AG Contract No. KR97 1042TRN
ADOT ECS File No. JPA 97-78
Project: H4676 01X
Section: Naco Highway Realignment

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
COCHISE COUNTY, ARIZONA

THIS AGREEMENT is entered into 6 AUGUST 1997, 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 COCHISE COUNTY, acting by and through its BOARD OF SUPERVISORS (the "County").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-108 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 County is empowered by Arizona Revised Statutes Section 11-251 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 authorized the undersigned to execute this agreement on behalf of the County.

3. The State and the County desire to participate in the construction of a new Naco highway bypass from the port of entry to Newell Road, at an estimated cost of $880,000.00, hereinafter referred to as the Project, for the safety and benefit of the motoring public.

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

NO. 21787
FILED WITH SECRETARY OF STATE
Date Filed 08/06/97
Jane Lee Hull
Secretary of State
By Vicky Greenwood

II. SCOPE OF WORK

2. The County will:

a. Provide design plans, specifications and such other documents and services required for construction bidding and construction of the Project.

b. Call for bids and award one or more construction contracts for the Project. Administer same and make all payments to the contractor(s). Strictly comply with all applicable State and federal procurement laws, rules and regulations. Be responsible for any contractor claims for extra compensation due to delays or whatever reason.

c. Contribute a minimum of $80,000.00 of funds or in-kind services to the Project. Upon filing of this agreement with the Secretary of State, invoice the State in the amount of $800,000.00. Be responsible for all costs associated with the Project over and above the State's contribution of $800,000.00.

d. Upon completion, approve and accept the Project and provide maintenance.

1. The State will:

a. Within thirty (30) days after receipt and approval of an invoice, pay the County $800,000.00 as the State's share of the cost of the Project.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said payment; provided, however, that this agreement, except any provisions herein for maintenance, which shall be perpetual, may be cancelled at any time prior to the award of a construction contract, upon thirty (30) days written notice to the other party.

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

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

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

5. 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 for public works contracts in Arizona Revised Statutes Section 12-1518.

6. 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

Cochise County
County Engineer
1415 W. Melody Lane, Bldg. B
Bisbee, AZ 85603

7. 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.

COCHISE COUNTY, ARIZONA

By _____
TONY SARACINO, Chairman
Board of Supervisors

STATE OF ARIZONA
Department of Transportation

By _____
JAY KLAGGE, Director
Transportation Planning

ATTEST

By _____
NADINE PARKHURST
Clerk of the Board

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RESOLUTION

BE IT RESOLVED on this 20th day of May 1997, 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 Intermodal Transportation Division, to enter into an agreement with with Cochise County for the purpose of defining responsibilities for the design, construction and maintenance of improvements of the Naco bypass.

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

Dalli B. Saxton

for LARRY S. BONINE
Director

PROCEEDINGS OF THE SPECIAL BOARD MEETING OF THE BOARD OF SUPERVISORS

MONDAY, JUNE 9, 1997

At a special meeting of the Cochise County Board of Supervisors held on Monday, June 9, 1997 in the Hearing Room of the Cochise County Board of Supervisors located at 1415 W. Melody Lane, Bisbee, Arizona, the following were present:

Tony Saracino	- Chairman
Leslie Thompson	- Member
Mike Palmer	- Member
Jody Klein	- County Administrator
Nadine Parkhurst	- Clerk
John MacKinnon	- Deputy County Attorney

APPROVAL OF THE AGENDA

THE ORDER OR DELETION OF ANY ITEM ON THIS AGENDA IS SUBJECT TO MODIFICATION AT THE MEETING

ITEM 1 - CALL TO THE PUBLIC ON MATTERS RELATED TO COUNTY GOVERNMENT

Chairman Saracino made a call to the public to which no one responded.

ITEM 2 - PURCHASE REQUISITIONS AND DEMANDS

Clerk of the Board Nadine Parkhurst indicated that no purchase requisitions were presented for action. A motion was made by Supervisor Thompson and seconded by Supervisor Palmer to approve the demands in the amount of $284,550.94. Warrant numbers 21558 through 21869 were issued from the following funds:

Voided Warrants:
#21557 - Leader Warrant
#15434 - CMA - Fund 100 - $40.00
#21256 - William R. Cox - Fund 100 - $55.00

