

RESOLUTION 2758

**A RESOLUTION OF THE PAYSON TOWN COUNCIL APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THE FIRST AMENDMENT TO THE AGREEMENT FOR PROCESS SERVING SERVICES BETWEEN THE TOWN OF PAYSON AND GILA COUNTY.**

WHEREAS, in 2005, the Town of Payson and Gila County entered into an Agreement for Process Serving Services (the "Agreement"); and

WHEREAS, the Agreement provided for a termination date of June 30, 2005, but allowed for automatic annual extensions for up to 9 additional years. The last of these 9 extensions will expire on June 30, 2014; and

WHEREAS, the Agreement provided that either Party could choose to not renew the Agreement annually and/or either Party could terminate the Agreement upon 30 days written notice; and

WHEREAS, on October 3, 2013, the Town passed Resolution 2742 approving an extension/amendment to the Agreement; and

WHEREAS, following the approval of Resolution 2742, Gila County requested changes to the amendment the Town approved, including a shortened term that expires in 2018; and

WHEREAS, such changes were made and on February 4, 2014, the Gila County Board of Supervisors approved the amendment with the changes; and

WHEREAS, the Town agrees to the new amendment,

**NOW, THEREFORE, THE MAYOR AND COUNCIL DO RESOLVE AS FOLLOWS:**

- Section 1. The First Amendment to the Agreement for Process Serving Services Between the Town of Payson and Gila County, attached as Exhibit A, is approved in substantially the form attached.
- Section 2. Kenny J. Evans, Mayor of the Town of Payson, is authorized to execute said First Amendment in substantially the form attached.
- Section 3. Resolution 2742 is repealed.

FEB 20 2014 D.2\*

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, this \_\_\_\_ day of \_\_\_\_\_, 2014, by the following vote:

AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSTENTIONS \_\_\_\_\_ ABSENT \_\_\_\_\_

\_\_\_\_\_  
Kenny J. Evans, Mayor

ATTEST:

APPROVED AS TO FORM:



\_\_\_\_\_  
Silvia Smith, Town Clerk

\_\_\_\_\_  
Timothy M. Wright, Town Attorney

**Exhibit A**  
**to**  
**Resolution 2758**

**FIRST AMENDMENT TO THE  
AGREEMENT FOR PROCESS SERVING SERVICES  
BETWEEN THE  
TOWN OF PAYSON AND GILA COUNTY**

This First Amendment to the Agreement for Process Serving Services (the Amendment) is entered into by the Town of Payson, a municipal corporation of the State of Arizona (the Town), and Gila County, a political subdivision of the State of Arizona (the County) (Collectively the Parties).

**RECITALS**

WHEREAS, in 2005, the Town of Payson and Gila County entered into an Agreement for Process Serving Services (the Agreement); and

WHEREAS, the Agreement provided for a termination date of June 30, 2005, but allowed for automatic annual extensions for up to 9 additional years. The last of these 9 extensions will expire on June 30, 2014; and

WHEREAS, additionally, the Agreement provided that either Party could choose to not renew the Agreement annually and/or either Party could terminate the Agreement upon 30 days written notice; and

WHEREAS, the Parties desire to (1) extend the term of the Agreement for four years to June 30, 2018, (2) allow for automatic one year extensions, and (3) retain each Party's ability to terminate the Agreement upon 30 days written notice.

**AMENDMENT**

Based upon the foregoing, the Parties desire to amend the Agreement as follows:

A. Paragraph 5 of the Agreement is hereby amended, and as amended shall read as follows:

5. a. The amended term of this Agreement shall begin on the date last signed and shall terminate on June 30, 2018. At the end of the amended term and any subsequent terms, this Agreement shall be extended for an additional one year term unless terminated in accordance with subsection (b) below.

b. This Agreement may be terminated by either party for any reason upon the giving of thirty (30) days advance notice in writing of intent to so terminate this Agreement. All notices of intent to terminate shall be either hand delivered or shall be mailed by First Class, United States Mail to the business addresses of the respective parties and shall be effective as of their date of delivery or, in the case of mailing, upon their date of receipt.

B. Except as amended in Paragraph A above, all other terms of the Agreement shall remain in full force and effect.

COUNTY OF GILA:

TOWN OF PAYSON:

By \_\_\_\_\_  
Michael A. Pastor, dated  
Chairman of the Board of Supervisors

By \_\_\_\_\_  
Kenny J. Evans, Mayor dated

APPROVED AS TO FORM:

APPROVED AS TO FORM:

\_\_\_\_\_  
Bryan B. Chambers, Deputy Attorney Principal  
for Bradley D. Beauchamp, County Attorney

\_\_\_\_\_  
Timothy M. Wright, Town Attorney

ATTEST:

ATTEST:

\_\_\_\_\_  
Marian Sheppard,  
Clerk of the Board of Supervisors

\_\_\_\_\_  
Silvia Smith, Town Clerk