

RESOLUTION 2534

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THE SECOND AMENDMENT TO THE AGREEMENT BETWEEN THE TOWN OF PAYSON AND THE HUMANE SOCIETY OF CENTRAL ARIZONA, INC.

WHEREAS, the Town of Payson ("Town") and the Humane Society of Central Arizona, Inc., formerly the Payson Humane Society ("Society") on October 1, 2008 entered into an Agreement for the care and treatment of animals placed with the Society by the Town ("the Agreement"); and

WHEREAS, during September of 2009, the Town and the Society signed the First Amendment to the Agreement extending the term of the Agreement through December of 2009; and

WHEREAS, the Town and the Society now desire to enter a Second Amendment further extending the term of the Agreement through June 30, 2010.

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

Section 1. That the Second Amendment to the Agreement be and is hereby approved in substantially the form set forth in Exhibit A attached hereto.

Section 2. That Kenny J. Evans, Mayor of the Town of Payson, be and is hereby authorized to execute the Second Amendment to the Agreement, in substantially the form set forth in Exhibit A attached hereto and made a part hereof by this reference as though set forth in full at this point.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this _____ day of _____, 2009, 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

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Exhibit A
to
Resolution 2534

SECOND AMENDMENT TO THE AGREEMENT
BETWEEN THE TOWN OF PAYSON
AND THE HUMANE SOCIETY OF CENTRAL ARIZONA

This Second Amendment to the Agreement dated October 1, 2008 is entered on this ____ day of December, 2009, by and between the Town of Payson, a municipal corporation of the State of Arizona ("Town"), and the Humane Society of Central Arizona, Inc., an Arizona non-profit corporation ("Society") (collectively the "Parties").

RECITALS

- A. On October 1, 2008 the Town and the Society entered into an Agreement for the care and treatment of animals placed in the care and control of the Society by the Town during fiscal year 2008-2009 as delineated in Chapter 90, "Animals," of the Town's Code of Ordinances (the "Agreement").
- B. The Town and the Society desire to extend the provisions of the Agreement as set forth below until the end of the 2009-2010 fiscal year (June 30, 2010).

NOW, THEREFORE, in consideration of the foregoing premises and the mutual promises and agreements set forth herein, the Parties hereto state, confirm and agree as follows:

- 1. The Term of the Agreement set forth in paragraphs 6 and 9 of the Agreement shall be extended through June 30, 2010.
- 2. The Society's obligations under the Agreement shall be limited and shall only include those obligations of the Town set forth in Chapter 11, Article 6 - "Animal Control" of the Arizona Revised Statutes (A.R.S. §11-1001 et. seq.).
- 3. All other terms and conditions of the Agreement and the First Amendment to the Agreement except as specifically amended herein shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Second Amendment the day and year set forth above.

**HUMANE SOCIETY OF
CENTRAL ARIZONA, INC.,**
An Arizona non-profit corporation

TOWN OF PAYSON,
An Arizona municipal corporation

By _____
_____, President

By _____
Kenny J. Evans, Mayor

ATTESTED BY:

Silvia Smith, Town Clerk

APPROVED AS TO FORM:

Samuel I. Streichman, Town Attorney