FUND 105	BISBEE/DOUGLAS AIRPORT	49.21
FUND 109	FLEET MANAGEMENT	26,349.35
FUND 115	COMM DEVELOPMENT GRANTS	1,132.28
FUND 124	ATTY ANTI-RACKETEERING	667.16
FUND 125	ATTY VICTIM ASSISTANCE	1,256.78
FUND 126	ATTY JUV VICT RIGHTS	269.98
FUND 128	ATTY IV-D INCENTIVE	15.72
FUND 147	ADULT PROBATION SVCS FEE	1,149.40
FUND 151	LAW LIBRARY	3,373.01
FUND 152	ADULT PROB STATE AID ENHMNT	593.52
FUND 154	JUV PROB FAMILY COUNSEL	480.00
FUND 155	P.I.C.	1,753.75
FUND 157	CASA PROBATION GRANT	180.00
FUND 158	ADULT PROB I.P.S. GRANT	201.50

FUND 159	JUV PROB SURVEILLANCE GRANT	2,545.53
FUND 163	CONCILIATION/MEDIATION	33.92
FUND 171	COUNTY LIBRARY	2,119.08
FUND 179	LSCA AUTOMATION	101.50
FUND 180	STATE AID 1997	1,077.29
FUND 200	HIDTA 96	12,493.22
FUND 208	SHERIFF INMATE WELFARE	83.88
FUND 218	HAZ MAT EMER PREP GRANT	2,385.00
FUND 220	RESPITE PROGRAMS	242.85
FUND 228	W.I.C. GRANT	168.22
FUND 232	FAMILY PLANNING	832.48
FUND 234	TB CONTROL	157.33
FUND 241	HIV OUTPATIENT & SPT SVCS	1,725.50
FUND 243	IMMUNIZATION PROGRAM	543.56
FUND 249	TOBACCO EDUCATION GRANT	2,795.54
FUND 251	HIGHWAYS	39,854.61
FUND 276	SCHOOL FUND	1,610.99
FUND 278	SMALL SCHOOLS	4,386.19
FUND 501	COUNTY GROUP HEALTH	2,802.55
FUND 505	SOLID WASTE	27,812.29
FUND 508	COCHISE HEALTH SYSTEMS	56,091.11
FUND 525	MEDICAL CONT EDUCATION	2,195.07
FUND 550	PROJECT RESTORE	723.08
FUND 601	MGMT INFORMATION SYSTEM	3,629.04
FUND 602	COMMUNICATIONS	532.07
	TOTAL	$284,550.94

The motion unanimously carried.

ITEM 3 - DISCUSSION AND POSSIBLE APPROVAL OF AN IGA BETWEEN ADOT AND COCHISE COUNTY TO OBLIGATE FUNDS FROM ADOT IN THE AMOUNT OF $800,000 FOR THE NACO HIGHWAY REALIGNMENT

A motion was made by Supervisor Palmer and seconded by Supervisor Thompson to approve an IGA with Arizona Department of Transportation to obligate funds from ADOT in the amount of $800,000 for the NACO Highway Realignment.

This action was necessary in order to obligate the funds at the ADOT Level with $400,000 budgeted for this year and the remainder for next year. This is basically a housekeeping measure. The motion unanimously carried.

No further business being presented, Chairman Saracino declared the meeting adjourned. The next regularly scheduled meeting of the Cochise County Board of Supervisors will be held Monday, June 16, 1997 at 10:00 A.M. in the Hearing Room of the Cochise County Board of Supervisors, 1415 W. Melody Lane, Bisbee, Arizona.

APPROVED: _____
Tony Suracino, Chairman

ATTEST: _____
Nadine M. Parkhurst, Clerk of the Board

(SUPPORTING DOCUMENTATION IS AVAILABLE AT THE BOARD OF SUPERVISORS' OFFICE)

JPA 97-78

APPROVAL OF THE COCHSIE COUNTY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, and COCHISE COUNTY and declare this agreement to be in proper form and within the powers and authority granted to the County under the laws of the State of Arizona.

DATED this 1st day of July, 1997.

Deputy

County Attorney

STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX 85007-2926

GRANT WOODS
ATTORNEY GENERAL

TRN Main: (602) 542-1680
Direct: (602) 542-8837
Fax: (602) 542-3646
MAIN PHONE : 542-5025
TELECOPIER : 542-4085

INTERGOVERNMENTAL AGREEMENT DETERMINATION

A.G. Contract No. KR97-1042TRN, 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 July 30, 1997.

GRANT WOODS
Attorney General

JAMES R. REDPATH
Assistant Attorney General
Transportation Section

JRR:et/6730