CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number_____

Meeting Type: Regular

Meeting Date: 4/11/2013

Action Requested By:

Administration

Agenda Item Type

Resolution

Subject Matter:

Agency Appropriation Agreement Downtown Huntsville, Inc.

Exact Wording for the Agenda:

Resolution authorizing the Mayor to enter into an Agency Appropriation Agreement between Downtown Huntsville, Inc., and the City of Huntsville.

Note: If amendment, please state title and number of the original

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what Council action will provide, allow
and accomplish and; any other information that might be helpful.

Associated Cost: 167,525.00

Budgeted Item: Yes

MAYOR RECOMMENDS OR CONCURS: Yes

Department Head: _____

Date:

revised 3/12/2012

ROUTING SLIP
CONTRACTS AND AGREEMENTS

Originating Department: Administration

Council Meeting Date:

Department Contact: Rex Reynolds

Phone #

Contract or Agreement: **Agency Appropriation Agreement**

Document Name: **Agency Agreement with Downtown Huntsville, Inc.**

City Obligation Amount: **167,525**

Total Project Budget:

Uncommitted Account Balance:

Account Number:

Procurement Agreements

Not Applicable	**Not Applicable**

Grant-Funded Agreements

Not Applicable	**Grant Name:**

Department	Signature	Date
1) Originating		
2) Legal		4-4-13
3) Finance		4/5/13
4) Originating		4 8 13
5) Copy Distribution		
a. Mayor's office (1 copies)		4/5/13
b. Clerk-Treasurer (Original & 2 copies)		

Revised 04/15/2011

RESOLUTION NO. 13-____

BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, that the Mayor be, and he is hereby authorized to enter into an Agreement by and between the City of Huntsville and Arts Council, on behalf of the City of Huntsville, a municipal corporation in the State of Alabama, which said agreement is substantially in words and figures similar to that certain document attached hereto and identified as "AGENCY APPROPRIATION AGREEMENT BETWEEN THE CITY OF DOWNTOWN HUNTSVILLE, INC.," consisting of two (2) pages and the date of April 1, 2013, appearing on the margin of the first page, together with the signature of the President or President Pro Tem of the City Council, an executed copy of said document being permanently kept on file in the Office of the City Clerk-Treasurer of the City of Huntsville, Alabama.

ADOPTED this the 11th day of April, 2013.

President of the City Council of
the City of Huntsville, Alabama

APPROVED this the 11th day of April, 2013.

Mayor of the City of
Huntsville, Alabama

AGENCY APPROPRIATION AGREEMENT
BETWEEN THE CITY OF HUNTSVILLE AND
DOWNTOWN HUNTSVILLE, INC.

STATE OF ALABAMA

COUNTY OF MADISON

AGENCY APPROPRIATION AGREEMENT

THIS AGREEMENT, made and entered into this _____ April, 2013, by and between Downtown Huntsville, Inc., hereinafter referred to as "AGENCY", and the City of Huntsville, a municipal corporation in the State of Alabama, hereinafter referred to as "CITY".

WITNESSETH:

WHEREAS, Agency provides services which confer a public benefit of a reasonably general character; and,

WHEREAS, City desires to appropriate funds to Agency to assist with the provision of such services; and,

WHEREAS, the expenditure of funds appropriated by City to Agency for such services constitutes a legitimate public purpose; and,

WHEREAS, both parties acknowledge the receipt of good and valuable consideration supporting the terms and conditions of this agreement.

NOW, THEREFORE, for and in consideration of the mutual promises and covenants contained herein, the parties agree as follows:

A. The term of this agreement shall begin on April 1, 2013, and end on September 30, 2013.

B. Agency will provide the services authorized by its charter, Articles of Incorporation, by-laws, or other applicable documents which govern the scope of its services.

C. City agrees to pay Agency the sum of One Hundred Sixty-seven Thousand Five Hundred Twenty-five Dollars ($167,525.00) to deliver Agency's services, which shall be paid commencing on April 1, 2013, or as soon thereafter as is reasonably practical.

D. The parties agree that the services provided by Agency serve a legitimate public purpose.

_____
President of the City Council of
the City of Huntsville, Alabama
Date: _____

E. Agency agrees that it has no authority to obligate any City funds beyond those appropriated by City for this agreement.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on this the _____ day of April, 2013.

CITY OF HUNTSVILLE, ALABAMA

BY: _____
Tommy Battle
ITS: Mayor

ATTEST:

By: _____
Charles E. Hagood
Its: Clerk-Treasurer

AGENCY:

DOWNTOWN HUNTSVILLE, INC.

BY: _____
ITS:

WITNESS:

_____