

RESOLUTION NO. 20-03

A RESOLUTION OF THE BOARD OF DIRECTORS OF SUPERSTITION MOUNTAINS COMMUNITY FACILITIES DISTRICT NO. 1 AUTHORIZING EXECUTION AND PERFORMANCE OF AZWARN MUTUAL AID AGREEMENT AND SEEKING CONSENT OF THE CITY COUNCIL OF APACHE JUNCTION, ARIZONA PURSUANT TO ARIZ. REV. STAT. ANN. § 48-709.A.14. TO ENTER INTO THE MUTUAL AID AGREEMENT

WHEREAS, Superstition Mountains Community Facilities District No. 1 (the "District") proposes to enter into the AZWARN Mutual Aid Agreement (AZWARN MAA) among members of the Arizona Water and Wastewater Agency Network (the "Agreement"); and

WHEREAS, performance of the Agreement by the District may require the District to provide services to persons and property outside the District; and

WHEREAS, the District may perform services to persons and property outside the District with the consent of the City Council of Apache Junction, Arizona as provided in Ariz. Rev. Stat. Ann. § 48-709.A.14; and

WHEREAS, the District is otherwise empowered to enter into the Agreement under A.R.S. §§ 48-709, 11-952, and 26-301, et seq; and

WHEREAS, the form of the Agreement is before this meeting and entering into and performing the Agreement is in the best interest of the District;

NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF DIRECTORS OF THE SUPERSTITION MOUNTAINS COMMUNITY FACILITIES DISTRICT NO. 1 AS FOLLOWS:

Section 1. The form, terms and provisions of the Agreement presented at this meeting are hereby approved, with those insertions, omissions and changes as shall be approved by the Chairman, or Vice Chairman of the District, the execution of the Agreement by the District being conclusive evidence of that approval and the Chairman or Vice Chairman and the District Clerk or the Assistant District Clerk are hereby authorized and directed to execute and deliver the Agreement on behalf of the District.

Section 2. Performance of the Agreement by the District is subject to the consent of the City Council of Apache Junction, Arizona as provided in Ariz. Rev. Stat. Ann. § 48-709.A.14. and the officers of the District are authorized to obtain that consent.

Section 3. The officers, employees and representatives of the District shall take all action necessary or reasonably required by the parties to the Agreement to carry out, give effect to and consummate the transactions contemplated thereby, including, without limitation, the execution and delivery of any other documents reasonably required to be delivered in connection with the transactions authorized hereby.

Section 4. If any section, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of that section, clause or provision shall not affect any of the remaining provisions of this Resolution.


Section 5. The provisions of all bylaws, policies and procedures, orders and resolutions or parts thereof, inconsistent herewith, are hereby waived to the extent only of the inconsistency.

Adopted this 25th day of August, 2020.

ATTEST:



District Clerk, Superstition Mountains
Community Facilities District No. 1



Chairman, Superstition Mountains
Community Facilities District No. 1