Staff Report

Agenda Item: **REIMBURSEMENT AGREEMENT ORDINANCE** - Discussion and consideration of adopting by reference a document entitled "Reimbursement Agreement" on file as a public record with the Town Clerk, as an Ordinance creating Chapter 21, Article 21-1 though 21-8, of the Town Code of the Town of Clarkdale; Providing for Severability; and Repealing Conflicting Ordinances.

Meeting Date: February 26, 2008

Prepared By: Ron Doba, Utilities Director

Background: This ordinance is adopting the "Reimbursement Agreements" Chapter of the Town Code, which was made a public record through the Resolution by the previous agenda item. The new Code has been crafted by Willdan Engineering under contract with the Town of Clarkdale. The Council has received presentations in the past on the Code and has provided input to Willdan Engineering. The most recent presentation was by Mr. Grant Anderson on January 8, 2008. The Code has been modified by Willdan to address the Council's comments and a representative from Willdan will be available at the Council meeting for questions.

Recommendation: Staff recommends approval of Ordinance # _____ adopting the "Reimbursement Agreements" Chapter of the Town Code.

ORDINANCE # _____

AN ORDINANCE OF THE TOWN OF CLARKDALE, ARIZONA, MAKING CHANGES TO THE TOWN CODE BY ADOPTING BY REFERENCE THOSE CERTAIN DOCUMENTS ENTITLED "REIMBURSEMENT AGREEMENTS" REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY.

BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CLARKDALE, ARIZONA:

Section 1: That the certain documents known as "Reimbursement Agreements," three (3) copies of which are on file in the Office of the Town Clerk of the Town of Clarkdale, Arizona, which documents were made public record by Resolution # _____, are hereby referenced to , and made a part hereof as if fully set forth in this Ordinance; and

Section 2: That the documents described in Section 1 above are hereby adopted by reference as Chapter 21, Article 21-1 through article 21-8; and

Section 3: That all Ordinances and parts of Ordinances in conflict with the provisions of this Ordinance or any part of this document adopted herein by reference are hereby repealed.

Section 4: Any portion of the Town Code repealed by this Ordinance does not affect rights and duties that matured or penalties that were incurred, and proceedings that were begun before the effective date of the repeal.

Section 5: If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of this document adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Mayor and Council of the Town of Clarkdale, Arizona, this 26th day of February, 2008.

_____
Doug Von Gausig, Mayor

ATTEST:

_____
Kathy Bainbridge, Town Clerk

APPROVED AS TO FORM:
Boyle, Pecharich, Cline & Whittington, P.L.L.C.
Town Attorneys

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by Robert Pecharich, Town Attorney