

RESOLUTION NO. R061324-03

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LA VERNIA, TEXAS ENTERING INTO AN AGREEMENT WITH THE LA VERNIA MUNICIPAL DEVELOPMENT DISTRICT FOR THE PROVISION OF EXECUTIVE DIRECTOR SERVICES.

WHEREAS, the City of La Vernia, Texas City Council has given authority to the City Administrator to make and be responsible for administrative decisions; and

WHEREAS, the City of La Vernia will benefit from the agreement as described in **Attachment A**; and

WHEREAS, the City Council of La Vernia, Texas finds it to be in the best interest of the City to have this agreement with the La Vernia Municipal Development District for Provisions of Executive Director services.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LA VERNIA, TEXAS THAT:

SECTION 1. The City Council of La Vernia authorizes the City Administrator to sign an agreement with Waste Connections for trash collection service.

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resolutions or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.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 13th day of June 2024.

CITY OF LA VERNIA, TEXAS

Martin Poore, Mayor

ATTEST:

Lindsey Wheeler, City Secretary

APPROVED AS TO FORM:

City Attorney

Attachment A

AGREEMENT FOR PROVISION OF EXECUTIVE DIRECTOR SERVICES BETWEEN THE CITY OF LA VERNIA AND THE LA VERNIA MUNICIPAL DEVELOPMENT DISTRICT

THE STATE OF TEXAS

KNOWN ALL MEN BY THESE PRESENTS:

COUNTY OF WILSON

THIS AGREEMENT, executed the ____th day of _____, 2024, by and between the CITY OF LA VERNIA, a municipal corporation, acting by and through its City Council, situated in Wilson County, Texas (hereinafter referred to as “City”), and the La Vernia Municipal Development District (hereinafter referred to as “MDD”) acting by and through its President of the Board is as follows:

WITNESSETH:

I.

The City agrees to provide executive director services to the MDD as follows:

1. The City agrees to employ an individual to serve as Executive Director for the MDD (“Director”).
2. The Director’s salary shall be set by City Council subject to approval by the MDD with the MDD being responsible for the percentage of the salary attributable to the percentage of the employee's time spent overseeing MDD business.
3. The Director shall be entitled to all benefits of being an employee of the City.
4. The Director shall be subject to the City’s Personnel Policy.
5. The Director shall receive oversight from the City Administrator.

II.

Subject to the MDD continuing to contract with the City for executive director services, the MDD will pay to the City the actual costs attributable to the employment of the Director. The actual costs attributable to the employment of the Director shall be determined during the City’s budget process and shall be reimbursed to the City with payments due to the City on or before the 10th day after receipt of the written invoice IN ACCORDANCE WITH THE PROVISIONS LISTED ABOVE.

In the event of the termination of the Director, the MDD will be responsible for paying the City only that portion of the cost actually incurred by the City before termination subject to Section III herein.

III.

The MDD further agrees to pay the City for any and all costs and expenses associated with the employment of the Director including but not limited to any claims or lawsuits brought by the Director against the City or the MDD and claims or lawsuits naming the Director as a defendant or otherwise as a liable party by a third party.

IV.

This Agreement shall be in effect for a period of one year from the date of its execution as stated above. This Agreement shall be extended for additional one year terms thereafter under the same terms and conditions unless one party gives to the other party written notification at least thirty (30) days prior to the end of the existing term of its desire to terminate the agreement or upon the Director's termination with the MDD.

V.

This Agreement may be terminated by the City at any time by providing the MDD thirty (30) days' notice.

IN WITNESS WHEREOF, the parties have executed this Contract in the year and on the day indicated.

LA VERNIA MUNICIPAL
DEVELOPMENT DISTRICT

CITY OF LA VERNIA, TEXAS

Dianell Recker
President

Martin Poore
Mayor