

RESOLUTION NO. 2330

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 WITH THE TOWN OF STAR VALLEY AND THE COUNTY OF GILA RELATING TO THE PURCHASE AND USE OF A POLICE VEHICLE.

WHEREAS, the Town of Star Valley ("Star Valley") and the Town of Payson ("Payson") have previously entered into an intergovernmental agreement under which Payson provides police services for Star Valley; and

WHEREAS, Gila County wishes to provide up to \$25,000 of its DEA Federal Asset Sharing funds for the purchase of a police vehicle to be used by Payson for the duration of its intergovernmental agreement with Star Valley; and

WHEREAS, for such purpose, a Memorandum of Understanding among Gila County, Star Valley and Payson 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 among Gila County, the Town of Star Valley and the Town of Payson, 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 said Memorandum of Understanding in substantially the form 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 of this Resolution and the terms of said Memorandum of Understanding.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, this ____ day of _____, 2007, by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

F. Robert Edwards, Mayor

APPROVED AS TO FORM:

ATTEST:

Samuel I. Streichman, Town Attorney

Silvia Smith, Town Clerk

Prepared by Town of Payson Legal Department

SIS:drs September 27, 2007 (11:01AM)
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EXHIBIT "A"

to Resolution No. 2330

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is entered into the _____ day of _____, 2007, between the Town of Payson ("Payson"), the Town of Star Valley ("Star Valley"), and Gila County.

THIS Memorandum of Understanding to promote the apprehension and prosecution of drug offenders and to assist Star Valley in its establishment of a police force shall become effective on the date the last signature is placed on this agreement.

WHEREAS, the Parties (the "Parties") to this Memorandum of Understanding ("MOU") are Payson, Star Valley; and Gila County; and

WHEREAS, the Parties attest that they have the authority to be bound by this MOU, and all Parties agree not to contest their entry into the MOU, nor the terms and conditions of this MOU; and

WHEREAS, the Parties attest they are aware that Payson and Star Valley have entered into an agreement for police services for a period of two years with Payson police employees providing services to the Town of Star Valley (hereinafter Police Services Contract); and

WHEREAS, the Parties attest they are aware that Gila County will provide up to \$25,000.00 from DEA Federal Asset Sharing Account, fund #216-301 which is controlled by the Gila County Attorney to purchase one police vehicle to be used by Payson for the duration of the Police Service Contract for the purposes of promoting the apprehension and prosecution of drug offenders in the normal course of operations; and

WHEREAS, the Parties attest they are aware that the funds for the purchase of said vehicle not to exceed the sum of \$25,000 shall be provided by Gila County from DEA Federal Asset Sharing Account, fund #216-301 through the Gila County Attorney who is the controlling party of criminal justice enhancement pass through funds and forfeiture funds not connected to the General Fund or the Board of Supervisors of Gila County, Arizona; and,

WHEREAS, at the conclusion of the Police Service Contract any interest remaining in the purchased vehicle shall revert to Star Valley.

TERMS:

1. The Gila County agrees to provide funds from DEA Federal Asset Sharing Account, fund #216-301 to the Town of Payson for the purchase of one police vehicle ("the Vehicle") not to exceed \$25,000 with the final figure to be determined by the price quotes obtained by the Town of Payson Police Department pursuant to Payson's procurement regulations.

2. The funds provided by Gila County for the purchase of the Vehicle shall be funds available to the Gila County Attorney to use as pass through funds to other agencies provided by the State of Arizona Criminal Justice Enhancement Funds or Federal Forfeiture Funds secured by the Gila County Attorney.

3. That all equipment purchased for the Vehicle not included in the original purchase shall remain the property of Payson and shall be removed from the Vehicle prior to its transfer to Star Valley.

4. That during the term of this MOU, Payson shall maintain title to the Vehicle. At the end or any termination of the Police Services Contract, this MOU shall terminate and Payson shall transfer title to and physical possession of the Vehicle to Star Valley in an 'as is' condition.

5. Payson shall maintain, repair, and insure the Vehicle in a manner comparable to its other police vehicles while title is in the name of Payson.

6. If during the term of this MOU, the Vehicle is irreparably damaged, Payson at its option may

(1) replace the vehicle with a comparable vehicle which shall be subject to the terms of this MOU, or

(2) provide Star Valley with any insurance proceeds received, in which case this MOU shall be deemed terminated.

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

TOWN OF PAYSON, ARIZONA

TOWN OF STAR VALLEY, ARIZONA

F. Robert Edwards, Mayor

Chuck Heron, Mayor

GILA COUNTY

Jose Sanchez, Chairman, Gila County
Board of Supervisors

Daisy Flores, Gila County Attorney

The undersigned attorney for the Town of Star Valley has reviewed this MOU and determined that it is in proper form and is within the powers and authority granted under the laws of the State to the Town.

Timothy W. Grier, Town Attorney
Town of Star Valley

The undersigned attorney for the Town of Payson has reviewed this MOU and determined that it is in proper form and is within the powers and authority granted under the laws of the State to the Town.

Samuel I. Streichman, Town Attorney
Town of Payson, Arizona