



Staff Report

Agenda Item: **Yavapai County Flood Control District Intergovernmental Agreement**
– Approval of an intergovernmental agreement with Yavapai County
Flood Control District for \$110,000.00, to be used by the Town for local
drainage improvements.

Sponsored By: Doug Von Gausig, Mayor

Staff Contact: Steve Burroughs, Public Works Director

Meeting Date: October 14, 2008

Background: The purpose of the IGA is to assist the Town with local drainage
improvements. Last year the Town received \$68,785.00 that was utilized in the Lanny Lane area
and around the Valley View cemetery for flood mitigation work.

These are new funds and the Public Works Department would like to utilize these funds to
continue drainage improvements within Clarkdale.

Recommendation: Approval of the IGA with Yavapai County Flood Control District for
\$110,000.00, to be used by the Town for local drainage improvements.

YAVAPAI COUNTY

Development Services

Prescott - (928) 771-3214 Fax: (928) 771-3432
Cottonwood - (928) 639-8151 Fax: (928) 639-8153



Flood Control District

Prescott - (928) 771-3197 Fax: (928) 771-3427
Cottonwood - (928) 639-8151 Fax: (928) 639-8118

500 S. Marina Street, Prescott, AZ 86303 and 10 S. 6th Street, Cottonwood, AZ 86326

Addressing – Building Safety – Customer Service & Permitting – Environmental – Flood Control District – Land Use – Planning & Design Review

July 21, 2008

Honorable Doug Von Gausig, Mayor
Town of Clarkdale
PO Box 308
Clarkdale, AZ 86324-0308

Re: Town of Clarkdale Intergovernmental Agreement (IGA) Funding Request FY 08-09

Dear Mayor Von Gausig:

The District has requested \$110,000, in its current FY 08/09 budget. These funds are to provide assistance to the Town for local drainage improvements.

The IGA was approved by the Board of Supervisors during the Boards regularly scheduled meeting on Monday July 21, 2008.

Attached are three originals of the IGA for your review. If the content of the IGA is acceptable, with no changes needed, please sign all three and return all three originals to me.

A fully executed original copy will be returned to you after it has been signed by the Chairman of the Board of Supervisors.

Should you have any questions, please contact me.

Sincerely,
YAVAPAI COUNTY DEVELOPMENT SERVICES

Kenneth E. Spedding, Director
Floodplain Administrator
(928) 771-3216 FAX (928) 771-3368

KS/gs

c: Steve Burroughs, Director Public Works, Town of Clarkdale

When recorded in the Office of the
Yavapai County Recorder, return to:

Yavapai County Flood Control District
500 S. Marina St.
Prescott, AZ 86303

INTERGOVERNMENTAL AGREEMENT

THIS AGREEMENT, made this 21st day of July 2008, by and between YAVAPAI COUNTY FLOOD CONTROL DISTRICT, a special district legally created in the State of Arizona (hereinafter called "District") and the TOWN OF CLARKDALE, a municipal corporation of the State of Arizona, (hereinafter call "Town") for a period commencing, July 1, 2008, and extending through June 30, 2009, (or as otherwise provided herein).

WITNESSETH:

WHEREAS, the YAVAPAI COUNTY FLOOD CONTROL DISTRICT and the TOWN of CLARKDALE have the authority to enter into Intergovernmental Agreements pursuant to Arizona Revised Statutes, Section 11-952, Section 48-3603(9) and Section 9-240(5); and,

WHEREAS, the TOWN of CLARKDALE lies within the legal boundaries of the District (Yavapai County); and,

WHEREAS, property owners within the corporate limits of the TOWN pay ad valorem taxes to support the District; and,

WHEREAS, the Town has experienced stormwater control and flooding problems for a number of years in various portions of town; and

WHEREAS, the District is authorized to expend funds for flood control projects (including stormwater control) and has approved and budgeted amounts necessary to provide funding assistance for a flood mitigation project(s).

NOW, THEREFORE, IT IS AGREED by and between the District and the Town as follows:

PURPOSE

1. The purpose of this Intergovernmental Agreement is for the District to pay and contribute to the Town a sum not to exceed ONE HUNDRED TEN THOUSAND Dollars (\$110,000) for fiscal year 2008-09, to be used by the Town to fund drainage studies, installing culverts, improving drainage ways and other flood mitigation work. The District shall make said payment to the Town in partial payments based upon monthly billings from the Town.
2. The Town shall use said District funds exclusively for reimbursement of costs associated with solving flooding and drainage problems. Invoices shall be provided to the District for review prior to reimbursement.
3. The Town shall be responsible for the administration, right-of-way acquisition, design construction, inspection and materials necessary to complete the project(s).

DURATION

The term of this Agreement is for the fiscal year 2008-09.

RENEWAL

This Agreement may be renewed by both parties if said work is not completed within the time specified herein.

SEVERABILITY

The parties agree that if any part or parts of this Intergovernmental Agreement are held to be void or unenforceable by a court of competent jurisdiction, the remaining parts of the Agreement shall remain in full force and effect.

ENTIRE AGREEMENT

This Agreement contains the entire agreement of the parties with respect to the subject matters herein, and it may be amended, modified, or waived only by an instrument in writing signed by both parties. This Agreement is subject to cancellation pursuant to ARS §38-511.

INDEMNIFICATION

The Town and the District each agree to hold the other party harmless and indemnify the other for any loss, liability, or damages arising from any action, omission, or negligence of each party's employees, officers, or agents, regarding the performance of this Intergovernmental Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized officials on the aforementioned date.

TOWN OF CLARKDALE

YAVAPAI COUNTY FLOOD
CONTROL DISTRICT

Doug Von Gausig, Mayor

Carol Springer, Chairman
Yavapai County Flood Control District
Board of Directors

ATTEST:

ATTEST:

, Clerk

Julie Ayers, Clerk of the Board
Yavapai County Flood Control District

APPROVED AS TO CONTENT
AND FORM:

APPROVED AS TO CONTENT
AND FORM:

, Town Attorney

Deputy County Attorney

INTERGOVERNMENTAL AGREEMENT DETERMINATION

In accordance with A.R.S. §11-952, this proposed Intergovernmental Agreement for funding this drainage study has been reviewed by the undersigned town attorney who has determined that said Agreement is in appropriate form and is within the powers and authority of the Town of Clarkdale.

Town Attorney

Date: _____

In accordance with A.R.S. §11-952, this proposed Intergovernmental Agreement for funding this drainage study has been reviewed by the undersigned county attorney who has determined that said Agreement is in appropriate form and is within the powers and authority of the Yavapai County Flood Control District.

Deputy County Attorney

Date: _____