RESOLUTION 2016-061

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; AUTHORIZING THE CITY TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH COCHISE COUNTY FOR THE PURPOSE OF FUNDING THE ATTORNEY FOR THE GILA WATER ADJUDICATION; AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, the City of Sierra Vista is authorized to enter into intergovernmental agreements with other agencies pursuant to Arizona Revised Statutes § 48-572 and § 11-952; and

WHEREAS, both the County and the City are authorized to spend public monies for and in connection with economic development activities pursuant to A.R.S. §§ 11-254.04 and 9-500.11; and

WHEREAS, both the County and the City recognize the importance of Fort Huachuca to the regional economy, and the importance of water availability in order for the Fort to perform its mission, as well as businesses and residents that are dependent on the Fort;

WHEREAS, to that end, the City has retained William Sullivan to represent the City's interests in the Gila River Water Rights Adjudication and related matters (the "Adjudication");

WHEREAS, the City desires the County to assist with funding Mr. Sullivan, and the County desires to assist.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

SECTION 1

The policy of the City of Sierra Vista relating to intergovernmental agreements, last affirmed by Resolution 2005-017, be and hereby is, reaffirmed.

SECTION 2

The Mayor of Sierra Vista is hereby authorized to enter into an intergovernmental agreement with Cochise County specifying that Cochise County will pay Five Thousand Dollars ($5,000.00) towards to help fund the City's retention of William Sullivan to represent the City's interests in the Adjudication.

SECTION 3

The City Manager, City Clerk, City Attorney or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this Resolution.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA THIS 11th DAY OF AUGUST 2016.

Frederick W. Mueller
Mayor

Approval as to Form:

Nathan J. Williams
City Attorney

Attest:

Jill Adams
City Clerk

Prepared by:
Nathan J. Williams, City Attorney

INTERGOVERNMENTAL AGREEMENT
BETWEEN
COUNTY OF COCHISE ("COUNTY") AND CITY OF SIERRA VISTA
("CITY")
FOR
FUNDING ATTORNEY FOR GILA WATER ADJUDICATION

WHEREAS, the County and the City are both authorized to enter into intergovernmental agreements pursuant to A.R.S. § 11-952 for services or joint exercise of powers common to their respective jurisdictions; and

WHEREAS, both the County and the City are authorized to spend public monies for and in connection with economic development activities pursuant to A.R.S. §§ 11-254.04 and 9-500.11; and

WHEREAS, both the County and the City recognize the importance of Fort Huachuca to the regional economy, and the importance of water availability in order for the Fort to perform its mission, as well as businesses and residents that are dependent on the Fort; and

WHEREAS, to that end, the City has retained William Sullivan to represent the City's interests in the Gila River Water Rights Adjudication and related matters (the "Adjudication");

WHEREAS, the City desires the County to assist with funding Mr. Sullivan, and the County desires to assist.

NOW, THEREFORE, IT IS AGREED between the parties as follows:

I. **County's Responsibilities:** The County shall contribute $5,000 for FY2016-17 to help fund the City's retention of Mr. Sullivan to represent the City's interests in the Adjudication. The County will provide Mr. Sullivan with any information or data that might be requested. The County will participate in any discussions between Mr. Sullivan and the City, to the extent that the County has personnel available to do so. The County warrants that any discussions or documents that are subject to attorney client privilege or are attorney work product will likewise be treated by the County as privileged or work product.

II. **City's Responsibilities:** The City shall keep the County informed of the status of Mr. Sullivan's efforts with respect to the Adjudication and invite the County to participate in such discussions.

III. **Duration:** This Agreement shall take effect when approved and executed by both parties and remain in effect through June 30, 2017.

IV. **Employment status:** Any attorney hired under terms of or in furtherance of this Agreement shall not be an employee of the County or the City.

V. **No separate legal entity:** No separate legal entity is formed by this Agreement.

VI. **Notices:** Any notices required under this Agreement shall be mailed, by first class mail to, and be effective upon actual receipt by:

A. **For the County:** James Vlahovich, County Administrator
1415 Melody Lane, Bldg. G
Bisbee, AZ 85603

B. **For the City:** Charles Potucek, City Manager
1101 N. Coronado Drive
Sierra Vista, AZ 85635

IN WITNESS WHEREOF the parties have authorized the designated officials indicated below to execute this Agreement.

Richard Searle, Chair Date
County of Cochise Board of Supervisors

Rick Mueller, Mayor Date
City of Sierra Vista

In accordance with A.R.S. § 11-952, undersigned counsel have determined that this Intergovernmental Agreement is in proper form and is within the powers and authority granted under the laws of the State of Arizona.

Britt W. Hanson, Date
Chief Civil Deputy County Attorney

11 Aug 2016
Nathan Williams, City Attorney Date