A. G. Contract No.KR94 2981TRN
ECS File No.: JPA 94-255
Project: P4494 01P
Section: Bicycle Safety

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF BISBEE

THIS AGREEMENT is entered into 19 JANUARY, 1995, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and THE CITY OF BISBEE, acting by and through its MAYOR and CITY COUNCIL (the "City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-108 and 28-112 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes Section 48-572 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and authorized the undersigned to execute this agreement on behalf of the City.

3. The Federal Highway Administration has provided planning and research (SPR) State administered grant funds for various safety programs, including, but not limited to, bicycle safety education and related applications. The State has evaluated and approved a grant in the amount of $800.00 for the City.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

NO. 19399
FILED WITH SECRETARY OF STATE
Date Filed 01/19/95
Jane Dee Hull
Secretary of State
By Vicky Greenwood

II. SCOPE

1. The City will:

a. Invoice the State for grant funds in the amount of $800.00. Be responsible for any program costs over and above the State's grant contribution.

b. Expend grant funds in substantial conformance with the goals and objectives of the grant application provided to the State.

2. The State will:

Within thirty (30) days after receipt and approval of an invoice, pay the City $800.00.

III. MISCELLANEOUS PROVISIONS

1. The only interest of the Department of Transportation in the program is to convey federal pass through funds for the use and benefit of the City by reason of state law under which funds for the program are authorized to be expended. Should the program not be completed, be partially completed, or be completed at a lower cost than the State's grant contribution, or for any other reason should any of these grant funds not be expended, a proportionate amount of the funds provided under this agreement shall be reimbursed to the State. The City agrees to indemnify and save harmless the State, or any of it's departments, agencies, officers or employees, from and against all loss, expense, damage or claim of any nature whatsoever which is caused by any activity, condition or event arising out of the performance or non-performance by the State of any of the provisions of this agreement.

2. This agreement shall remain in force and effect until completion of said program and payment; provided, however, that this agreement may be cancelled at any time prior to the commencement of performance under this contract, upon thirty (30) days written notice to the other party.

3. This agreement shall become effective upon filing with the Secretary of State.

4. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

5. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

6. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth in Arizona Revised Statutes Section 12-1518.

7. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007

City of Bisbee
City Manager
118 Arizona Street
Bisbee, AZ 85603

8. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

CITY OF BISBEE

By LaVerne Williams
LaVERNE WILLIAMS
Mayor

STATE OF ARIZONA
Department of Transportation

By Harry A. Reed
HARRY A. REED, Director
Transportation Planning
Division

ATTEST

By Linda Burbidge
LINDA BURBIDGE
City Clerk

457/25-27
29nov

RESOLUTION

BE IT RESOLVED on this 29th day of November 1994, that I, the undersigned LARRY S. BONINE, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Transportation Planning Division, to enter into agreements with various political subdivisions and bicycle safety groups for the purpose of promoting bicycle safety and/or training.

Therefore, authorization is hereby granted to draft said agreements which, upon completion, shall be submitted for approval and execution by the Director, Transportation Planning Division.

Mary Peters

LARRY S. BONINE
Director

RESOLUTION R-94- 59

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF BISBEE, COUNTY OF COCHISE, STATE OF ARIZONA, APPROVING AN INTERGOVERNMENTAL AGENCY AGREEMENT BETWEEN THE STATE OF ARIZONA AND THE CITY OF BISBEE FOR OBTAINING A BICYCLE SAFETY MINI-GRANT AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME.

WHEREAS, the City of Bisbee (CITY) and State of Arizona have authority to enter into an intergovernmental agreement to provide for the CITY to obtain a Bicycle Safety Mini-Grant pursuant to Sections 11-952, 16-172 and 16-168 of the Arizona Revised Statutes; and

WHEREAS, this is an intergovernmental agreement between the STATE and the CITY for use of this mini-grant to promote bicycle safety in our community.

NOW, THEREFORE, BE IT RESOLVED, that the City Council does hereby approve the intergovernmental agreement between the STATE and the CITY for the use of the Bicycle Safety Mini-Grant.

BE IT FURTHER RESOLVED, that the Mayor is authorized to execute said agreement on behalf of the City of Bisbee and that the City Clerk is authorized to effectuate the terms of said agreement at such time as said agreement becomes effective.

PASSED, APPROVED AND ADOPTED by the Mayor and Council of the City of Bisbee this 20th day of December, 1994.

LaVerne Williams

Laverne Williams, Mayor

ATTEST:

Linda Burbidge

Linda Burbidge, City Clerk

APPROVED AS TO FORM:

Christopher Hitchcock, City Attorney

ATTEST/CERTIFICATION

I hereby certify that the foregoing document(s) is/are a true and correct copy:

Dated: 12/21/94

City Clerk Linda Burbidge

ATTORNEY APPROVAL

I have reviewed the attached agreement pursuant to A.R.S. 11-952 and declare this agreement to be in proper form and within the powers and authority granted to Bisbee under the laws of the State of Arizona.

No opinion is expressed as to the authority of the remaining parties to enter into said agreement.

DATED this 20th day of December, 1994.

STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

GRANT WOODS
ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX 85007-2926

MAIN PHONE: 542-5025
TELECOPIER: 542-4085

INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A. G. Contract No. KR94-2981-TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. §11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 10th day of January, 1995.

GRANT WOODS
Attorney General

JAMES R. REDPATH
Assistant Attorney General
Transportation Section

JRR:ggt
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