

RESOLUTION 2019-037

ORIGINAL

RESOLUTION APPROVING AN INTERLOCAL AGREEMENT WITH THE TOWN OF GASTON, INDIANA REGARDING STREET SWEEPING SERVICES

WHEREAS, the Board of Commissioners of Delaware County (the "Commissioners") desires to assist the Town of Gaston, Indiana (the "Town") in its efforts to improve aesthetic maintenance of the Town's streets by providing street sweeping services to the Town; and

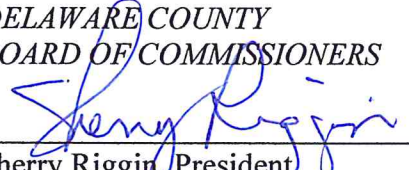
WHEREAS, the Commissioners have determined that, to provide the Town with the requested assistance, it is now necessary to enter into an interlocal agreement with the Town, pursuant to Ind. Code § 36-1-7-1 et seq., memorializing the terms of the parties' agreement.

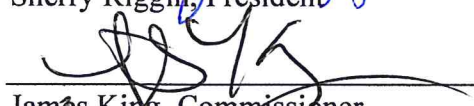
NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of Delaware County, Indiana, as follows:


1. The Board of Commissioners of Delaware County, Indiana hereby approves and authorizes the execution of the Interlocal Agreement, attached hereto as Exhibit A, between the Commissioners and the Town of Gaston, Indiana.
2. The Commissioners shall have no obligation to satisfy the terms, or any parts thereof, of the Interlocal Agreement until the Town Council for the Town of Gaston, Indiana adopts a substantially similar resolution and the Interlocal Agreement is fully executed by the parties and properly recorded as required by law.
3. This Resolution shall be in full force and effect from the date of its passing by the Board of Commissioners of Delaware County, Indiana.

DULY ADOPTED by the Board of Commissioners of Delaware County at a regularly scheduled public meeting held on this, the 21 day of October, 2019.

DELAWARE COUNTY
 BOARD OF COMMISSIONERS


 Sherry Riggins, President


 James King, Commissioner


 Shannon Henry, Commissioner

ATTEST:

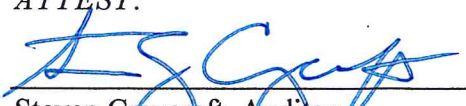

 Steven Craycraft, Auditor
 Delaware County, Indiana

Exhibit A

INTERLOCAL COOPERATION AGREEMENT BETWEEN THE TOWN OF GASTON, INDIANA AND DELAWARE COUNTY, INDIANA REGARDING THE USE OF COUNTY-OWNED STREET SWEEPING EQUIPMENT

THIS INTERLOCAL COOPERATION AGREEMENT (hereinafter "Agreement") is entered into on this, the ____ day of _____, 2019 (the "Effective Date") by and between the Town Council for the Town of Gaston, Indiana ("Town") and the Board of Commissioners of Delaware County, Indiana ("County").

WITNESSETH THAT:

WHEREAS, Ind. Code § 36-1-7-1 *et seq.* provides for the joint exercise of governmental powers and the voluntary execution of interlocal cooperation agreements providing for the exercise of such powers; and

WHEREAS, the Town has requested assistance from the County regarding the aesthetic maintenance of the Town's streets; and

WHEREAS, the County has offered to provide the Town with access to its street sweeping equipment in order to assist with the Town's desire to provide aesthetic maintenance of the Town's streets.

NOW, THEREFORE, pursuant to Ind. Code § 36-1-7-1 *et seq.* and in consideration of the mutual promises and consideration contained herein, the parties hereby agree as follows:

ARTICLE 1. TERM

Section 1.1 The term of this Agreement shall be from the Effective Date and end on December 31, 2022.

Section 1.2 This Agreement shall automatically renew for additional one (1) year terms upon the expiration of the then current term.

ARTICLE 2. PURPOSE

Section 2.1 The purpose of this Agreement is to allow the County to provide its street sweeping equipment and personnel to the Town two (2) times each calendar year in order to provide aesthetic maintenance of the Town's streets.

ARTICLE 3. MANNER OF FINANCING, STAFFING, AND BUDGETING

Section 3.1 The County shall provide the equipment, materials, and personnel necessary to carry out the purpose of this Agreement and the Town shall provide the financing to the County in the amount necessary for the County to purchase replacement brooms for the County's street sweeping equipment, including, but not limited to,

gutter brooms, strip brooms, and tube brooms, one time each year for the duration of this Agreement.

Section 3.2 The County shall provide street sweeping services to the Town two (2) times each calendar year for the duration of this Agreement. The County shall provide each street sweeping service within thirty (30) days after being notified by the Town of its desire to have the County provide street sweeping service.

ARTICLE 4. TERMINATION

Section 4.1 Either party may terminate this Agreement by providing the other with written notice of its intent to terminate this Agreement at least thirty (30) days prior to the expiration of the current term then in effect.

Section 4.2 If, upon termination of this Agreement, the Town has paid to the County the amount required pursuant to Section 6.2, herein, and no street sweeping services have been provided during that term, the County shall either: (1) provide the Town with the required street sweeping services, or (2) refund to the Town the entire amount paid by the Town pursuant to Section 6.2, herein.

ARTICLE 5. ADMINISTRATION

Section 5.1 This Agreement shall be administered by a joint six-member board composed of the three members of the Board of Commissioners of Delaware County, Indiana and the three members of the Town Council for the Town of Gaston, Indiana.

ARTICLE 6. ACQUISITION AND DISPOSITION OF PROPERTY

Section 6.1 Subject to Section 6.2, all materials and equipment used to carry out the purpose of this Agreement shall be purchased, owned, and controlled by the County.

Section 6.2 The Town shall pay to the County an amount necessary for the County to purchase replacement brooms for the County's street sweeping equipment, including, but not limited to, gutter brooms, strip brooms, and tube brooms, one time each year for the duration of this Agreement. The Town shall make this payment prior to receiving street sweeping services during the applicable term.

Section 6.3 All replacement brooms purchased by the County with funds provided by the Town pursuant to this Agreement shall be owned and controlled exclusively by the County and the Town shall have no rights or claims of ownership of said replacement brooms.

ARTICLE 7. MISCELLANEOUS

Section 7.1 Not later than sixty (60) days after its approval by the parties, this Agreement shall be recorded in the office of the Delaware County Recorder and filed with the

Indiana State Board of Accounts for audit purposes pursuant to Ind. Code § 36-1-7-6.

ADOPTED AND APPROVED by the Board of Commissioners of Delaware County, Indiana on this, the 14 day of October, 2019

*BOARD OF COMMISSIONERS OF
DELAWARE COUNTY, INDIANA*

Sherry Riggin, President

James King, Commissioner

Shannon Henry, Commissioner

Attest:

Steven Craycraft, Auditor
Delaware County, Indiana

ADOPTED AND APPROVED by the Town Council for the Town of Gaston, Indiana on this, the _____ day of _____, 2019

TOWN COUNCIL OF THE
TOWN OF GASTON, INDIANA

President

Member

Member

Attest:

Clerk-Treasurer
Town of Gaston, Indiana