

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: Capital Improvement Department

AGENDA DATE: April 3, 2018

CONTACT PERSON/PHONE: Sam Rodriguez, City Engineer, 212-1845

DISTRICT(S) AFFECTED: Citywide

STRATEGIC GOAL: **Goal #7** – Enhance and Sustain El Paso's Infrastructure Network

SUBJECT:

Discussion and action requested that the City Council of El Paso authorize and approve the clarification of the City Engineer's right to enter into right of entry agreements with 3rd parties in order for the 3rd parties to gain access on City property associated with approved capital projects.

BACKGROUND / DISCUSSION:

Clarification that authorization of the City Engineer's authority extends to enter into right of entry agreements with 3rd parties to gain access to inspect, repair, maintain, or construct on City property. Right of entry agreement will be reviewed and accepted as legally appropriate by the City Attorney's Office, and the City Clerk shall file and maintain the originals of all agreements entered into and signed pursuant to resolution.

SELECTION SUMMARY:

N/A

PROTEST

☒ No protest received for this requirement.

☐ Protest received.

COUNCIL REPRESENTATIVE BRIEFING:

Was a briefing provided? ☐ Yes or ☒ Not Applicable (Routine)
If yes, select the applicable districts.

- ☐ District 1
- ☐ District 2
- ☐ District 3
- ☐ District 4
- ☐ District 5
- ☐ District 6
- ☐ District 7
- ☐ District 8

☐ All Districts

PRIOR COUNCIL ACTION:

September 6, 2016 the City Council delegated authority previously delegated to the Director of the Capital Improvement Department to the City Engineer.

AMOUNT AND SOURCE OF FUNDING:

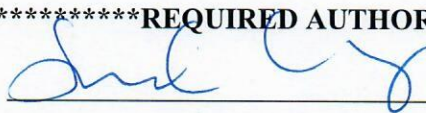
N/A

BOARD / COMMISSION ACTION:

N/A

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:

A handwritten signature in blue ink, appearing to be "D. L. G.", is written over a horizontal line.

RESOLUTION

CITY CLERK DEPT.
2018 MAR 28 PM 2:48

WHEREAS, on September 6, 2016, the City Council delegated authority previously delegated to the Director of the Capital Improvement Department to the City Engineer in the interest of making administrative governmental operations more efficient, to enter into and sign certain contracts on behalf of the City of El Paso ("City") that are routine in nature, for projects that have already been approved by City Council; and

WHEREAS, the delegation of authority includes the right for the City Engineer to use City property associated with approved capital projects for the City including but not limited to licenses, leases, easement and deeds; and

WHEREAS, the City desires to clarify that the City Engineer's right to use City property associated with approved capital project for the City include the right to enter into right of entry agreements with third parties in order for the third parties to gain access to inspect, repair, maintain or construct on City property, provided that the right of entry agreement is reviewed and accepted as legally appropriate by the City Attorney's Office.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Council hereby clarifies that the delegation of authority of the City Engineer includes the right to enter into right of entry agreements with third parties in order for the third parties to gain access to inspect, repair, maintain or construct on City property, provided that the right of entry agreement is reviewed and approved as form by the City Attorney's Office, and that the City Clerk shall file and maintain the originals of all agreement entered into and signed pursuant to this resolution in accordance with applicable records retention requirements; this delegation of authority to the City Engineer is effective as of April 4, 2018.

ADOPTED THIS _____ DAY OF _____, 2018.

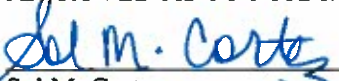
THE CITY OF EL PASO

Dee Margo
Mayor

ATTEST:

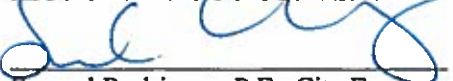
Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Sol M. Cortez
Senior Assistant City Attorney

APPROVED AS TO CONTENT:



Samuel Rodriguez, P.E., City Engineer
Capital Improvement Department



Capital Improvement Department

City Engineer Authority Right of Entry

April 3, 2018



Capital Improvement Department

Introduction

- **September 2016 City Council delegated authority previously delegated to the Director of Capital Improvement Department to the City Engineer**
 - **Enter into and sign certain contracts on behalf of City of El Paso**
 - **Made administrative governmental operations more efficient**
 - **Routine in nature**



Capital Improvement Department

City Property

- **Right for City Engineer to use City property associated with approved capital projects including but not limited to:**
 - **Licenses**
 - **Leases**
 - **Easement**
 - **Deeds**



Capital Improvement Department

Clarification

- **City Engineer's right to use City property associated with approved capital projects for the City include:**
 - **The right to enter into right of entry agreements with 3rd parties in order for 3rd parties to gain access**
 - **Allow 3rd party to inspect, repair, maintain or construct on City property**
- **Provided that the right of entry agreement is reviewed and accepted as legally appropriate by City Attorney's Office**



Capital Improvement Department

Request

- Discussion and action that delegation of authority of the City Engineer includes the right to enter into right of entry agreements
- Provided that the right of entry agreement is reviewed and accepted as form by City Attorney's Office
- City Clerk shall file and maintain the originals of all agreements entered into and signed pursuant to resolution