

**CITY OF WILLCOX  
MAYOR AND CITY COUNCIL**

**WORK SESSION MEETING  
AGENDA**

**NOTE DATE: Monday, May 21, 2012**

**NOTE TIME: 6:00 p.m.**

**City Council Chambers  
300 W. Rex Allen Drive  
Willcox, AZ**

(Mayor or Designee will read only **BOLD** print of each agenda item,  
except for Public Hearings, Petitions and Communications.)

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. PLEDGE OF ALLEGIANCE TO THE FLAG**

**4. DECLARATION ON CONFLICT OF INTEREST**

The Council members and staff have a right to declare a conflict of interest. The declaration of a conflict of interest must be made prior to discussion of any agenda item in which Council members or staff may have a conflict of interest.

**5. ADOPTION OF THE AGENDA**

The Council will at this time either adopt the agenda as presented by the City Clerk or may remove or table any of the listed agenda items. Tabled items, unless otherwise directed, will appear on the next regular agenda. Council may not add any items to the agenda at this time. Should staff have any recommendations concerning the exclusion or tabling of agenda items they will voice these recommendations at this time.

**6. DISCUSSION REGARDING PRESENTATION OF THE FISCAL YEAR 2012-13 GENERAL FUND BUDGET FOR THE DEPARTMENT OF PUBLIC SAFETY, INCLUDING ADMINISTRATION, COMMUNICATIONS, HUMANE, PATROL, INVESTIGATIONS, K-9, FIRE DEPT., AND FINAL WRAP-UP ON BUDGET**

Consideration and/or discussion regarding presentation of the Fiscal Year 2012-13 General Fund Budget for the Department of Public Safety, including Administration, Communications, Humane, Patrol, Investigations, K-9, Fire Dept., and final wrap-up on budget

**7. ADJOURN**

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**NOTE:** People with disabilities may request reasonable accommodations. Requests must be made 48 hours prior to the meeting by contacting City Hall at 384-4271, ext. 4204, during regular business hours 8:00 a.m. to 4:30 p.m., Monday through Friday.



## NOTICE OF MEETING

### CITY COUNCIL

In accordance with Resolution No. 370 of the City of Willcox, and Section §38-431.01 of the Arizona Revised Statutes **NOTICE IS HEREBY GIVEN** that the MAYOR AND COUNCIL of the City of Willcox, County of Cochise, Arizona, will hold a WORK SESSION MEETING on MONDAY the 21<sup>st</sup> day of MAY 2012, at 6:00 P.M., at the **CITY COUNCIL CHAMBERS, 300 W. REX ALLEN DRIVE, WILLCOX, AZ.**

Item for consideration and/or discussion relating to:

**PRESENTATION OF THE FISCAL YEAR 2012-13 GENERAL FUND BUDGET FOR THE DEPARTMENT OF PUBLIC SAFETY, INCLUDING ADMINISTRATION, COMMUNICATIONS, HUMANE, PATROL, INVESTIGATIONS, K-9, FIRE DEPT., AND FINAL WRAP-UP ON BUDGET**

All members of the public are invited to attend such meeting.

DATED AND POSTED this 17<sup>th</sup> day of MAY 2012, at 3:00 P.M.

