

SUMMARY OF AGENDA ITEM

DATE: August 7, 2008
TO: Mayor and Council
FROM: Tim Wright, Legal Department
SUBJECT: Resolution 2411 (Vacating Prior MOU with County and Star Valley re Police Car Purchase)

In November of 2007, the Town of Payson, the Town of Star Valley, and the Gila County Attorney's Office entered into a Memorandum of Understanding ("MOU") whereby the County Attorney agreed to provide funds to Payson for the purchase of a police car that would be used during the term of the law enforcement contract with Star Valley. Following the expiration of the contract, the police car, less any equipment purchase by Payson for the police car, was to revert to Star Valley.

The police car was never purchased. In June of 2008, the County Attorney asked that the MOU be vacated. See attached letter of Daisy Flores, Gila County Attorney. Because the prior MOU was recorded with the County Recorder, it was determined that a document of equal formality was necessary to vacate the MOU. Resolution 2411 and the attached new MOU accomplish this purpose.

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Patti Wortman, Chief Deputy
Bryan B. Chambers, Chief Deputy/Civil Division
Jeff Dalton, Child Support Division



Ramai Alvarez
Carolyn Borcharding
Pascal Brown
Michael Dynes
June Ava Florescue
Raymond Geiser
Lacy Hakim
James Parker

GILA COUNTY ATTORNEY

Daisy Flores

June 11, 2008

RECEIVED

JUN 19 2008

TOWN OF PAYSON
LEGAL DEPT.

Mr. Samuel I. Streichman
Payson Town Attorney
303 N. Beeline Highway
Payson, Arizona 85541

Mr. Tim Grier
Star Valley Town Attorney
HC5, Box 49-40
Star Valley, Arizona 85541

Re: Dissolution of Memorandum
of Understanding – Town of
Payson, Town of Star Valley,
and Gila County Attorney

Dear Mr. Streichman and Mr. Grier:

I have been contacted by the Town Manager of Star Valley concerning the Memorandum of Understanding entered into on the 20th day of November, 2007, wherein the County Attorney agreed to contribute funds for the purchase of a vehicle for the Town of Payson Police Department with said vehicle reverting to the Town of Star Valley at the conclusion of the Police Service Contract entered into between the Town of Payson and Town of Star Valley.

It is my understanding that the Town of Payson has not requested the funds to purchase the police vehicle because additional funds needed to properly outfit the vehicle to meet police standards have not become available. Chief Engler advised that the Town of Payson does not intend to extend the service contract with Star Valley at the end of the original two year term and the added expense to the Town of approximately \$9,000 to upgrade the vehicle is not reasonable under the circumstances.

Based on this information, the Memorandum of Understanding is no longer feasible for the participating entities and I would ask that your Town as a consent agenda item agree to dissolution of the Memorandum of Understanding. After this Memorandum is dissolved, I will work with the Town of Star Valley to fulfill the original intent of the agreement.

Sincerely,

Daisy Flores
Gila County Attorney

Globe Main Office:	1400 E. Ash Street, Globe, AZ 85501	Phone: (928) 425-3231 Ext. 8630	Fax: (928) 425-3720
Globe Downtown Office	155 S. Broad Street, Globe, AZ 85501	Phone: (928) 425-4120	Fax: (928) 425-9797
Globe Child Support Office:	157 S. Broad Street, Globe, AZ 85501	Phone: (928) 425-4464	Fax: (928) 425-7520
Payson Office:	714 S. Beeline Hwy Ste. 202, Payson, AZ 85541	Phone: (928) 474-4068	Fax: (928) 474-9066

RESOLUTION NO. 2411

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 VACATING A PRIOR MEMORANDUM OF UNDERSTANDING RELATING TO THE PURCHASE AND USE OF A POLICE VEHICLE.

WHEREAS, the Town of Star Valley ("Star Valley"), the Town of Payson ("Payson"), and Gila County (collectively "the Parties") have previously entered into an Memorandum of Understanding for the purchase of a police vehicle to be used for law enforcement purposes in Star Valley ("the MOU"); and

WHEREAS, the police vehicle has not been purchased and the Parties desire to vacate the MOU; and

WHEREAS, a new Memorandum of Understanding has been prepared that vacates the prior MOU,

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 vacating the prior MOU between Gila County, Star Valley and 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 the 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 _____, 2008, by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

Kenny J. Evans, Mayor

ATTEST:

APPROVED AS TO FORM:

Silvia Smith, Town Clerk

Samuel I. Streichman, Town Attorney

Prepared by Town of Payson Legal Department

July 29, 2008 (1:08pm)

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MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is entered into the _____ day of _____, 2008 between the Town of Payson (“Payson”), the Town of Star Valley (“Star Valley”), and Gila County (collectively “the Parties”).

WHEREAS, the Parties entered into a Memorandum of Understanding on November 20, 2007, recorded at Docket 2007-019863 Official Records of Gila County (“the MOU”) in order to provide up to \$25,000.00 to Payson for the purchase of one police vehicle to be used for law enforcement purposes in Star Valley; and

WHEREAS, Payson has not purchased the police vehicle contemplated in the MOU; and

WHEREAS, Payson no longer intends to purchase the police vehicle contemplated in the MOU and the Parties desire to dissolve the MOU.

NOW, THEREFORE, in consideration of their mutual benefits, the Parties agree that the MOU of November 20, 2007 should be and hereby is dissolved, and shall be of no further force or effect.

Town of Payson, Arizona

Kenny J. Evans, Mayor

Town of Star Valley, Arizona

_____, Mayor

Gila County Arizona

Jose Sanchez, Chairman, Gila County Board of Supervisors

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

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

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

Timothy W. Grier, Town Attorney
Town of Star Valley, Arizona

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

Bryan B. Chambers
Chief Deputy Gila County Attorney