunity or defense that would otherwise be available to it against claims arising from third parties.

## **ARTICLE IX.**

This Agreement represents the entire agreement between County and City and this Agreement supersedes all prior negotiations, representations or agreements, either written or oral between the Parties. This Agreement may be amended only by written instrument signed by the governing bodies of both County and City or those authorized to sign on behalf of those governing bodies.

## **ARTICLE X.**

The validity of this Agreement and of any of its terms or provisions, as well as the rights and duties of the Parties, shall be governed by the laws of the State of Texas.

## **ARTICLE XI.**

In the event that any portion of this Agreement shall be found to be contrary to law, it is the intent of the Parties that the remaining portions of this Agreement shall remain valid and in full force and effect to the extent possible.

## **ARTICLE XII.**

The undersigned officer or agent is the properly authorized official who has the necessary authority to execute this Agreement, and each party hereby certifies to the other that any necessary resolutions extending said authority have been duly passed and are now in full force and effect.

## **ARTICLE XIII.**

This Agreement may be terminated in whole or in part by County or City upon thirty (30) days written notice to the other party. Notices shall be directed as follows:

For County:                      Honorable Ramon Garcia  
   Hidalgo County Judge  
   302 W. University Drive  
   Edinburg, Texas 78539

For City:                              Honorable Robert S. Schmalzried  
   City of Edcouch Mayor  
   211 Southern Avenue  
   Edcouch, Texas 78538

Executed in duplicate originals this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**CITY OF EDCOUCH, TEXAS**  
211 Southern Avenue  
Edcouch, Texas 78538

By: [Signature]  
Honorable Robert Schmalzried  
Edcouch Mayor

**HIDALGO COUNTY, TEXAS**  
302 W. University Drive  
Edinburg, Texas 78539

By: Ramon Garcia  
Honorable Ramon Garcia  
Hidalgo County Judge

APPROVED BY  
COMMISSIONERS' COURT  
ON: 1/21/14

ATTEST:

By: [Signature]  
Pete De La Cruz  
City Manager

ATTEST:

By: [Signature]  
Honorable Arturo Guajardo  
Hidalgo County Clerk

APPROVED AS TO FORM:

Office of Criminal District Attorney,  
Rene Guerra

By: \_\_\_\_\_  
Michael L. Garza  
Assistant District Attorney

# EXHIBIT "A"

## **SURPLUS PROPERTY**

| <u>Description of Item</u>             | <u>Inventory Tag Number</u> |
|--|-----------------------------|
| 1. Six Comp Slide Animal Control Cages | 38962                       |
| 2. Six Comp Slide Animal Control Cages | 38960                       |
| 3. Six Comp Slide Animal Control Cages | 38961                       |

**APPROVAL OF INTERLOCAL COOPERATION AGREEMENT BETWEEN  
HIDALGO COUNTY, TEXAS, AND CITY OF EDCOUCH, TEXAS**

Hidalgo County, Texas, acting by and through the Hidalgo County Commissioners Court, having declared the three (3) animal cages to be surplus property and then transferring the animal cages to the City of Edcouch, Texas, whereby City of Edcouch, Texas, accepted the transfer and agreed to bear the cost of all storage, transportation, and relocation related to the adoption of the animal cages.

By vote on the date below, the Hidalgo County Commissioners Court has approved the Interlocal Cooperation Agreement, described above and authorized execution of this document by the County Judge of the County of Hidalgo, Texas.

Date: 01/21/2014

By: Ramon Garcia  
County Judge of Hidalgo  
County Commissioners Court

APPROVED BY  
COMMISSIONERS COURT  
ON: 1/21/14