



COMMISSIONERS COURT COMMUNICATION

AGENDA DATE : December 19, 2011

CONSENT OR REGULAR: REGULAR

CONTRACT REFERENCE NO
(IF APPLICABLE): N/A

SUBJECT:

Discuss and take appropriate action regarding the El Paso County Commissioners Court Agenda Policy and Procedures as per the backup.

BACKGROUND/DISCUSSION OF TOPIC: To include statutory requirement, operational impact, or performance goal.

In order to streamline the Commissioners Court, ensure that supporting documentation is attached, and staff time is minimized at CC meetings, the Chief Administrator has completed an analysis of the CC agenda and proposes the following actions:

- 1) Rescind three prior CC actions related to the agenda;
- 2) Implement various rules and procedures related to the agenda;
- 3) Require that all items have a standard form outlining the details of each item on the CC agenda.

The three prior CC actions that are being proposed for rescission include:

- On January 31, 2005, the County Commissioners Court ("CC") approved the Human Resources Department to pursue parliamentary procedures training for the members of CC, the CC Recorder, and the Assistant CC Recorder. They were to report back to CC. (This may have occurred in 2005, but this item has not been repeated and no budget line item exists in the budget related to this in 2012. Recommendation is to include this in upcoming budgets if the CC determines that there is a need for such.)
- On April 19, 2004, CC approved the limit of five resolutions (one each per member) to be presented publicly to the court. (Recommendation is to determine if there is a future need to limit.)
- On May 14, 2001, CC approved a contract management procedure for the County. There were two forms approved. One to show approval by the County Attorney's Office and the other to establish ownership of and understanding of the contract by the department head. (This has not been enforced in recent memory by the court. Recommendation is to rescind and incorporate these procedures with the replacement of the form and/or incorporation of the legal review in the new form AND rules for agenda for the court. Without the required form, the County Clerk shall deny the placement of the item on the agenda.)

The attached El Paso County Commissioners Court Agenda Policy and Procedures will streamline the order of the agenda and provide certain guidelines for placement of items by the elected official and departments. A Commissioners Court Communication Form has been developed and will be required when submitting any item, except for contracts, for placement on the agenda. The Chief Administrator has worked with Ed Hyatt, County Auditor's Office, to coordinate on the use of a Commissioners Contract Form which will be used for all contracts when they are submitted on the CC agenda. To the extent possible, the County Clerk will ensure the items be organized in the proper manner and format stated by the guidelines. [Note: The County Clerk in is the process of reviewing the current NOVUS agenda system and some of the changes will require an IT solution.]

FISCAL IMPACT:

No fiscal impact of this action.

PRIOR COMMISSIONERS COURT ACTION (IF ANY):

CC approved related items on its regular agenda at the January 31, 2005, April 19, 2004, and May 14, 2001.

RECOMMENDATION:

The recommendation is that the Commissioners Court **approve** the reorganization of the El Paso County Commissioners Court Agenda Policy and Procedures with the use of the Commissioners Court Communication ("CCC") and Commissioners Contract Form to submit consent or regular agenda items. Instruction forms are attached. **Rescind** the Court Order of January 31, 2005, Motion #20, Item #29 on the Regular Agenda to approve and authorize the Human Resources Department to pursue parliamentary procedures training for the members of Commissioners Court, the Commissioners Court Recorder, and the Assistant Commissioners Court Recorder. **Rescind** the Court Order of April 19, 2004, Motion #23, Item #54 on the Regular Agenda to approve and authorize five resolutions only (one each per member) to be presented publicly to the Court per meeting, and the remainder will be listed under the Consent Agenda. **Rescind** the Court Order of May 14, 2001, Motion #29, Item #48 on the Regular Agenda to approve and authorize a contract management procedure for the County.

COUNTY ATTORNEY APPROVAL

The attached document has been given legal review by the El Paso County Attorney's Office on behalf of the County of El Paso, its officers, and employees. Said legal review should not be relied upon by any person or entity other than the County of El Paso, its officers, and employees.

