



Resolution

OFFICE OF THE
MAYOR
CITY OF SAN LUIS

RESOLUTION NO. 836

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SAN LUIS,
ARIZONA APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY
OF YUMA, CITY OF SOMERTON, TOWN OF WELLTON, AND THE COUNTY OF
YUMA TO RENEW ENTERPRISE ZONE

Whereas, the City of San Luis desires to enter into an intergovernmental agreement with the City of Yuma, City of Somerton, the Town of Wellton, and the County of Yuma to renew an enterprise zone;

Whereas, the parties to the intergovernmental agreement desire to enter said agreement; and

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the City of San Luis, State of Arizona, as follows:

Section 1: That the Intergovernmental Agreement between the City of San Luis, the City of Somerton, the City of Yuma, the Town of Welton, and Yuma County, as attached hereto as Exhibit "A", is hereby approved.

Section 2: That the appropriate City officials are hereby authorized and directed to enter into said agreement on behalf of the City and take any all actions as may be necessary to effectuate said agreement.

PASSED AND ADOPTED by the Mayor and Common Council of the City of San Luis, Arizona, this 9th day of September, 2009.

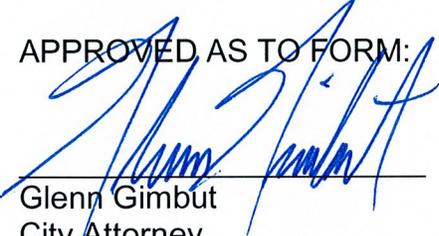
Juan Carlos Escamilla, Mayor

ATTEST:



Sonia Cuello, City Clerk

APPROVED AS TO FORM:



Glenn Gimbut
City Attorney

EXHIBIT A

**INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE CITY OF YUMA, THE CITY OF SOMERTON,
THE CITY OF SAN LUIS, TOWN OF WELLTON
AND
THE COUNTY OF YUMA**

This Intergovernmental Agreement (hereinafter "Agreement") between the City of Yuma, the City of Somerton, the City of San Luis, Town of Wellton, municipal organizations, and the County of Yuma, a political subdivision of the State of Arizona, is entered into this ____ day of _____, 2009

WHEREAS, in January 1990, an enterprise zone was granted to the City of San Luis, the City of Somerton, the City of Yuma, Town of Wellton, and the County of Yuma by the State of Arizona, and an Enterprise Zone Commission was created consisting of the members of the Board of Supervisors of the County of Yuma; and

WHEREAS, the Councils of the City of San Luis, the City of Somerton, the City of Yuma, Town of Wellton, and the County of Yuma Board of Supervisors desire to continue such an Enterprise Zone Commission;

WHEREAS, the Enterprise Zone Commission elected the County of Yuma's Chairperson to act as the Chairman of the Enterprise Zone Commission, and appointed the President/CEO of the Greater Yuma Economic Development Corporation as the Enterprise Zone Administrator; and

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

WHEREAS, Title 41, Article 2, Sections 41-1521, et seq., provide for renewal of the enterprise zone; and

WHEREAS, this program's intent 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, the City of San Luis, the City of Somerton, the City of Yuma, Town of Wellton, and the County of Yuma have identified the area that meets the State's eligibility requirement for enterprise zone designation.

NOW, THEREFORE, in consideration of the mutual promises, covenants and undertaking 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 County of Yuma Board of Supervisors; and
2. The Commission shall select a Chairman and Vice-Chairman from among its members and meet at least semi-annually and/or at other times on the call of the Chairman.
3. The Zone Administrator shall be a representative from the Greater Yuma Economic Development Corporation as appointed by the Enterprise Zone Commission.
4. This Intergovernmental Agreement shall expire five years after the enterprise zone designation is renewed unless the enterprise zone is renewed for consecutive five years term as authorized by A.R.S. Section 41-1524 (C), in which instance this agreement shall continue for any renewal terms.
5. The purpose of this Intergovernmental Agreement is to carry out the legislative intent expressed in Title 41, Chapter 10, Article 2, Arizona Revised Statutes.
6. This cooperative undertaking shall be financed by utilizing the existing staff resources of the City of San Luis, the City of Somerton, the City of Yuma, Town of Wellton, and the County of Yuma and such additional financing by the parties as may be mutually agreed upon by the parties in the future.
7. This Intergovernmental Agreement is subject to the provisions of A.R.S. Section 38-511.
8. The proposed enterprise zone is Yuma County's boundaries.

9. The Chairman and Zone Administrator are hereby authorized to sign the Application and any other necessary or desirable documents necessary to carry out the purposes and intent of this Agreement and Title 41, Chapter 10, Article 2, Sections 41-1521, et seq.
10. This Intergovernmental Agreement may be amended or modified at any time by agreement of the parties.
11. Each party warrants, and shall require its subcontractors to warrant, that it is in compliance with all federal immigration laws and regulations that relate to its employees and with A.R.S. § 23-214 relating to verification of employment eligibility. A breach of this warranty shall be deemed a material breach of the Intergovernmental Agreement and is subject to penalties up to and including termination of this Intergovernmental Agreement. The parties retain the legal right to inspect the papers of any party or subcontractor employee who works on this Intergovernmental Agreement to ensure that the other party or its subcontractors are complying with this warranty.
12. By entering into this Intergovernmental Agreement, each party certifies to the others that it does not have scrutinized business operations in Sudan or Iran as those terms are defined in A.R.S. § 35-391 *et seq.* and § 35-393 *et seq.*

IN WITNESS WHEREOF, this Agreement is executed by the parties hereto:

ATTEST:

By: 
City Clerk

CITY OF SAN LUIS

By: 
The Honorable
Juan Carlos Escamilla
Mayor

ATTEST:

By: _____
City Clerk

CITY OF SOMERTON

By: _____
The Honorable Martin Porchas
Mayor

ATTEST:

By: _____

CITY OF YUMA

By: _____

City Clerk

The Honorable Larry Nelson
Mayor

ATTEST:

TOWN OF WELLTON

By: _____
Town Clerk

By: _____
The Honorable James Deermer
Mayor

ATTEST:

YUMA COUNTY

By: _____
Clerk of the Board

By: _____
The Honorable Greg Ferguson
Chair, Board of Supervisors

APPROVAL OF COUNTY AND CITY ATTORNEY

We hereby state that we have reviewed the proposed Intergovernmental Agreement between the City of San Luis, the City of Somerton, the City of Yuma, Town of Wellton, and Yuma County, and declare the Agreement to be in proper form and within the powers and authority granted to the respective governing bodies that we represent under the laws of the State of Arizona.

By: _____
County Attorney

By: _____
Yuma City Attorney

Date

Date

By:  _____
San Luis City Attorney

Date: 9/09/09

By: _____
Somerton City Attorney

Date: _____

By: _____
Town of Wellton Attorney

Date: _____