RESOLUTION NO. 2557

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AN INTER-GOVERNMENTAL AGREEMENT WITH THE TOWN OF STAR VALLEY TO ESTABLISH A PARTNERING ARRANGEMENT FOR APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANTS AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME.

WHEREAS, the Town of Payson and the Town of Star Valley each are members of the Central Arizona Association of Governments ("CAAG"); and

WHEREAS, CAAG is charged with the administration and distribution of funds obtained through the Arizona Department of Commerce for Community Development Block Grants ("CDBG"); and

WHEREAS, each year both the Town of Payson and the Town of Star Valley are eligible for participation in the funding/distribution process; the amount of funding available to each community depends upon the number of communities making application for CDBG grant allocations; and

WHEREAS, the Town of Payson believes that it is in its best interest to partner with another participating community so that each community may apply in alternating fiscal years for certain CDBG funds, thereby allowing each community to work on larger projects which cannot be considered under normal funding circumstances; and

WHEREAS, CAAG has authorized a procedure for alternating funding years,

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

Section 1. That the Intergovernmental Agreement between the Town of Payson and the Town of Star Valley, attached hereto as Exhibit "A" and incorporated herein by this reference as though set forth in full at this point, be and is hereby approved in substantially the form attached.

Section 2. That Kenny J. Evans, Mayor of the Town of Payson, is hereby authorized to execute said Intergovernmental Agreement in substantially the form attached.

Section 3. That the Town of Payson be and hereby is authorized to take such other and further actions as are necessary or appropriate to carrying out the purposes of such Agreement.

Prepared by Town of Payson Legal Department
SIS:drs June 3, 2010 (2:33pm)
C:\MyFiles\Resolutions\2500s\2557 IGA With Star Valley re CDBG.wpd

JUN 17 2010 G.2*

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this _____ day of _____, 2010, by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

_____
Kenny J. Evans, Mayor

ATTEST:

_____
Silvia Smith, Town Clerk

APPROVED AS TO FORM:

_____
Samuel I. Streichman, Town Attorney

Prepared by Town of Payson Legal Department
SIS:drs June 3, 2010 (2:33pm)
C:\MyFiles\Resolutions\2500s\2557 IGA With Star Valley re CDBG.wpd

EXHIBIT "A"

to Resolution No. 2557

INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN OF PAYSON AND THE TOWN OF STAR VALLEY

This intergovernmental agreement ("IGA") is made and entered into effective the _____ day of _____, 2010, by and between the TOWN OF PAYSON, an Arizona municipal corporation, hereinafter referred to as "Payson", and the TOWN OF STAR VALLEY, an Arizona municipal corporation, hereinafter referred to as "Star Valley."

RECITALS

Both Payson and Star Valley are members of the Central Arizona Association of Governments (CAAG). CAAG is charged with the administration and distribution of funds obtained through the Arizona Department of Commerce for Community Development Block Grants (CDBG). Each year both Payson and Star Valley are eligible for participation in the funding/distribution process and the amount of funding available to each community depends upon the number of communities making application for CDBG allocations. Both Payson and Star Valley believe that it is in the best interest of each community to partner with another participating community so that one community can make application in one fiscal year and the other in the next fiscal year. Therefore, each community will receive larger sums in the year of participation allowing each community to work on larger projects which cannot be considered under normal funding circumstances. CAAG has authorized a procedure for switching funding years. This agreement is entered into to memorialize Payson's and Star Valley's desire to switch funding years in FY 2010-2011 and FY 2011-2012. Both Payson and Star Valley are empowered to enter into this intergovernmental agreement by the provisions of A.R.S. § 11-951, *et seq.*

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements contained herein, the parties agree as follows:

1. Pursuant to CAAG rules and regulations and the method of distribution established by CAAG Regional Council, Payson and Star Valley will submit required documentation to CAAG, together with a copy of this IGA, which will inform CAAG that the parties to this IGA will partner for purposes of funding rounds for FY 2010-2011 and FY 2011-2012. Payson and Star Valley have each submitted a letter of intent to CAAG indicating that it is the intent of the parties that Star Valley will request funding for projects for FY 2010-2011 and will forego funding for FY 2011-2012, and that Payson will request funding for projects in FY 2011-2012 and will forego funding in FY 2010-2011. This will allow Star Valley to receive double or increased funding in FY 2010-2011 and will allow Payson to receive double or increased funding in FY 2011-2012.

2. Both Payson and Star Valley acknowledge that there is a possibility of changes in State policy and/or funding in the future and that each assumes said risk knowingly, understanding that funding levels may change during the two (2) year term of this IGA. Both

Payson and Star Valley further understand that the letter of intent filed in accordance with this IGA is valid for a period of two (2) years and there shall be no authority to withdraw or modify such letter of intent after January 1, 2011.

3. Both Payson and Star Valley shall be fully and solely responsible for compliance with all rules and regulations applicable to the grant applications each may submit and for any funding received. Failure to obtain funding or grants as a result of a community's failure to timely file applications for grant funds shall not authorize relief from this IGA. This IGA shall have a term of two (2) years from the date first above stated.

4. Both Payson and Star Valley shall be responsible for payment of any fees charged by CAAG for work performed by CAAG on behalf of that community during the term of this agreement.

5. The Town Manager for Payson and the Town Manager for Star Valley are authorized to execute any and all documents required to carry out the intent of this IGA. Each party shall provide to the other party copies of the letter of intent required pursuant to Paragraph 1 prior to January 1, 2011, together with any and all other documentation or records required to carry out the provisions of this IGA.

6. The provisions of A.R.S. § 38-511 relating to termination of agreements due to conflicts of interest apply to this IGA.

7. Notices shall be mailed to the parties as follows:

Town of Payson
Beth Beck, Grants Coordinator
303 North Beeline Highway
Payson, Arizona 85541

Town of Star Valley
Timothy W. Grier, Town Manager
3632 East Highway 260
Star Valley, Arizona 85541

Town of Payson
Debra A. Galbraith, Town Manager
303 North Beeline Highway
Payson, Arizona 85541

EXECUTED effective the date first above written.

TOWN OF STAR VALLEY,
an Arizona municipal corporation

By_____
William Rappaport, Mayor

TOWN OF PAYSON,
an Arizona municipal corporation

By_____
Kenny J. Evans, Mayor

APPROVED AS TO FORM:

_____

Timothy W. Grier, Town Attorney

ATTEST:

_____

Stephanie Jones, City Clerk

APPROVED AS TO FORM:

_____

Samuel I. Streichman, Town Attorney

ATTEST:

_____

Silvia Smith, Town Clerk

STATE OF ARIZONA)
) ss.
County of Gila)

The foregoing Intergovernmental Agreement between the Town of Payson and the Town of Star Valley was signed before me this ____ day of _____, 2002, by Kenny J. Evans, Mayor of the Town of Payson, on behalf of the Town.

_____

Notary Public

My commission expires:

_____

STATE OF ARIZONA)
) ss.
County of Gila)

The foregoing Intergovernmental Agreement between the Town of Payson and the Town of Star Valley was signed before me this ____ day of _____, 2010, by William Rappaport, Mayor of the Town of Star Valley, on behalf of the Town.

_____

Notary Public

My commission expires:

_____

C:\MyFiles\Agreements and Contracts\CDBG\IGA w-Star Valley re CDBG.wpd