

DATE: June 27, 2019

MEMORANDUM TO: Honorable Mayor and City Council

FROM: Charles P. Potucek, City Manager

SUBJECT: REQUEST FOR AGENDA ITEM PLACEMENT
RESOLUTION 2019-058, Approving Intergovernmental Agreement with Cochise County regarding funding of a Consultant to Promote Retention and Expansion of Missions of the U.S. Army at Fort Huachuca

RECOMMENDATIONS:

The City Manager recommends approval.
The Assistant City Manager recommends approval.

BACKGROUND:

The City has been partnering with the Fort Huachuca 50 and Cochise County in the funding of a consultant/lobbyist who is tasked with taking the lead in advocating for new or expanded missions on the Fort, as well as monitoring for potential threats. In January/February of 2014 the City Council and Cochise County Board of Supervisors each approved an Intergovernmental Agreement (IGA) that specified the City and County's contribution toward such a consultant. The County requested the Intergovernmental Agreement for the administrative processing of their share.

The IGA was amended in October of 2015 to revise the language to allow appropriate flexibility over the life of the agreement and allow the City to accurately bill the County for its fair share of the services should there be subsequent changes in representation and associated costs. The attached IGA further revised the duration to a one (1) year term with four (4) automatic one year extensions.

BUDGET APPROPRIATION:

The cost breakdown for the Kelley-Drye contract is as follows:

	Monthly	Annual
City	\$2,250	\$27,000
County	\$2,250	\$27,000
Huachuca 50	\$ 500	\$ 6,000
Total	\$5,000	\$60,000

The City's share of the current contract with Kelley-Drye has been allocated in the City Manager's budget for this purpose.

RESOLUTION 2019-058

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA AND COCHISE COUNTY, ARIZONA, APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH COCHISE COUNTY TO HIRE A CONSULTANT TO PROMOTE RETENTION AND EXPANSION OF MISSIONS ON FORT HUACHUCA; AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY, OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, the City Council and the Cochise County Board of Supervisors supports the short and long-term retention and expansion of Fort Huachuca for the benefit of the greater Cochise County area; and

WHEREAS, the City has entered into a partnership with the Fort Huachuca 50 and Cochise County to retain a consultant to promote retention and missions on Fort Huachuca; and

WHEREAS, the City of Sierra Vista has enjoyed many productive partnerships with Cochise County over the years fulfilled through Intergovernmental Agreements;

WHEREAS, the City and the County have previously entered into an intergovernmental agreement, as reaffirmed in Resolution 2015-102, for the purpose of obtaining a consultant and wish to continue this partnership.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

SECTION 1

That the settled policy of the Mayor and City Council entering into Intergovernmental Agreements for partnerships benefitting the greater Sierra Vista community be, and hereby is, reaffirmed.

SECTION 2

That the Mayor and City Council of the City of Sierra Vista hereby adopt the Intergovernmental Agreement between the City of Sierra Vista and Cochise County supporting the retention of a consultant to perform all necessary work promoting retention and expansion of missions on Fort Huachuca.

SECTION 3

The City Manager, City Clerk, City Attorney or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this Resolution.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, THIS 27th DAY OF JUNE, 2019.

FREDERICK W. MUELLER
Mayor

Approved as to Form:

Attest:

NATHAN J. WILLIAMS
City Attorney

JILL ADAMS
City Clerk

Intergovernmental Agreement
Between the
County of Cochise (“County”) and City of Sierra Vista (“City”)
For Funding of a Consultant
To Promote Retention and Expansion of
Missions of the U.S. Army at Fort Huachuca

WHEREAS, the County and the City are both authorized to enter into intergovernmental agreements pursuant to A.R.S. § 11-952 for services or joint exercise of powers common to their respective jurisdictions; and

WHEREAS, both the County and the City are authorized to spend public monies for and in connection with economic development activities pursuant to A.R.S. § 11-254.04 and § 9-500.11; and

WHEREAS, both the County and the City recognize that potential reductions in missions on the Fort Huachuca U.S. Army base pose a threat to economic development in both the County and the City; and

WHEREAS, both the County and the City conclude that it is in their common interest to contribute to the funding of and obtain the benefit of the services of a consultant to assess the extent of that threat and assess and advocate for steps that may be taken to mitigate that threat,

WHEREAS, both the County and the City have previously entered into an intergovernmental agreement, as reaffirmed in Resolution 2015-102, for the purpose of obtaining a consultant and wish to continue this partnership.

NOW, THEREFORE, IT IS AGREED between the parties as follows:

- I. **Purpose:** The parties agree that the County shall contribute public monies in the amount stated below, and according to the terms stated below, to the City for the service to be undertaken by the City of arranging for funding of a consultant to promote retention and expansion of missions of the U.S. Army at Fort Huachuca for the economic benefit of the County and the City and their respective residents.
- II. **Respective responsibilities of the parties:**
 - A. The City shall make such arrangements as it deems necessary, which may include contractual arrangements with private parties, and shall make appropriate contributions of public funds to facilitate the hiring and funding of a consultant to promote retention and expansion of missions of the U.S. Army at Fort Huachuca.
 - B. The County agrees to provide up to \$35,000 annually, for the life of this agreement, toward the cost of the professional services of a consultant as described in Subparagraph II.A above under payment terms agreed upon by the County Administrator and City Manager.

- III. **Duration:** The term of this Agreement is for one (1) year from the date of execution with four (4) automatic one year extensions. In no event shall this agreement exceed 5 years unless agreed upon by the parties. Either party may terminate the agreement in writing with at least thirty (30) days prior notice to the other party pursuant to Paragraph VI.
- IV. **Employment status:** Any consultant hired under terms of or in furtherance of this Agreement shall not be an employee of the County or the City.
- V. **No separate legal entity:** No separate legal entity is formed by this Agreement.
- VI. **Termination:** Either party may terminate this Agreement at any time, with or without cause, on thirty (30) days written notice.
- VII. **Notices:** Any notices required under this Agreement shall be mailed, by first class mail, to, and be effective upon actual receipt by:

A. For the County of Cochise:
Edward Gilligan
1415 Melody Lane, Bldg. G
Bisbee, AZ 85603

B. For the City of Sierra Vista:
Charles P. Potucek
1011 N. Coronado Drive
Sierra Vista, AZ 85635

THIS AGREEMENT IS ENTERED INTO this ____ day of _____, 2019, by,

Peggy Judd, Chairman
County of Cochise Board of Supervisors

Frederick W. Mueller, Mayor
City of Sierra Vista

ATTEST:

Arlethe Rios
Clerk of the Board

Jill Adams
City Clerk

APPROVED AS TO FORM AND WITHIN THE POWER AND AUTHORITY GRANTED BY THE LAWS OF THE STATE OF ARIZONA TO THE CONTRACTING AGENCIES:

Brian McIntyre
County Attorney

Nathan J. Williams
City Attorney