

**RESOLUTION 2016-14**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, APPROVING THE SECOND AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COUNTY LIBRARY DISTRICT RELATING TO THE OPERATION OF THE TOWN OF FOUNTAIN HILLS BRANCH LIBRARY.

**BE IT RESOLVED** BY THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS as follows:

SECTION 1. The Second Amendment to the Intergovernmental Agreement with Maricopa County Library District relating to the operation of the Town Branch Library (the "Second Amendment") is hereby approved in substantially the form and substance attached hereto as Exhibit A and incorporated herein by reference.

SECTION 2. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to cause the execution of the Second Amendment and to take all steps necessary to carry out the purpose and intent of this Resolution.

**PASSED AND ADOPTED** by the Mayor and Council of the Town of Fountain Hills, Arizona, June 16, 2016.

**FOR THE TOWN OF FOUNTAIN HILLS:**

**ATTESTED TO:**

  
\_\_\_\_\_  
Linda M. Kavanagh, Mayor

  
\_\_\_\_\_  
Bevelyn J. Bender, Town Clerk

**REVIEWED BY:**

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Grady E. Miller, Town Manager

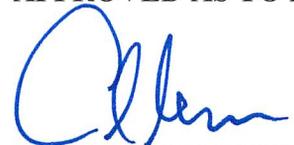
  
\_\_\_\_\_  
Andrew J. McGuire, Town Attorney

EXHIBIT A  
TO  
RESOLUTION 2016-14

[Second Amendment]

See following pages.

**SECOND AMENDMENT TO  
INTERGOVERNMENTAL AGREEMENT  
BETWEEN THE  
MARICOPA COUNTY LIBRARY DISTRICT  
AND THE TOWN OF FOUNTAIN HILLS, ARIZONA**

Agenda #

THIS SECOND AMENDMENT TO INTERGOVERNMENTAL AGREEMENT is made between the Maricopa County Library District (“Library District”) and the Town of Fountain Hills, Arizona (“Town”). The Town and the Library District are sometimes referred to herein individually as a “Party” and collectively as the “Parties.” All capitalized terms not defined herein shall have the meanings set forth in the IGA (defined below).

RECITALS

A. The Town and the Library District executed an Intergovernmental Agreement (“IGA”) on August 16, 2011 to operate the Fountain Hills Branch Library.

B. On or about September 5, 2013, the Parties amended the IGA, expanding the space available to the Library District to include the Town of Fountain Hills Centennial Circle for activities related to the operation of the Library (“Amendment No. 1”).

C. The IGA as amended will expire on August 16, 2016.

D. The Town and the Library District desire to renew the IGA as amended and extend its term.

NOW, THEREFORE, in consideration of the foregoing recitals, which are incorporated herein by reference, the following mutual covenants and conditions, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

AMENDMENTS

1. The term for services under the IGA shall be renewed for one five (5) year term commencing August 17, 2016.

2. This Agreement is subject to and incorporates by reference the statutory language of A.R.S. §38-511.

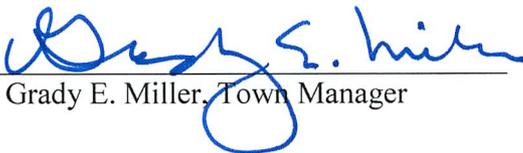
3. In all other respects, the IGA as previously amended is affirmed and ratified and, except as expressly modified herein, all terms and conditions of the IGA shall remain in full force and effect, as approved and amended.

4. This amendment is effective upon full execution of the Parties.

IN WITNESS WHEREOF, the TOWN OF FOUNTAIN HILLS, AZ and the MARICOPA COUNTY LIBRARY DISTRICT have executed this Agreement effective upon full execution of all the parties.

TOWN OF FOUNTAIN HILLS, AZ

MARICOPA COUNTY LIBRARY DISTRICT

By:   
Grady E. Miller, Town Manager

By: \_\_\_\_\_  
Chairman, Board of Directors  
Maricopa County Library District

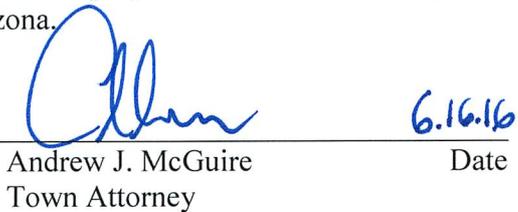
ATTEST:

ATTEST:

By:  6/16/16  
Bevelyn J. Bender, Town Clerk Date

By: \_\_\_\_\_  
Clerk of the Board Date

The foregoing Agreement has been reviewed by the undersigned counsel who has determined that it is in proper form and within the power and authority granted under the laws of the State of Arizona.

By:  6.16.16  
Andrew J. McGuire Date  
Town Attorney

By: \_\_\_\_\_  
Attorney Date  
Maricopa County Library District