Agenda Item Form

Agenda Date: 04/20/04

Districts Affected: N/A
Dept. Head/Contact Information: Community & Human Development, Gabriela Martinez, 915-541-4278

Type of Agenda Item:

- ☐ Resolution
- ☐ Tax Installment Agreements
- ☐ RFP/ BID/ Best Value Procurement
- ☐ Application for Facility Use
- ☐ Interlocal Agreements
- ☒ Other Mutual Termination of Contract
- ☐ Staffing Table Changes
- ☐ Tax Refunds
- ☐ Budget Transfer
- ☐ Bldg. Permits/Inspection
- ☐ Contract/Lease Agreement
- ☐ Board Appointments
- ☐ Donations
- ☐ Item Placed by Citizen
- ☐ Introduction of Ordinance
- ☐ Grant Application

Funding Source:

- ☐ General Fund
- ☒ Grant (duration of funds: 6 Months)
- ☐ Other Source: _____

Legal:

☒ Legal Review Required Attorney Assigned (please scroll down): Lee Ann Koehler ☒ Approved ☐ Denied

Timeline Priority: ☒ High ☐ Medium ☐ Low # of days: _____

Why is this item necessary:
This is a request to authorize the Mayor to sign a Mutual Termination of Contract by and between the City of El Paso and Bienvivir Senior Health Services. The parties mutually agree to terminate the contract effective September 30, 2003 for Project FOCUS, a project funded by a grant awarded to the City of El Paso by the Substance Abuse & Mental Health Services Administration (SAMHSA) and administered by the Community Development Department.

Explain Costs, including ongoing maintenance and operating expenditures, or Cost Savings:
100% of salary and benefits costs are included in grant budget. No City match required.

Statutory or Citizen Concerns:
No concerns anticipated.

Departmental Concerns:
None.

2004 APR 16 PM 3 17
CITY CLERK DEPARTMENT

RESOLUTION

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

That the Mayor be authorized to sign a Mutual Termination of Contract by and between the City of El Paso and Bienvivir Senior Health Services whereby the parties mutually agree to terminate contract effective September 30, 2003 for the Substance Abuse and Mental Health Services Administration (SAMHSA) referred to as Project Focus.

APPROVED this **20th** day of **April, 2004**.

THE CITY OF EL PASO

Joe Wardy
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Lee Ann B. Koehler
Assistant City Attorney

APPROVED AS TO CONTENT:

Nathalie Prise, Interim Director
Community and Human Development

STATE OF TEXAS)
)
COUNTY OF EL PASO)

MUTUAL TERMINATION OF CONTRACT

WHEREAS, the CITY OF EL PASO, hereinafter referred to as "City" and BIENVIVIR SENIOR HEALTH SERVICES, hereinafter referred to as "Contractor" entered into a Contract effective September 30, 2003, under the Substance Abuse and Mental Health Services Administration (SAMHSA) Program, hereinafter referred to as "Contract", which allocated federal grant funds to Contractor for providing services in connection with the SAMHSA Focus on Mental Health Needs of the Homebound Project, hereinafter referred to as "Project Focus"; and

WHEREAS, the City and Contractor agree that due to the insufficient number of clients for Project Focus the funds allocated under the Contract would be better utilized for another purpose; and

WHEREAS, the City and Contractor agree that it is in the best interest of both parties to terminate the Contract.

NOW, THEREFORE, the City and Grantee agree as follows:

1. City and Contractor mutually agree that the September 30, 2003, Contract between City and Contractor shall be terminated upon the approval date of this Mutual Termination of Contract.

2. City and Contractor agree that Contractor shall not be compensated for services completed by Contractor under the Contract after the effective date of termination of the Contract.

3. Contractor acknowledges and agrees that in accordance with SAMHSA regulations, Contractor will immediately surrender to City any equipment purchased and/or paid for from SAMHSA grant funds.

APPROVED this **20th** day of **April, 2004**.

THE CITY OF EL PASO

Joe Wardy
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

CONTRACTOR: BIENVIVIR SENIOR HEALTH SERVICES

By: Rosemary Castillo, Executive Director
(printed name/title)

APPROVED AS TO FORM:

Lee Ann B. Koehler
Assistant City Attorney

APPROVED AS TO CONTENT:

Nathalie Prise, Interim Director
Community and Human Development