

CITY OF SOUTH TUCSON RESOLUTION NO: 13-37

RESOLUTION AUTHORIZING SETTLEMENT IN LIEU OF LITIGATION OF DELINQUENT FEES AND INTEREST OWED BY THE CITY OF SOUTH TUCSON FOR INCARCERATION OF PRISONERS AND APPROVAL OF SETTLEMENT AGREEMENT

WHEREAS, in accordance with the provision of A.R.S. §31-121 *et seq.*, the City of South Tucson has, since FY 1998-1999 entered into an annual Intergovernmental Agreement (IGA) with Pima County, Arizona, pursuant to which Pima County has housed prisoners arrested by and convicted in the municipal court system of City of South Tucson, and

WHEREAS, City of South Tucson pursuant to A.R.S. §31-121.D is, and under the terms of the IGA has agreed to be, responsible for the first day's and succeeding days' costs per prisoner at a cost established in IGA, for each of its prisoners housed in the Pima County Adult Detention Center, and

WHEREAS, City of South Tucson has, over the years of these IGA's, been unable to keep current with the payments to Pima County for the housing of its arrestees and convicts, as of July 31, 2013, owed Pima County \$1,940,718.71 in principal and interest, of which amount \$146,434.25 is principal delinquent for more than three years, and \$606,152.49 is accumulated interest on the delinquent debt, totaling \$752,586.74, in delinquent fees more than three years old plus interest, and

WHEREAS, the City of South Tucson is currently unable to pay the entire amount of delinquent fees and interest owed, and

WHEREAS, in lieu of litigation, Pima County and the City of South Tucson desire to enter into a Settlement Agreement where the City of South Tucson will pay Pima County portions of the amounts due in full settlement of the delinquent fees and interest,

NOW, THEREFORE, BE IT RESOLVED, that that said \$806,152.00 debt be written off by the Board of Supervisors and as uncollectible, contingent upon the City of South Tucson entering into, and fully performing under the terms of, a written settlement with Pima County providing for payment of the remaining delinquent fees in the amount of \$1,134,566.22 on or before October 30, 2013, and

BE IT FURTHER RESOLVED, that Mayor of the City of South Tucson fails to enter into a written agreement for the settlement of the remaining collectible debt on terms agreeable to Pima County, on or before October 30, 2013, then this Resolution shall be null and void retroactive to the date of its passage,

BE IT FURTHER RESOLVED, that the Chairman of the Pima County Board of Supervisors is authorized and directed to sign the Settlement Agreement between Pima County and the City of South Tucson, and staff to take requisite actions to implement it.

PASSED AND ADOPTED by the Mayor and Council of the City of South Tucson, Arizona, this 9th day of October, 2013.

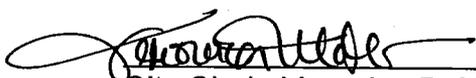
APPROVED/EXECUTED



MAYOR, PAUL DIAZ

ATTEST:

APPROVED AS TO FORM:



City Clerk, Veronica B. Moreno



City Attorney, Andrea L. de Castillo, Esq.