COUNTY ATTORNEY: N/A
LEGAL REVIEW: N/A
LEGAL REVIEW NOTES (if Applicable): N/A
DATE:

SUBMITTED BY:

Carmen Arrieta-Candelaria, Chief Administrator, County of El Paso

El Paso County Commissioners Court Agenda Policy and Procedures

Agenda Items shall be organized in the following manner:

1. Call to Order (Open Meeting)
2. Pledge of Allegiance
3. Call for Consent
4. Resolutions
5. Public Comment
6. Consent Agenda
7. Presentations
8. Items identified in the Call for Consent
9. Regular Agenda
10. Addendum
11. Executive Session
12. Regular Session (Action to be taken from Executive Session items)

Consent agenda should be for routine matters; items with an expenditure budget or associated dollar amount in the amount of \$500,000 and over should be listed in the REGULAR agenda.

Consent Agenda should be organized by departments in alphabetical order with the exception of the minutes which will typically be the first item listed under Consent.

Regular Agenda should be organized by departments in alphabetical order.

Standardize language that specifically outlines the specific action that is being requested from the CC.

Contact information should be listed as part of the posting language of each item on the agenda.

Each item should be vetted through the appropriate department(s) prior to placement on the CC agenda to avoid tabling of the item.

All items presented on agenda shall have a Commissioners Court Communication (CCC) form OR if the item is for approval of a contract, agreement, or grant application, award, or modification the item shall have a Commissioners Court Contract Form that summarizes the contract terms and indicates County Attorney legal approval and the Department's own content approval OR if the item is for disposition of procurements (bids, RFPs, etc.) the item shall have a Commissioners Court Procurement Form that summarizes the agreement terms and procurement process. These forms may be modified as necessary in the future by the County Judge's Office or County Auditor's Office.



COMMISSIONERS COURT COMMUNICATION

AGENDA DATE : _____

CONSENT OR REGULAR: _____

CONTRACT REFERENCE NO
(IF APPLICABLE): _____

SUBJECT:

BACKGROUND/DISCUSSION OF TOPIC: To include statutory requirement, operational impact, or performance goal.

FISCAL IMPACT:

PRIOR COMMISSIONERS COURT ACTION (IF ANY):

RECOMMENDATION:

COUNTY ATTORNEY APPROVAL

The attached document has been given legal review by the El Paso County Attorney's Office on behalf of the County of El Paso, its officers, and employees. Said legal review should not be relied upon by any person or entity other than the County of El Paso, its officers, and employees.

COUNTY ATTORNEY:

LEGAL REVIEW:

LEGAL REVIEW NOTES (If Applicable):

DATE:

SUBMITTED BY:

**COUNTY OF EL PASO TEXAS
COMMISSIONERS COURT COMMUNICATION
INSTRUCTIONS FOR FORM**

AGENDA DATE:

This is the date that the item will be placed on the agenda of the Commissioners Court meeting.

CONSENT OR REGULAR:

This lists where on the agenda that the item will be placed.

CONTRACT REFERENCE NO. (IF APPLICABLE):

The number of the contract that this item has been assigned by Legal should be listed here for easy reference. If no contract reference number is required, fill in with *N/A*.

SUBJECT:

This area is assigned for the subject of the item to be discussed or taken action upon. What is the department or agenda item requesting that the Commissioners Court do or authorize? Be descriptive of what the Commissioners Court is being asked to approve or authorize. Include dollar amount and source of funding in the Subject content, if applicable.

BACKGROUND/DISCUSSION OF TOPIC: To include statutory requirement, operational impact, legal impact, or performance goal.

Discussion of the what, why, where, when, and how to enable Commissioners Court to have a description of the contemplated action. This should be in summary form and reference any pertinent attachments that are necessary to inform the Commissioners of required action. The summary should include the benefits to the County if the CC takes action on the item; or, if the CC does *not* take action, what is the impact?

If the requested action is submission of a grant proposal, acceptance of a contract, etc, note that the County Attorney's Office has reviewed and approved the requested action, if applicable. Also, under this section, indicate the likelihood of ensuing litigation, or any potential claims if the requested action is approved.

The presenter of the subject should be listed here as well as who will be present to discuss the topic should also be listed here. Also, any citizen's concerns should be addressed here as well so that CC is prepared for public input and possible discussion.

FISCAL IMPACT:

This area is to outline how the item will be funded, if applicable. If funded, where the funding is coming from such as general fund, grant funds, etc. should be listed. Identify funding source by account numbers and description of account. If a budget amendment is required, this information should be listed here. Include language in the action requested to allow for a budget amendment. If no fiscal impact, this should be stated.

