

RESOLUTION NO. 2192

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE FACILITIES USE AGREEMENT BETWEEN THE TOWN OF PAYSON AND THE UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE, FOR USE OF PAYSON MUNICIPAL AIRPORT FACILITIES.

WHEREAS, the Town of Payson and the United States Department of Agriculture, Forest Service (USFS), entered into a Facilities Use Agreement for use of Payson Municipal Airport facilities during the 2006 fire season; and

WHEREAS, the Town and the USFS desire to amend said Facilities Use Agreement to provide for payment of certain utilities by the Town and reimbursement to the Town by the USFS of such utility payments; and

WHEREAS, for such purpose, an Amendment to Facilities Use Agreement 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 Amendment to Facilities Use Agreement (No. 56-94TZ-6-W39), attached hereto marked Exhibit "A" and made a part hereof by this reference, be and is hereby approved in substantially the form as attached.

Section 2. That F. Robert Edwards, Mayor of the Town of Payson, be and is hereby authorized to execute such Amendment to Facilities Use Agreement in substantially the form as attached as Exhibit "A".

Section 3. That the Town of Payson be and is hereby authorized to take and perform such other and further actions as are necessary or appropriate to carrying out the purposes provided for in this Resolution Number 2192 and in the attached Amendment to Facilities Use Agreement.

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 _____

F. Robert Edwards, Mayor

Prepared by Town of Payson Legal Department

SIS:drs June 1, 2006 (11:24AM)

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ATTEST:

APPROVED AS TO FORM:

Silvia Smith, Town Clerk

Samuel I. Streichman, Town Attorney

Prepared by Town of Payson Legal Department

SIS:drs June 1, 2006 (11:24AM)

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EXHIBIT "A"

to Resolution No. 2192

AMENDMENT TO FACILITIES USE AGREEMENT

DEPARTMENT/AGENCY: USDA FOREST, R3 WESTERN ZONE CONTRACTING
INCIDENT NAME: INITIAL ATTACK AND EMERGENCY USES
INCIDENT REQUEST NUMBER:
INCIDENT ORDER NUMBER:
AGREEMENT NUMBER: 56-94TZ-6-W39
RESOURCE NUMBER:

RECITALS

- A. The United States Department of Agriculture, Forest Service ("Government") and the Town of Payson, Arizona ("Town") have entered into a Facilities Use Agreement for a term commencing January 1, 2006 through December 31, 2006, for use of Payson Municipal Airport ("Agreement").
- B. The Government and the Town now desire to amend the Agreement to provide for the payment and reimbursement of certain utility fees.

NOW, THEREFORE, the Town and the Government (collectively, the "Parties") do hereby amend the Agreement as follows:

- 1. The Town will advance on behalf of the Government the following utility charges which are incurred by the Government in connection with the use of the Town facilities:
 - a. _____
 - b. _____
 - c. _____
- 2. The Government will reimburse the Town upon receipt and within (30) thirty days of a request for reimbursement from the Town such utility charges.
- 3. In addition to reimbursement for the cost of such utility charges, the Government will further pay to the Town an administrative fee of fifteen percent (15%) of the amount of the utility charges paid under the Agreement and this Amendment at the time that the charges are reimbursed to the Town.
- 4. Except as expressly amended, each and every other provision of the Agreement shall remain in full force and effect.

TOWN OF PAYSON

USDA FOREST SERVICE

By **DRAFT**

F. Robert Edwards, Mayor
303 North Beeline Highway
Payson, Arizona 85541
Telephone: (928) 474-5242
Fax Number : (928) 474-4610
Tax ID Number: 86-0287228

By **DRAFT**

Name: Denise Fox-Auvil
Title: Contracting Officer
USDA Forest Service
Western Zone Contracting
2324 East McDowell Road
Phoenix, Arizona 85006
Telephone: (602) 225-5330
(Local Contact: None)
Fax Number: (602) 225-5204

ATTEST:

Silvia Smith, Town Clerk

APPROVED AS TO FORM:

Samuel I. Streichman, Town Attorney