

RESOLUTION NO. 2165

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING AND ADDENDUM THERETO WITH THE COUNTY OF GILA FOR CONSTRUCTION OF FIRE-FUEL BREAKS WITHIN THE WILDLAND URBAN INTERFACE (WUI) AREA THAT SURROUNDS THE TOWN OF PAYSON.

WHEREAS, in order to create wildfire-defensible space and to modify wildfire behavior, the Town of Payson, the County of Gila, and the United States Forest Service desire to cooperate in the construction of fire-fuel breaks within the Wildland Urban Interface area that surrounds the Town; and

WHEREAS, for such purpose, a Memorandum of Understanding and addendum thereto between the Town of Payson and the County of Gila has been prepared,

NOW, THEREFORE, THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, DO HEREBY RESOLVE AS FOLLOWS:

Section 1. That the Memorandum of Understanding Between the Town of Payson and the County of Gila and addendum thereto , attached hereto marked Exhibit "A" and made a part hereof by this reference as though set forth in full at this point, each be and is hereby approved in substantially the form attached.

Section 2. That Barbara G. Brewer, Mayor of the Town of Payson be and is hereby authorized to execute such Memorandum of Understanding and addendum thereto in substantially the form attached as Exhibit "A"

Section 3. That the Town of Payson be and is hereby authorized to take such other and further actions as may be necessary or appropriate to carrying out the purposes of this Resolution No. 2165 and the Memorandum of Understanding and addendum thereto attached hereto as Exhibit "A".

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, this _____ day of _____, 2006, by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

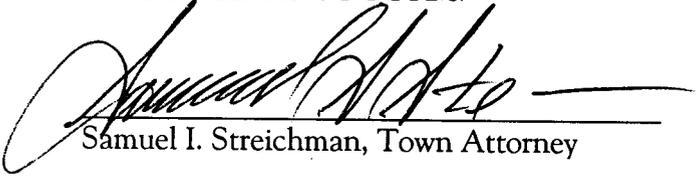
APR 13 2006 G.6

Barbara G. Brewer, Mayor

ATTEST:

APPROVED AS TO FORM:

Silvia Smith, Town Clerk



Samuel I. Streichman, Town Attorney

EXHIBIT "A"

to Resolution No. 2165

MEMORANDUM OF UNDERSTANDING

between the
COUNTY OF GILA
And the
TOWN OF PAYSON

This Memorandum of Understanding by and between the COUNTY OF GILA ("COUNTY") and the TOWN OF PAYSON ("TOWN") sets forth the terms of an agreement between the parties and the responsibilities of each of the parties hereto.

The COUNTY desires to cooperate with the TOWN and the UNITED STATES FOREST SERVICE (USFS) in helping them construct fire-fuel breaks within the Wildland Urban Interface (WUI) area that surrounds the TOWN, in order to try and create wildfire-defensible space and modify wildfire behavior.

The COUNTY will provide \$50,000.00 of matching funds to the TOWN to help fund the construction of fire-fuel breaks that have been approved by the USFS. The TOWN will provide reports to the COUNTY sufficient to establish expenditures and/or encumbrances properly relating to the construction of USFS approved fire-fuel breaks within the WUI occurring on or before June 30, 2006.

Any COUNTY funds not expended or encumbered for the construction of fire-fuel breaks within the WUI by June 30, 2006, will be returned to the COUNTY.

This Memorandum of Understanding is dated this ____ day of _____, 2006, by:

TOWN OF PAYSON

COUNTY OF GILA

By: Barbara G. Brewer, Mayor

By: José M. Sanchez, Chairman
Gila County Board of Supervisors

APPROVED AS TO FORM

Samuel I Streichman, Town Attorney

Daisy Flores, Gila County Attorney

**ADDENDUM
TO
MEMORANDUM OF UNDERSTANDING
BETWEEN
COUNTY OF GILA
AND TOWN OF PAYSON**

THIS ADDENDUM to the Memorandum of Understanding dated _____, 2006, by and between the County of Gila and the Town of Payson (the "MOU") is made between the County of Gila and the Town of Payson this _____ day of _____, 2006. In consideration of the mutual promises and covenants contained herein, the County of Gila and the Town of Payson agree that the MOU shall be modified as provided herein:

The following paragraph will be inserted as the last paragraph of the MOU:

This Agreement is subject to A.R.S. § 38-511, the terms of which are incorporated herein and which provides for cancellation of contracts by the municipality for certain conflicts of interest.

All other terms and conditions of the MOU shall remain in full force and effect.

TOWN OF PAYSON,
an Arizona municipal corporation

COUNTY OF GILA

By: _____
Barbara G. Brewer, Mayor

By: _____
Jose M. Sanchez, Chairman
Gila County Board of Supervisors

APPROVED AS TO FORM

Samuel I. Streichman, Town Attorney

Daisy Flores, Gila County Attorney