PRIOR COMMISSIONERS COURT ACTION:

This area outlines if the Commissioners Court has taken any prior action on a similar item to enable them to reflect on prior decisions. State date(s) of court action(s) taken or prior discussion(s) held.

RECOMMENDATION:

The recommendation from the department should be listed here to support the item or the rationale to not support the item should be listed in this area.

COUNTY ATTORNEY APPROVAL:

This area outlines the review and approval by the County Attorney's Office of the requested action. It will be the responsibility of the individual that is submitting the agenda item to obtain or fill out this information if it has to go through the County Attorney's Office.

SUBMITTED BY:

This area indicates the individual that is submitting this item to the CC. If the individual that is approving and/or presenting this item is different from the individual submitting, this information should be covered in the background/discussion area.



COMMISSIONERS COURT CONTRACT FORM

Initial Approval

BASIC CONTRACT DETAILS

CONTRACT NO. 77

CONTRACT TITLE: TEST Contract Agenda Form for Item with Expiration Date, etc.

SECOND PARTY: State of Texas, Office of the Attorney General, Criminal Prosecutions Division

CONTRACT TYPE: Chapter 381 Economic Development/Tax Abatement

REVENUE OR EXPENSE: Expense (\$ Outflow)

DESCRIPTION/SCOPE: This is just a test line for a description.

TERM DETAILS

CURRENT TERM: 2 Years

EXTENSION OPTIONS (If Applicable): Three 1 Year Options

AMOUNT: \$100,000.00

EFFECTIVE DATE: Sunday, January 01, 2012

EXPIRATION DATE (If Applicable): Monday, December 31, 2012

EXTENSION DEADLINE DATE (If Applicable): Friday, November 30, 2012

APPROVALS

COUNTY ATTORNEY APPROVAL

The attached document has been given legal review by the El Paso County Attorney's Office on behalf of the County of El Paso, its officers, and employees. Said legal review should not be relied upon by any person or entity other than the County of El Paso, its officers, and employees.

COUNTY ATTORNEY: Arthur Provenghi

LEGAL REVIEW: Approved as to Form with Addendum/Modifications/Reservations Noted Below

LEGAL REVIEW NOTES (If Applicable): Include Addendum

DATE: Wednesday, December 07, 2011

DIRECTOR/DEPARTMENT HEAD APPROVAL

The undersigned hereby certifies that he/she has read the contract, understands and approves the contract terms and conditions and further certifies that the contract conforms to the bid specifications, if any, and acknowledges that he/she is responsible for administering all terms and conditions.

DIRECTOR/DEPARTMENT HEAD: El Jefe

DEPARTMENT DESIGNEE (If Applicable): El Peon

DEPARTMENT: County Auditor

DATE: Saturday, December 10, 2011

El Paso County Commissioners Court Agenda Policy and Procedures

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MONDAY, JANUARY 31, 2005
COMMISSIONERS COURT MET IN REGULAR MEETING
AT 10:05 A.M.
WITH THE FOLLOWING MEMBERS PRESENT

BARBARA PEREZ,
BETTI FLORES,
MIGUEL A. TERAN,
DANIEL R. HAGGERTY,

COMMISSIONER, PCT. # 1
COMMISSIONER, PCT. # 2
COMMISSIONER, PCT. # 3
COMMISSIONER, PCT. # 4

HON. DOLORES BRIONES, COUNTY JUDGE - ABSENT

PATRICIA PIETZYK, DEPUTY CLERK
CELESTE WOLFENBERGER, DEPUTY CLERK

APPROVED - HUMAN RESOURCES DEPARTMENT TO PURSUE
PARLIAMENTARY PROCEDURES TRAINING FOR COMMISSIONERS COURT;
APPROVED - PLACEMENT OF AGENDA ITEM CALLING FOR SPECIAL MEETING

JANUARY 31, 2005

MOTION # 20 (Item # 29)

On this day, on motion of Commissioner Teran, seconded by Commissioner Perez, it is the order of the Court to instruct the Human Resources Department to pursue parliamentary procedures training for members of Commissioners Court, the Commissioners Court Recorder and the Assistant Commissioners Court Recorder, and to report back to Commissioners Court. Further, it is the order of the Court that a standing item be placed on every agenda of each Commissioners Court meeting occurring on the Monday a week before a holiday which falls on Monday, calling for a special meeting if necessary the following week, on a date to be chosen.