CITY OF WILLCOX, ARIZONA

*Cristina Garcia Whelan, CMC*

/s/ Cristina Garcia Whelan, CMC

City Clerk Cristina Garcia Whelan, CMC

# City of Willcox

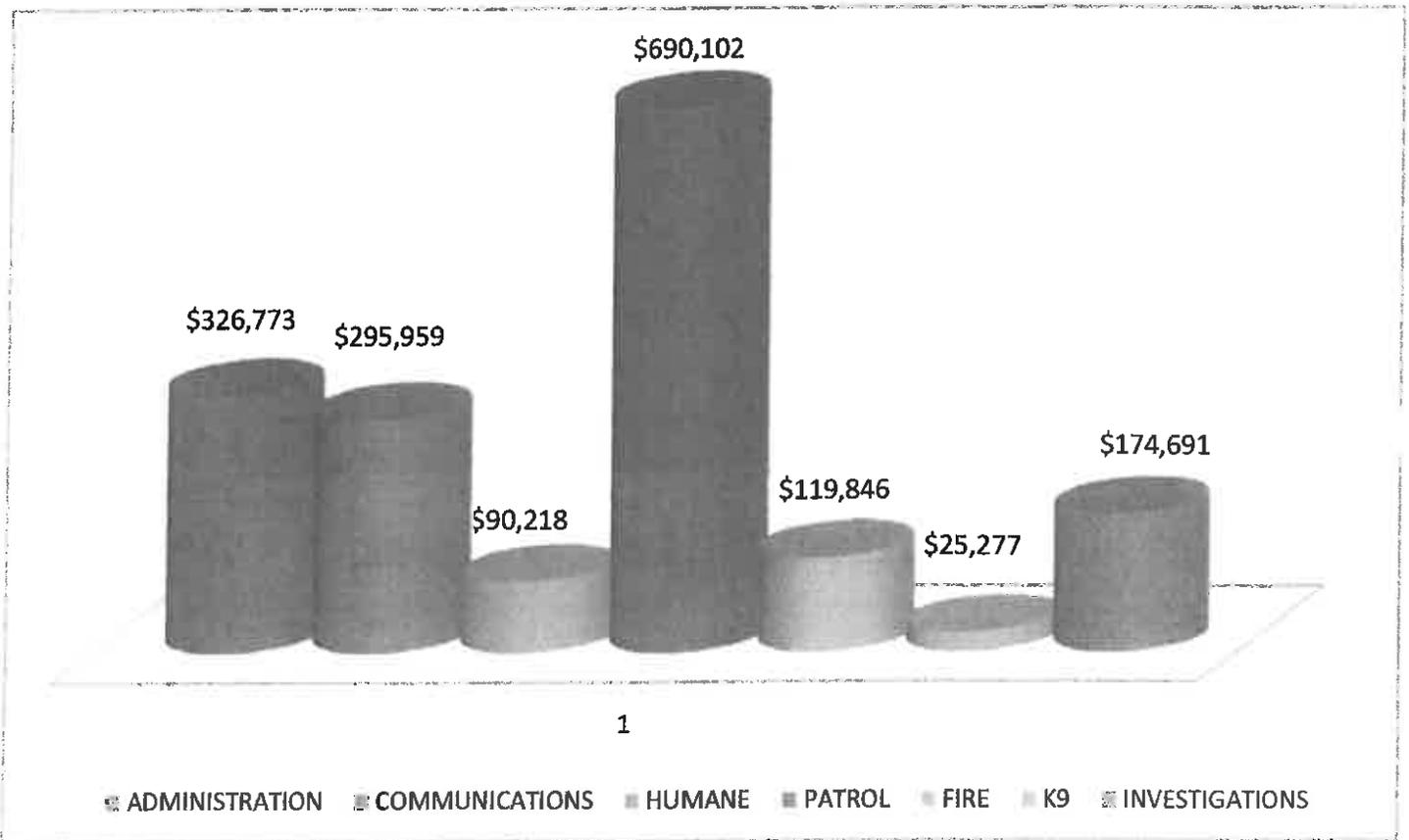
## Department of Public Safety



**Chief Jake Weaver**

## FY 2012-13 Budget Plan

*"Integrity First, Service Before Self, Excellence In All We Do"*



# FY 2012-13 Budget Plan

# Administration



## Description Of Services

The Administration Division is the center point for the Administrative Services of the department. These services include housing and administration of personnel records, departmental correspondences, budget and finance reports, grant projects, and Intergovernmental Agency Agreements. The Administrative Division manages the department's financial transactions and also serves as a liaison for public relations. This division oversees all aspects of departmental functions and daily activities.

