

RESOLUTION NO. 2537

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ENDORSING CONTINUED PARTICIPATION IN THE GILA COUNTY ENTERPRISE ZONE AND APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH GILA COUNTY RELATING TO THE OPERATION OF AN ENTERPRISE ZONE.

WHEREAS, on November 13, 1997, and on October 22, 2009, the Mayor and Common Council of the Town of Payson adopted Resolutions numbered 1227 and 2524 expressing the Town's continued support of an Enterprise Zone Commission for Gila County; and

WHEREAS, the Gila County Enterprise Zone Commission and the Gila County Enterprise Zone have proven to be beneficial to both Gila County and the Town of Payson; and

WHEREAS, Title 41, Article 2, Sections 41-1521, *et seq.*, provide for the creation of Enterprise Zones; and

WHEREAS, the intent of the Enterprise Zone program is to improve economically depressed sections of municipalities and rural areas through the development of job-creating uses; and

WHEREAS, the Town of Payson and Gila County have identified areas that meet the State's eligibility requirements for Enterprise Zone designation; and

WHEREAS, the Payson Town Council and the Gila County Board of Supervisors desire to operate such an Enterprise Zone; and

WHEREAS, for such purpose the parties desire to enter into an intergovernmental agreement,

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

Section 1. That the Town of Payson supports the renewal of the Gila County Enterprise Zone for a period of five years.

Section 2. That the Town of Payson continues to support the work of the Gila County Enterprise Zone Commission.

Prepared by Town of Payson Legal Department

SIS:drs December 22, 2009 (4:45pm)

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Page 1

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Section 3. That the Intergovernmental Agreement between the Town of Payson and the County of Gila, 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 4. That Kenny J. Evans, Mayor of the Town of Payson, is hereby authorized to execute said Intergovernmental Agreement in substantially the form attached.

Section 5. 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.

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:

APPROVED AS TO FORM:

Silvia Smith, Town Clerk

Samuel I. Streichman, Town Attorney

EXHIBIT "A"

to Resolution No. 2537

INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN OF PAYSON AND THE COUNTY OF GILA

This Intergovernmental Agreement (hereinafter "Agreement") between the Town of Payson, an Arizona municipal corporation, and the County of Gila, a political subdivision of the State of Arizona, is entered into this _____ day of _____, 2010.

WHEREAS, Title 41, Article 2, Sections 41-1521, et seq., provides for the creation of enterprise zones; and

WHEREAS, the intent of the enterprise zone is to improve economically depressed sections of municipalities and rural areas through the development of job-creating uses; and

WHEREAS, the enterprise zone program offers income tax credits to qualified zone businesses meeting certain eligibility requirements, and

WHEREAS, A.R.S. Section 41-1522, provides that if the proposed enterprise zone includes one more incorporated cities or towns as well as part or all of the unincorporated portions of the county, the governing body of the involved jurisdictions shall establish a commission through an Intergovernmental Agreement under Title 11, chapter 7, Article 3, and

WHEREAS, the Council for the Town of Payson and the Board of Supervisors of the County of Gila desire to form such an Enterprise Zone: and

WHEREAS, on January 1, 2003, an Enterprise Zone was granted to the County of Gila by the State of Arizona, and an Enterprise Zone Commission was created consisting of the Board of Supervisors of the County of Gila; and

WHEREAS, the Enterprise Zone Commission and has appointed Ken Volz as the Enterprise Zone Administrator.

NOW, THEREFORE, in consideration of the mutual promises, covenants, and undertakings as more particularly set forth below, the parties do hereby agree as follows:

1. The members of the Enterprise Zone Commission shall consist of the members of the Gila County Board of Supervisors.
2. The Chairman of the Enterprise Zone Commission shall be Supervisor Tommie Martin.
3. The Zone Administrator shall be Ken Volz appointed in October 2009.
4. This Intergovernmental Agreement shall expire five years after the effective date of this Agreement unless renewed for consecutive five-year terms as authorized by A.R.S. Section 41-1524 (C).
5. The purpose of the Intergovernmental Agreement is to carry out the legislative intent expressed in Title 41, Chapter 10, Article 2, Arizona Revised Statutes.
6. Administration of this cooperative undertaking shall be accomplished by utilizing the existing staff resources of the Northern Gila County Economic Development Corporation and the County of Gila, and such additional financing by the parties as may be agreed upon in the future.
7. This Intergovernmental Agreement is subject to the provisions of A.R.S. Section 38-511.
8. The Enterprise Zone includes Gila County Census Tracts 000300 (Payson), 000500 (Gisela, including Star Valley), 000600 (Young), 940200 (White Mountain Reservation), 940400 (San Carlos Reservation), 001300 (Hayden Winkelman).

9. The Chairman and Zone Administrator are hereby authorized to sign the Application and any other necessary or desirable documents required to carry out the purpose and intent of the Agreement and Title 41, Chapter 10, Article 2, Sections 41-1521, et., seq

IN WITNESS WHEREOF, the parties execute this Agreement this ____ day of _____, 2010.

County of Gila:

Town of Payson:

By: _____
Tommie Martin, Chairman
Enterprise Zone Commission

By: _____
Kenny J. Evans, Mayor

Attest:

Attest:

By: _____
Steven L. Besich, Clerk of the Board

By: _____
Silvia Smith, Town Clerk

Approved as to Form:

Approved as to Form:

By: _____
Daisy Flores, County Attorney

By: (SEE ATTACHED)
Samuel I. Streichman,
Town Attorney

APPROVAL AS TO FORM

The Town of Payson Legal Department has reviewed this agreement and approved it as to form. When reviewing this agreement for form, the Legal Department considers whether the following situations have been addressed:

1. Identification of parties;
2. Offer and acceptance;
3. Existence of consideration (we do not review to determine if consideration is adequate);
4. That certain provisions specifically required by statute are included (i.e., provisions concerning non-availability of funds and conflict of interest, A.R.S. § 38-511).

We have not reviewed the agreement for other issues. Therefore, approval as to form should not be considered as approval of the appropriateness of the terms or conditions of the agreement or the underlying transaction. In addition, approval as to form should not be considered approval of the underlying policy considerations addressed by the agreement.

Dated: _____, 2010.

By _____
Samuel I. Streichman, Town Attorney