VOTE: YES - Perez, Flores, Teran, Haggerty

NO - None

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

KNOW ALL MEN BY THESE PRESENTS:

September 7, 2011

I hereby certify that the foregoing is a true and correct official copy of an extract of the Minutes of the El Paso County Commissioners Court meeting held January 31, 2005.

DELIA BRIONES, COUNTY CLERK
EL PASO COUNTY, TEXAS

PATRICIA PIETZYK, DEPUTY CLERK

MONDAY, APRIL 19, 2004
COMMISSIONERS COURT MET IN REGULAR MEETING
AT 9:54 A.M. O'CLOCK
WITH THE FOLLOWING MEMBERS BEING PRESENT

BETTI FLORES,
MIGUEL A. TERAN,
DANIEL R. HAGGERTY,

COMMISSIONER, PCT. # 2
COMMISSIONER, PCT. # 3
COMMISSIONER, PCT. # 4

HON. DOLORES BRIONES, COUNTY JUDGE - ABSENT
CHARLES L. SCRUGGS, COMMISSIONER, PCT. # 1 - ABSENT

PATRICIA PIETZYK, DEPUTY CLERK
CELESTE WOLFENBERGER, DEPUTY CLERK

APPROVED - LIMIT RESOLUTIONS AT COMMISSIONERS COURT MEETINGS

APRIL 19, 2004

MOTION # 23 (Item # 54)

On this day, on motion of Commissioner Teran, seconded by Commissioner Flores, it is the order of the Court to approve five resolutions only (one each per member) to be presented publicly to the Court per meeting, and that the remainder will be listed under the Consent Agenda.

VOTE: YES - Flores, Teran

NO - Haggerty

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

KNOW ALL MEN BY THESE PRESENTS:

September 7, 2011

I hereby certify that the foregoing is a true and correct certified copy of an extract of the Minutes of the El Paso County Commissioners Court meeting held April 19, 2004.

DELIA BRIONES, COUNTY CLERK
EL PASO COUNTY, TEXAS

PATRICIA PIETZYK, DEPUTY CLERK

**APPROVED - COMMITTEE TO EVALUATE PROPOSALS SUBMITTED
FOR COUNTY OF EL PASO EXTERNAL AUDIT**

MAY 14, 2001

MOTION # 28 (Item # 46)

On this day, on motion of Commissioner Aguilar, seconded by Commissioner Haggerty, it is the order of the Court to authorize the appointment of a committee to evaluate and make recommendations on the proposals submitted for the County's external audit. The committee will be comprised of a representative from each of the following departments: the County Auditor's Office, the Purchasing Department, the County Attorney's Office, the County Judge's Office, and the County Tax Office.

VOTE: YES - Judge Briones, Scruggs, Aguilar, Haggerty

NO - None

APPROVED - CONTRACT MANAGEMENT PROCEDURE, AS AMENDED

MAY 14, 2001

MOTION # 29 (Item # 48)

On this day, on motion of County Judge Briones, seconded by Commissioner Scruggs, it is the order of the Court to approve a contract management procedure for the County of El Paso, as amended.

A copy of the procedure is attached and made a part of the Minutes, with the following changes:

- 1) Paragraph 2: " . . . elected officials, *County departments, or Thomason Hospital Board or administrative staff* . . ."
- 2) Paragraph 6: Deletion of "proposed draft contract" and insertion of "contract as approved by the County Attorney's Office", and omission of second bulleted item
- 3) Paragraph 8: "The contract sponsor or *appropriate department representative must* attend the Commissioners Court meeting . . ."

