

RESOLUTION NO. 2020-1173

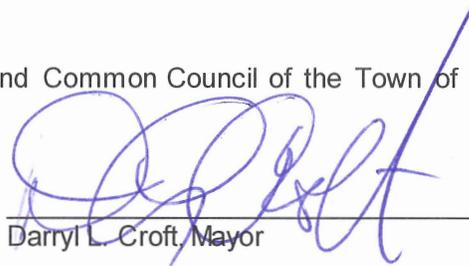
**A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, YAVAPAI COUNTY, ARIZONA, APPROVING ADDENDUM #1 TO THE INTERGOVERNMENTAL AGREEMENT WITH YAVAPAI COUNTY FLOOD CONTROL DISTRICT.**

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Common Council of the Town of Chino Valley, Yavapai County, Arizona as follows:

SECTION 1. Addendum #1 to the Intergovernmental Agreement with the Yavapai County Flood Control District (the "Addendum") is hereby approved substantially in the form and substance attached hereto as Exhibit A and incorporated herein by reference.

SECTION 2. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to take all steps necessary to cause the execution of the Addendum and to take all steps necessary to carry out the purpose and intent of this Resolution.

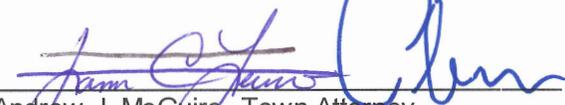
**PASSED AND ADOPTED** by the Mayor and Common Council of the Town of Chino Valley, Arizona this 22nd day of September, 2020.

  
\_\_\_\_\_  
Darryl L. Croft, Mayor

ATTEST:

  
\_\_\_\_\_  
Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Andrew J. McGuire, Town Attorney  
Gust Rosenfeld, PLC

I hereby certify the above foregoing Resolution No. 2020-1173 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on September 22, 2020, and that quorum was present thereat and that the vote thereon was 6 ayes and 0 nays and 0 abstentions. 1 Council members were absent or excused.

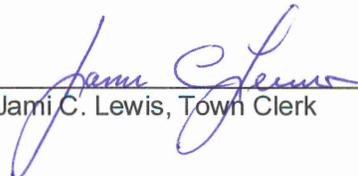
  
\_\_\_\_\_  
Jami C. Lewis, Town Clerk

EXHIBIT A  
TO  
RESOLUTION NO. 2020-1173

[Addendum]

See following pages.

ADDENDUM #1  
INTERGOVERNMENTAL AGREEMENT  
BETWEEN  
THE YAVAPAI COUNTY FLOOD CONTROL DISTRICT AND  
THE TOWN OF CHINO VALLEY  
FOR THE FISCAL YEAR 2019-2020 FINANCIAL CONTRIBUTION  
FROM THE DISTRICT TO THE TOWN FOR FLOOD CONTROL IMPROVEMENTS

THIS ADDENDUM #1 to the Intergovernmental Agreement By And Between The Yavapai County Flood Control District And The Town Of Chino Valley, For The Fiscal Year 2019-2020 Financial Contribution To The Town For Flood Control Improvements (this “Addendum”) is entered into, effective this 7<sup>th</sup> day of October, 2020, between the Yavapai County Flood Control District, a political subdivision of the State of Arizona (the “DISTRICT”), and the Town of Chino Valley, Arizona, a municipal corporation of the State of Arizona (the “TOWN”). The District and the Town are sometimes collectively referred to as the “Parties” or individually as the “Party.”

**RECITALS**

**WHEREAS**, the Parties have previously entered into the Intergovernmental Agreement By And Between The Yavapai County Flood Control District And The Town Of Chino Valley, For The Fiscal Year 2019-2020 Financial Contribution To The Town For Flood Control Improvements (the “Agreement”) with an effective date of August 21, 2019; and

**WHEREAS**, the Parties have determined that it would be to their mutual benefit to approve an addendum to the Agreement to make available to the TOWN for the Project (as defined in the Agreement) for fiscal year 2020-2021 (i) unspent DISTRICT funds from fiscal year 2019-2020, and (ii) additional Funds,.

**NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:**

**A. Amendment.** The provisions of the Agreement shall be amended as follows:

I. RECITALS.

**Subsection N of the Recitals**, is added as follows:

**N.** For fiscal year 2019-2020, the TOWN used forty-six thousand nine hundred ten and sixty-four hundredths (\$46,910.64) of the allocated one hundred forty-five thousand (\$145,000) budgeted DISTRICT Funds, leaving ninety-eight thousand eighty-nine and thirty-six hundredths (\$98,089.36) unused.

**Subsection O of the Recitals**, is added as follows:

**O.** The TOWN desires to receive DISTRICT Funds for the 2020-2021 fiscal year to be used for its Project.

**Subsection P of the Recitals**, is added as follows:

**P.** The DISTRICT has budgeted Funds for fiscal year 2020-2021, effective July 1, 2020, to support the Project in an amount not to exceed ninety-eight thousand eighty-nine and thirty-six hundredths (\$98,089.36) of the previously unused Funds, plus an additional twenty-five thousand (\$25,000), for a total of one hundred twenty-three thousand eighty-nine and thirty-six hundredths (\$123,089.36) in Funds available to the Town for the Project.

**II. AGREEMENTS**

**Section II, Subsection C**, is amended to read as follows: “The end of the fiscal year 2020-2021; or.”

**Section III, Subsection A(3)**, is amended to read as follows: “Use the Funds for the Project in fiscal year 2020-2021.”

**Section III, Subsection A(6)**, is amended to read as follows: “Request Funds from the DISTRICT on or before July 31, 2021 (for work completed in fiscal year 2020-2021).”

**Section III, Subsection B(4)**, is amended to read as follows: “Pay properly invoiced requests for work completed by the TOWN in fiscal year 2020-2021 so long as TOWN’s requests are received by the DISTRICT on or before July 31, 2021.”

**VIII. OTHER PROVISIONS**

**Section VIII, Subsection H**, is added as follows:

**H. INCORPORATION OF AMENDMENTS.** ADDENDUM #1, and its amendments, are hereby incorporated into the Agreement, and all other terms and conditions of the Agreement shall continue in force and effect until such time as the Agreement, as amended, expires or otherwise terminates. ADDENDUM #1 shall be effective as of June 30, 2020.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date and year specified below.

YAVAPAI COUNTY  
FLOOD CONTROL DISTRICT

TOWN OF CHINO VALLEY

\_\_\_\_\_  
Craig L. Brown, Chairman                      Date  
Board of Directors  
Yavapai County Flood Control District

\_\_\_\_\_  
Darryl Croft, Mayor                              Date  
Town of Chino Valley

ATTEST:

\_\_\_\_\_  
Kim Kapin                                              Date  
Clerk of the Board of Directors

\_\_\_\_\_  
Jami Lewis, Town Clerk                              Date  
Town of Chino Valley

DETERMINATIONS OF COUNSEL  
FOR ADDENDUM #1 OF THE  
INTERGOVERNMENTAL AGREEMENT  
BETWEEN  
THE YAVAPAI COUNTY FLOOD CONTROL DISTRICT AND  
THE TOWN OF CHINO VALLEY  
FOR THE FISCAL YEAR 2019-2020 FINANCIAL CONTRIBUTION  
FROM THE DISTRICT TO THE TOWN FOR FLOOD CONTROL IMPROVEMENT

Pursuant to A.R.S. §11-952, as amended, the foregoing Addendum has been submitted to the undersigned Attorney Town of Chino Valley. The undersigned has determined that this Addendum is in proper form and is within the powers and authority granted under the laws of the State of Arizona and the Town of Chino Valley.

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Attorney  
Town of Chino Valley

Date

Pursuant to A.R.S. §11-952, as amended, the foregoing Addendum has been submitted to the undersigned Attorney for the Yavapai County Flood Control District, Prescott, Arizona. The undersigned has determined that this Addendum is in proper form and is within the powers and authority granted under the laws of the State of Arizona to the Yavapai County Flood Control District.

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Deputy County Attorney  
Flood Control District

Date