

RESOLUTION NUMBER 1776

A RESOLUTION BY THE BOARD OF ALDERMEN OF THE CITY OF OZARK, MISSOURI, AUTHORIZING THE MAYOR TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH CHRISTIAN COUNTY AND THE CITY OF NIXA FOR A STRATEGIC ECONOMIC DEVELOPMENT PLAN ASSESSMENT.

WHEREAS, the City Ozark, Missouri is a City of the fourth class, duly organized and existing under the laws of the State of Missouri; and

WHEREAS, the Cities of Nixa and Ozark, along with Christian County, based upon the recommendation of the Selection Committee, made up of qualified "Cooperative" representatives, determined that the proposal submitted from TIP Strategies, Inc. was the most qualified consulting firm to prepare a Cooperative Economic Development Plan; and

WHEREAS, the City of Ozark is desirous of working cooperatively with Christian County, the City of Nixa, for the common good of improving the economy in Christian County, to facilitate economic activity and the quality of life for the citizens of Ozark by entering into an Intergovernmental Service Agreement ("IGA") which is attached hereto, marked "Exhibit A" incorporated herein by reference as if fully set forth.

NOW THEREFORE, be it resolved by the Board of Aldermen of the City of Ozark, Missouri as follows:

1. The Board of Aldermen authorizes Shane L. Nelson, Mayor, of the City of Ozark, to execute an "Intergovernmental Service Agreement for Strategic Economic Development Plan Assessment", attached hereto, marked "Exhibit A" and incorporated herein by reference as if fully set forth on behalf of the City of Ozark, Missouri.
2. The Board of Aldermen authorizes the sum of \$12,000.00, payable to the City of Nixa, who will act as the contracting agency for the "Cooperative" parties.
3. That this Resolution shall be in full force and effect from the date of its passage and approval.

PASSED AND APPROVED, at a regular meeting of the Board of Aldermen of the City of Ozark this 6th day of August 2012.

SHANE L. NELSON, MAYOR

ATTEST:

Lana Wilson, City Clerk

EXHIBIT "A"

**INTERGOVERNMENTAL SERVICE AGREEMENT FOR STRATEGIC ECONOMIC
DEVELOPMENT PLAN ASSESSMENT**

This Intergovernmental Agreement (IGA), as finally authorized upon receipt of each Party's duly passed and approved Ordinance, is preliminarily made and executed this 6TH day of August 2012, by and among Christian County, Missouri, hereafter referred to as "COUNTY"; the City of Nixa, Missouri (a Home Rule Charter City), hereinafter referred to a "NIXA"; the City of Ozark, Missouri (a Fourth Class City), hereinafter referred to as "OZARK"; and collectively referred to as the "PARTIES", provides as follows:

SECTION 1. Intergovernmental Service Agreement Authorization.

Article VI, Section 16 of the Missouri Constitution and Missouri Revised Statute Section 70.220, authorize any municipality, or county to contract and cooperate with other political subdivisions of this state for the planning, development, acquisition or operation of any public common service and this IGA represents an excellent opportunity for the PARTIES to work cooperatively for the common good of improving the economy in Christian County to facilitate economic activity and the quality of life of their citizens.

SECTION 2. Purpose of Agreement.

PARTIES recognize that individually conducting economic development studies could be counter-productive and prospectively duplicative for the PARTIES and they seek professional consultation for the preparation of a cooperative economic development plan that fully evaluates the current economic conditions of the region, develops a long range strategic plan that will facilitate quality growth of the local economy and will ultimately provide the basis for a marketing plan for each of the PARTIES.

SECTION 3. Scope of the Agreement and Responsibilities of the PARTIES.

Each of the PARTIES hereby approves and agrees to abide by the terms of the "Consulting Agreement" attached hereto, marked "Exhibit 1" and incorporated herein by reference as if fully set forth in this paragraph and to participate in the "Scope of Work" deemed necessary by TIP Strategies, Inc., hereinafter referred to as "CONSULTANT", for the preparation of the study. PARTIES agree that no modifications shall be unilaterally made to "Exhibit 1" and any such potential modifications shall require the consent of all of the PARTIES. In addition, each of the PARTIES shall contribute such sums as are set forth below and shall make their contributions payable to the City of Nixa who will act as the contracting agency for the PARTIES:

Christian County, Missouri	\$ 5,000.00
City of Ozark, Missouri	\$12,000.00
City of Nixa, Missouri	\$12,000.00

The City of NIXA in acting as contracting agency agrees to enter into a contract with the selected consultant that is approved by all of the PARTIES and, further shall make appropriate budget entries

for revenues and expenses for said contract and contributions received and render a true account on a regular basis for each of the remaining PARTIES. The PARTIES further acknowledge that the contributions set forth above relate to the fiscal year 2012 for each of the PARTIES and that while the governmental bodies are prohibited from entering into contracts or encumbering funds beyond the current year, this Agreement contemplates a further contribution from each Party, equal to those amounts set forth above for the year 2013 and each PARTY will make its best efforts to include these future contributions in their budgets for that year.

SECTION 4. Effective Date and Continued Term of Agreement.

This agreement shall be in full force and effect and legally binding at such time as it is signed and certified by each PARTY. This agreement shall remain in full force and effect for the initial term of five (5) months and, unless otherwise agreed by the Parties in writing, shall continue on a month-to-month basis thereafter, until terminated as set forth in Section 6 of this agreement.

SECTION 5. Entire Agreement and Modification.

- a. This writing is intended by the Parties as a final expression of this agreement and also is intended as a complete and exclusive statement of the terms of this agreement. This agreement may be amended or modified only in writing, which amendment or modification must be authorized by each member's respective Commission, City Council or Board of Aldermen by ordinance or resolution.
- b. This agreement shall be governed by the laws of the United States and the State of Missouri and, notwithstanding anything that may be found in the agreement to the contrary, the parties do not waive and expressly reserve all immunities and defenses available to the entity or its members, whether arising from common law or by statute.
- c. If any one or more of the provisions contained in this agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision of the agreement, and the agreement shall be construed as if the invalid, illegal, or unenforceable provision had never been contained.

SECTION 6. Termination of Agreement.

- a. This agreement shall remain in full force and effect until such time as a party, through its elected Commission, City Council, Board of Aldermen or Board of Directors passes an ordinance or resolution terminating this agreement with Ninety (90) days written notice to the opposite Party.
- b. Copies of any such documents shall be filed with the Clerk or Executive Director of each PARTY within Thirty (30) days of its passage.

CHRISTIAN COUNTY, MISSOURI

By: *Jim Zapala*
Presiding Commissioner

By: *Bob Bennett*
Western Commissioner

By: *vacant seat*
Eastern Commissioner

Approved As To Form:

[Signature]
John Housley, County Counselor

CITY OF OZARK, MISSOURI

By: *[Signature]*
Shane L. Nelson, Mayor

ATTEST: *Lana Wilson*
Lana Wilson, City Clerk

APPROVED AS TO FORM:

David V. Collignon
David V. Collignon, City Attorney

CITY OF NIXA, MISSOURI

By: *[Signature]* 8:00:13
Mayor

Attest:

[Signature]
City Clerk

Approved As To Form:

[Signature]
D. Patrick Sweeney, City Attorney