VOTE: YES - Judge Briones, Scruggs, Aguilar, Haggerty

NO - None

EL PASO COUNTY CONTRACT DATA FORM
ATTACH TO FRONT OF ALL CONTRACTS SUBMITTED

Date: _____ Department: _____

Contract No.: KK- _____ Date Submitted for CA Review: ** _____

Sponsor/Administrator of Contract: _____

Purpose of Contract/Subject Matter: _____

Funding Source: County: _____ Grant: _____ Other: _____

Other Party(ies) to Contract: _____

Contract Price: _____ Bid No.: _____ Date Bid Awarded: _____

Significant Terms/Administrative Milestones:

1. Beginning Date: _____ Ending Date: _____

2. Bond Requirements:

(a) Type of Bond: Bid _____ Performance _____ Payment _____

(b) Amount: _____ (c) Copy of Bond Provided: _____

(d) Review by Risk Manager: Signature _____ Date _____

3. Insurance Requirements:

(a) Duty to Insure: County _____ Other Party _____ (b) Proof of Ins Provided: _____

(c) Type of Ins.: _____ (d) Amount: _____

(e) Review by Risk Manager: Signature _____ Date _____

4. Audit Requirements: _____

5. Tax Forms Required: _____ 6. Notice of Renewal Date: _____

7. Other: _____

8. Account Name and No. for Payment: _____

9. Date Contract on Agenda for Approval by Commissioner's Court: _____

DEPARTMENT HEAD/ELECTED OFFICIAL ACTION

APPROVED AS TO CONTENT/ACKNOWLEDGEMENT OF DUTY TO ADMINISTER ALL TERMS AND CONDITIONS: *

The undersigned hereby certifies that they have read the contract and understand and approve the contract terms except as noted and further certify that the contract conforms to the bid specifications, if any, and acknowledges that they are responsible for administering all terms and conditions of the contract.

Department Head/Elected Official

Date

* Responsibility for Payments/Collections: The sponsor may make arrangements with the County Auditor to make/collect periodic payments pursuant to the contract. However, it is the responsibility of the sponsor to coordinate such an arrangement with the Auditor.

EL PASO COUNTY LEGAL REVIEW FORM

COUNTY ATTORNEY ACTION**

****Requested Amendments/Clarifications:** Please list any questions or comments you have regarding the terms of the contract, as well as any specific provisions to which you object, or which you want to have changed.

_____ Approved as to Form as Submitted
_____ Approved as to Form with Amendments/Modifications/Reservations
_____ Not Approved

County Attorney

Date

PROCEDURE FOR CONTRACT APPROVAL EL PASO COUNTY COMMISSIONERS COURT

1. The department head shall place contracts on the agenda of a regular meeting of the Commissioners Court only in conformity with the provisions of these procedures;
2. Only members of Commissioners Court, elected officials or County departments may place items on the Commissioners Court agenda for approval of a contract;
3. All contracts shall be submitted to the County Attorney's Office for review seven days prior to requesting approval by Commissioners Court;
 - the request should include a copy of the proposed contract and a completed Contract Data form;
4. The County Attorney's Office shall review, approve or disapprove the contract as to form and return the completed Legal Review Form and attached contract back to the department head;
5. The county auditor is instructed to prepare a written fiscal note identifying any contract for lacking a current appropriation or which involves substantial indirect costs or continuing costs, or which represents a departure from the budget or standard procedures;
6. Following receipt of the completed Legal Review Form from the County Attorney's Office, the contract sponsor may place the matter on the Commissioners Court agenda for approval;
 - The backup should include the proposed draft contract, a copy of the completed Contract Review Form, a copy of the completed Legal Review Form, the account number that all associated expenses should be charged to and any review memos;
 - If the County Attorney's Office has completed the Legal review form, but has not yet supplied the contract draft, the department head shall provide an outline or synopsis as backup. This document shall contain any essential information about the nature and intent of the contract necessary to prepare members of the Court to vote on the contract.
7. No department head shall place any item on the Commissioner's Court agenda unless it has been approved by the affected department(s);
8. The contract sponsor, or some other department representative, should attend the Commissioners Court meeting to answer any questions regarding the substantive terms of the contract;

9. Upon approval of a contract, the department head shall first secure signatures of the other involved party then deliver the contract to the County Attorney's Office. The County Attorney's Office shall secure the County Judge's signature and then deliver the original to the County Clerk's Office for filing.
10. The County Clerk is designated as the official custodian of all permanent records of the County including contracts;
11. Contract administration and compliance is the responsibility of the department head or elected official sponsoring the contract;

H:\IGutierrez\Contract Procedure.doc
5/09/2001