

RESOLUTION NO. 20-R-38

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SCHERTZ AND EDUCATION SERVICE CENTER REGION 20 FOR THE PARTICIPATION IN THE ESC 20 FIBER CONSORTIUM, AND OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, the City of Schertz (“City”) and Education Service Center, Region 20 (“Center”) are interested in partnering in the ESC 20 Fiber Consortium with Additional Site Builds; and

WHEREAS, the Center is established under the authority of Chapter 8, Texas Education Code, for the purpose of: (1) assisting school districts in improving student performance; 2) enabling school districts to operate more efficiently and economically; and (3) implementing initiatives assigned by the legislature or the Commissioner of Education; and

WHEREAS, Chapter 791, Texas Government Code, the Interlocal Cooperation Act, is for the purpose of increasing the efficiency and effectiveness of local governments by authorizing them to contract, to the greatest possible extent, with one another and with agencies of the state; and

WHEREAS, Section 791.011(e) of the Interlocal Cooperation Act provides that interlocal contractual payments must be in amounts that fairly compensate the performing party for services or functions performed under an interlocal contract; and

WHEREAS, expenditures of federal grant and award funds made on or after December 26, 2014 must comply with the requirements of Education Department General Administrative Regulations (“EDGAR”) set out in 2 C.F.R. Part 200; and

WHEREAS, 2 C.F.R §200.318(e) provides: “To foster greater economy and efficiency, and in accordance with efforts to promote cost-effective use of shared services across the Federal government, the non-Federal entity is encouraged to enter into state and local inter-governmental agreements or inter-entity agreements where appropriated for procurement or use of common or shared goods and services”; and

WHEREAS, the purpose of this Agreement is to facilitate compliance with federal EDGAR requirements in addition to state procurement requirements;

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS THAT:

Section 1. The City Council hereby authorizes the City Manager to execute and deliver the Interlocal Agreement in substantially the form set forth on Exhibit A.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND ADOPTED, this 28th day of April 2020.

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

Brenda Dennis, City Secretary

(CITY SEAL)

EXHIBIT A
PUBLIC LIBRARY INTERLOCAL AGREEMENT

See attached