

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE SUPPLEMENTAL AGREEMENT NO. 1 TO THE INTERLOCAL AGREEMENT WITH THE MESQUITE INDEPENDENT SCHOOL DISTRICT FOR DEVELOPMENT, OPERATION AND USE OF THE HEALTH AND WELLNESS CLINIC AND PHARMACY.

WHEREAS, on August 21, 2006, the City of Mesquite ("City") and Mesquite Independent School District ("MISD") entered into an interlocal agreement for the development, operation and use of a health and wellness clinic and pharmacy, otherwise known as the Mesquite Employee Health Clinic ("MEHC"), ("the Agreement"); and

WHEREAS, it was determined that the cost sharing formula identified in Paragraph 4 of the Agreement is different from the formula used in current operations; and

WHEREAS, the cost sharing formula is actually adjusted monthly based on the actual use of the MEHC in the previous month; and

WHEREAS, the City and MISD both agree that monthly updates to the formula are more accurate and that the Agreement should be revised to reflect this change; and

WHEREAS, the Interlocal Agreement Act, V.T.C.A., Texas Government Code, Chapter 791, provides authorization for any local government to contract with one or more local governments to perform governmental functions and services under the terms of the Act.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That the City Manager is hereby authorized to execute Supplemental Agreement No. 1, attached hereto as Exhibit "A," which amends Paragraph 4, "Cost Sharing," of the Agreement.

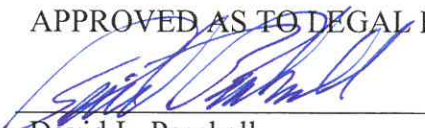
DULY RESOLVED by the City Council of the City of Mesquite, Texas, on the 2nd day of December 2019.

Bruce Archer
Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

Sonja Land
City Secretary



David L. Paschall
City Attorney

**SUPPLEMENTAL AGREEMENT NO. 1 TO THE INTERLOCAL AGREEMENT
BETWEEN MESQUITE INDEPENDENT SCHOOL DISTRICT
AND THE CITY OF MESQUITE, TEXAS FOR DEVELOPMENT,
OPERATION AND USE OF A HEALTH AND WELLNESS CLINIC AND PHARMACY**

THIS SUPPLEMENTAL AGREEMENT NO. 1 to that certain Interlocal Agreement, executed on the 31st day of July 2006 ("the Agreement"), by and between the **CITY OF MESQUITE**, a Texas municipal corporation, hereinafter called "City," and **MESQUITE INDEPENDENT SCHOOL DISTRICT**, a Texas independent school district, hereinafter called "MISD," evidences the following:

1. Paragraph 4, "Cost Sharing," of the Agreement is revised to read as follows:

"All operating costs and liability of any nature (including salaries & benefits paid to employees of MISD) associated with the creation and operation of the clinic shall be paid by MISD and City on a pro rata basis based upon a percentage determined by dividing the number of each party's employees and dependents utilizing the clinic by the total number of employees and dependents of both entities that utilize the clinic. The percentage to be paid by each party shall be initially established based upon the list of employees and dependents certified by each entity as qualified to participate in the services offered by the clinic; and, shall be adjusted monthly based upon actual use of the clinic by each parties' qualified employees and dependents during the preceding month. All payments required to be made by either party shall be made from current revenues available to the paying party within thirty (30) days of receipt of invoice in accordance with the Prompt Payment Act. MISD and City agree that the payments herein contemplated fairly compensates the performing party for the services or functions performed under this Agreement."

2. All other terms, provisions, conditions, and obligations of the Agreement between City and MISD shall remain in full force and effect, and said Agreement and this Supplemental Agreement No. 1 shall be construed together as a single contractual agreement.

EXECUTED this the 2nd day of December 2019, by City, signing by and through its City Manager, and by MISD acting through its duly authorized officials.

CITY OF MESQUITE

**MESQUITE INDEPENDENT SCHOOL
DISTRICT**

By: _____
Cliff Keheley, City Manager

By: _____
Elaine Whitlock, President

ATTEST:

By: _____
Sonja Land, City Secretary

APPROVED AS TO FORM:

By: _____
Assistant City Attorney