

INTERLOCAL COOPERATION AGREEMENT
BETWEEN DENTON COUNTY, TEXAS, AND TOM GREEN COUNTY, TEXAS

THIS AGREEMENT is hereby made, entered into and executed by and between Denton County, Texas, a duly organized political subdivision of the State of Texas, hereinafter “Denton County,” and Tom Green County, Texas, a duly organized political subdivision of the State of Texas, hereinafter “Tom Green County.” Denton County and Tom Green County are collectively referred to herein as “the Parties.” The purpose of this Agreement is for Denton County to donate four (4) ballot cabinets to Tom Green County, 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, the four (4) ballot cabinets are no longer needed by Denton County for election purposes; and

WHEREAS, by ratification of this Agreement, the Denton County Commissioners Court hereby declares that the four (4) ballot cabinets are surplus property; and

WHEREAS, by ratification of this Agreement, Denton County will donate the four (4) ballot cabinets to Tom Green County to serve a public purpose; and

WHEREAS, by ratification of this Agreement, Tom Green County will accept the donation of the four (4) ballot cabinets and Tom Green County will provide Denton County with adequate consideration by relieving Denton County of all relocation and transportation expenses related to the donation of the four (4) ballot cabinets to Tom Green County.

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.

Denton County hereby declares that the four (4) ballot cabinets are surplus property and that competitive bidding is not required since the purchaser is another county.

ARTICLE II.

Denton County hereby finds that the donation of the four (4) ballot cabinets to Tom Green County serves a public purpose.

ARTICLE III.

Denton County hereby donates the four (4) ballot cabinets to Tom Green County.

ARTICLE IV.

Tom Green County hereby accepts the donation of the four (4) ballot cabinets.

ARTICLE V.

In consideration for the donation of the four (4) ballot cabinets to Tom Green County by Denton County, Tom Green County hereby agrees that Denton County shall have no financial responsibility for any relocation and transportation expenses related to the donation of the four (4) ballot cabinets to Tom Green County.

ARTICLE VI.

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

ARTICLE VII.

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

ARTICLE VIII.

This Agreement is not intended to extend the liability of the Parties beyond that provided by law. Neither Denton County nor Tom Green County 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 Denton County and Tom Green County 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 Denton County and Tom Green County 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 Denton County or Tom Green County upon thirty (30) days written notice to the other party. Notices shall be directed as follows:

For Tom Green County: Honorable Mike Brown
Tom Green County Judge
112 W. Beauregard
San Angelo, Texas 76903

Copy to: Honorable Chris Taylor
Tom Green County Attorney
122 W. Harris
San Angelo, Texas 76903

For Denton County: Honorable Mary Horn
Denton County Judge
110 West Hickory Street, 2nd Floor
Denton, Texas 76201

Copy to: Denton County District Attorney's Office – Civil Division
1450 East McKinney Street, Suite 3100
Denton, Texas 76209

Executed in triplicate originals this 15 day of Jan, 2013

DENTON COUNTY, TEXAS
110 West Hickory
Denton, Texas 76201

TOM GREEN COUNTY, TEXAS
112 W. Beauregard
San Angelo, Texas 76903

By: Mary Horn
Honorable Mary Horn
Denton County Judge

By: Mike Brown
Honorable Mike Brown
Tom Green County Judge

Acting on behalf and by the authority of
The Commissioners Court of
Denton County, Texas

Acting on behalf and by the authority of
The Commissioners Court of
Tom Green County, Texas

ATTEST:

ATTEST:

By: [Signature]
Denton County Clerk

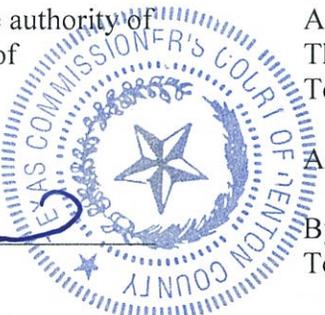
By: Sage Kellen, Deputy for Elizabeth McGill
Tom Green County Clerk

APPROVED AS TO FORM:

APPROVED AS TO FORM:

By: John Feldt
Assistant District Attorney

By: _____
District Attorney



**APPROVAL OF INTERLOCAL COOPERATION AGREEMENT BETWEEN
DENTON COUNTY, TEXAS, AND TOM GREEN COUNTY, TEXAS**

Denton County, Texas, acting by and through the Denton County Commissioners Court, having declared four (4) ballot cabinets to be surplus property and then donating the four (4) ballot cabinets to Tom Green County, Texas, whereby Tom Green County, Texas, accepted the donation and agreed to bear the cost of all storage, transportation, and relocation related to the adoption of the four (4) ballot cabinets.

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

Date: 2.5.13

By: Mary Horn
Presiding Officer of the Denton
County Commissioners Court