

RESOLUTION NO. 2625

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF TOLLESON, ARIZONA, APPROVING THE FIRST AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF TOLLESON AND TOLLESON ELEMENTARY SCHOOL DISTRICT NO. 17 TO INCLUDE EXPENDITURE OF FUNDING FOR STUDENTS WITH DISABILITIES AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AMENDMENT.

WHEREAS, pursuant to A.R.S. § 11-951 et seq., public agencies may enter into intergovernmental agreements for joint or cooperative action; and

WHEREAS, the City of Tolleson and the Tolleson Elementary School District No. 17 (“Parties”) entered into an Intergovernmental Agreement (the “Agreement”) on September 9th, 2025; and

WHEREAS, Parties desire to amend the Agreement to allow for the use of Preschool Program Funds, as defined by the Agreement, to provide specialized instruction and accommodations for students with disabilities.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF TOLLESON, ARIZONA, as follows:

Section 1. The recitals above are hereby incorporated as if fully set forth herein.

Section 2. The First Amendment to the Intergovernmental Agreement between the City of Tolleson and Tolleson Elementary School District No. 17, as attached hereto as Exhibit A and incorporated by reference, is approved.

Section 3. The Mayor, City Manager, City Clerk and City Attorney are hereby authorized and directed to take all steps necessary to cause the execution and delivery of this Intergovernmental Agreement and to take all steps necessary to carry out the purpose and intent of this Resolution.

Section 4. This Resolution shall take effect immediately upon its passage and adoption.

[SIGNATURES ON THE FOLLOWING PAGE]

PASSED AND ADOPTED by the Mayor and Council of the City of Tolleson, Arizona, on this 12th day of November, 2025.

Juan F. Rodriguez, Mayor

ATTEST: _____
Crystal Zamora, City Clerk

APPROVED AS TO FORM: _____
Justin Pierce, City Attorney

EXHIBIT A

TO

RESOLUTION NO. 2625

[First Amendment to Intergovernmental Agreement]

See following pages.

**FIRST AMENDMENT
TO
THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF TOLLESON, ARIZONA
AND
TOLLESON ELEMENTARY SCHOOL DISTRICT NO. 17**

THIS FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT BETWEEN CITY OF TOLLESON, ARIZONA, AND THE TOLLESON ELEMENTARY SCHOOL DISTRICT NO. 17 (this "Amendment") is made as of _____ between the City of Tolleson (the "City"), an Arizona municipal corporation, and the Tolleson Elementary School District No. 17 (the "District"), a political subdivision of the State of Arizona. The City and the District may hereinafter be referred to each as a "Party," or collectively, as the "Parties."

RECITALS

A. The Parties entered into an Intergovernmental Agreement (the "Agreement") on September 9th, 2025; and

B. The Parties desire to amend the Agreement to allow for the use of Preschool Program Funds, as defined by the Agreement, to provide specialized instruction and accommodations for students with disabilities during the afterschool program.

NOW, THEREFORE, pursuant to A.R.S. § 11-952, and in consideration of the mutual covenants contained herein, the parties hereby agree to amend the Agreement and enter this Amendment as follows:

AGREEMENT

1. **Section 3** of the Agreement is amended to include the following subsection 3.5 to read as follows:

3.5. Notwithstanding the restrictions on expenditure of Preschool Program Funds set forth in this Section, District may expend Preschool Program Funds to provide specialized instruction for students with disabilities pursuant to an Individual Education Program ("IEP") or to fund one-on-one support services for the City of Tolleson Afterschool Program provided to students with disabilities pursuant to a 504 accommodations plan in compliance with Section 504 of the Rehabilitation Act of 1973. Said expenditures under an IEP or 504 plan shall be subject to the same accountability requirements set forth within this Section.

2. **Section 3** of the Agreement is amended to include the following subsection 3.6 to read as follows:

3.6. An additional service the Tolleson Elementary School District may charge for includes one-

on-one services during the City's Afterschool Program with students who have IEP or 504 Plans. Such services may be provided by a Tolleson Elementary School District employee and/or an employee of a vendor providing the service who is contracted by the Tolleson Elementary School District. These expenditures shall not exceed the entire bottom-line budget of Four Hundred Thousand Dollars (\$400,000). Individuals providing this one-on-one support services for the City's Afterschool Program shall fall under the supervision of the City's Afterschool Program Director and supervisors while providing the service during the program hours.

3. In all other respects, the Agreement is affirmed and ratified and, except as expressly modified herein, all terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Agreement by signing their names on the day and date first written above. The individuals signing below represent and warrant that they are duly authorized to execute and deliver this Agreement on behalf of the Parties.

CITY OF TOLLESON

TOLLESON ELEMENTARY SCHOOL DISTRICT NO. 17

By: _____
City Manager

By: _____
Superintendent

APPROVAL OF SCHOOL DISTRICT AND ATTORNEYS

The Undersigned hereby state that each has reviewed the proposed First Amendment to the Intergovernmental Agreement between the City of Tolleson and the Tolleson Elementary School District No. 17, and do declare the Agreement to be in proper form and within the powers and authority granted to their respective governing bodies under the law of the State of Arizona.

By: _____
City Attorney

By: _____
School District Attorney

Date

Date