## Staffing

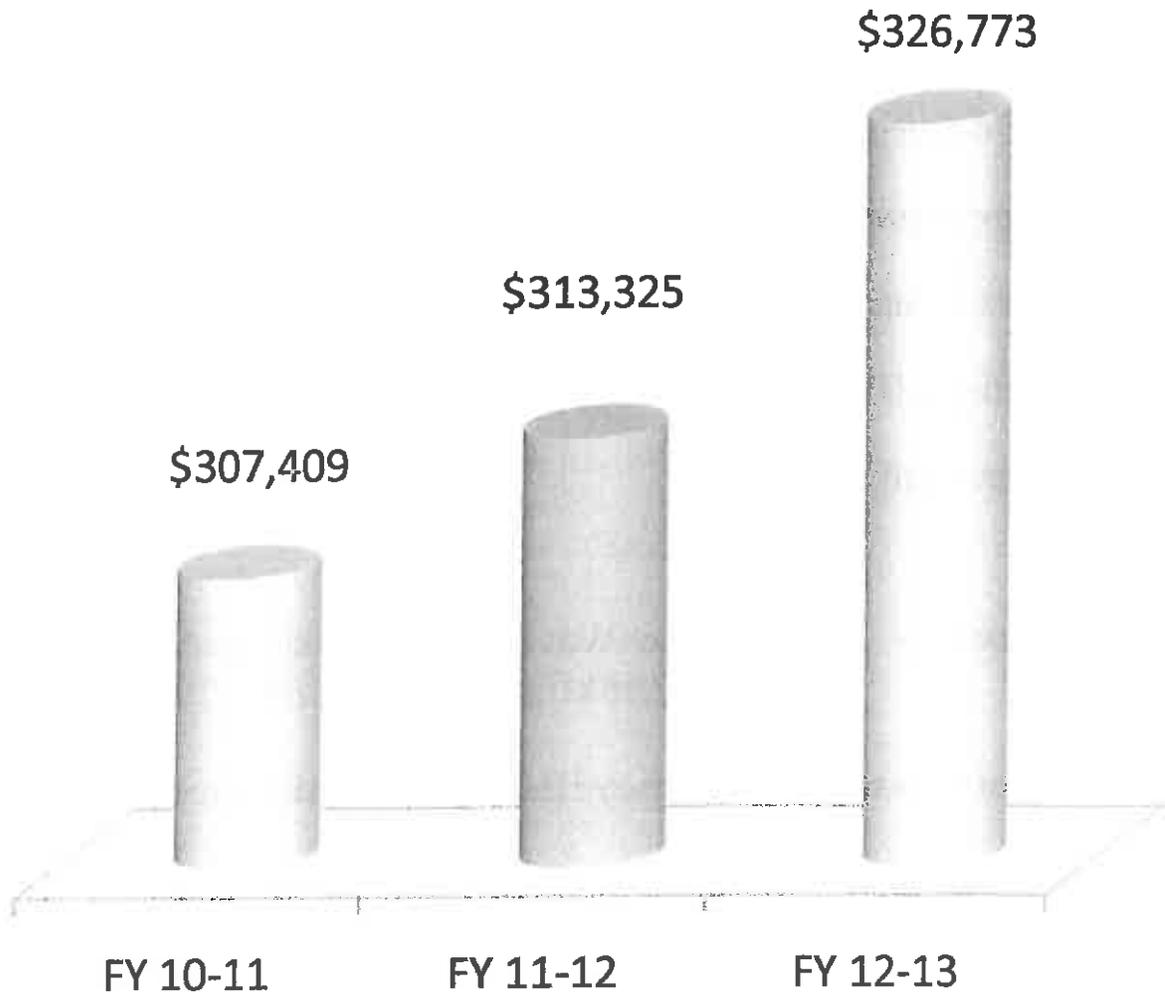
Chief / Director -	Jake Weaver—Employed Since July 1992 Eligible for Retirement July 2012
Administrative Assistant	Penney Bell—Employed Since Sept. 1999
Info/Evidence Tech	Jerry Giudice—Employed Since July 1997





# Public Safety Administration

## FY 2013 Budget Plan



PUBLIC SAFETY - ADMINISTRATION  
City of Willcox FY 13 Budget Planning Worksheet

Acct No	Account Description	2010-11 BUDGET	2011-12 CURRENT BUDGET	CUR YTD 67% (FEB)	YTD %	2012-13 PROJECTED BUDGET
10-421-1101	SALARIES	138,757	139,137	82,773	60.2%	143,871 *
10-421-1105	OVERTIME	500	503	0	0.0%	0
10-421-1201	INDUSTRIAL INSURANCE	4,470	4,471	2,551	57.1%	4,595
10-421-1202	MEDICAL INSURANCE	17,319	20,361	12,468	61.2%	22,397
10-421-1203	FICA	10,653	10,682	6,043	56.6%	11,006
10-421-1204	ARS	6,851	7,067	4,325	61.2%	5,514
10-421-1205	UNEMPLOYMENT	458	403	382	94.8%	412
10-421-1206	PSPRS	15,704	16,582	10,249	61.8%	22,040
10-421-1207	LIFE INSURANCE	411	411	202	49.4%	386
10-421-1208	HEALTH REIMB ALLOWANCE	3,990	3,917	2,649	67.6%	3,917
10-421-1209	BENEFITS FEES	526	526	348	66.3%	526
10-421-2101	OFFICE SUPPLIES	5,200	5,200	2885	55.5%	5,200
10-421-2102	UNIFORMS	2,000	2,000	774	38.7%	2,000
10-421-2110	BUILDING MAINTENANCE	0	0	0		1,000 *
10-421-2115	EQUIPMENT REPAIR/MAINTENANCE	300	300	57	19.2%	300
10-421-2116	SMALL EQUIPMENT PURCHASES	500	500	511	102.2%	500
10-421-2402	TELEPHONE	4,000	4,000	1,710	42.8%	4,000
10-421-2403	POSTAGE	1,000	1,000	120	12.0%	1,000
10-421-2404	UTILITIES	30,000	28,156	13,908	49.4%	30,000
10-421-2590	CONTRACT SERVICES	4,100	4,100	2,056	50.2%	4,100
10-421-2601	FUEL AND OIL	2,600	2,600	1,143	44.0%	2,600
10-421-2602	TIRES AND TUBES	400	500	0	0.0%	500
10-421-2603	VEHICLE REPAIR/MAINTENANCE	500	500	285	57.1%	500
10-421-2700	TRAVEL AND TRAINING	2,500	2,500	1,372	54.9%	2,500
10-421-2702	MANDATORY/CERTIFICATION	250	250	108	43.2%	250
10-421-2703	RECRUITMENT	1,000	1,000	125	12.5%	1,000
10-421-2801	MAINTENANCE CONTRACTS	4,000	4,000	2,419	60.5%	4,000
10-421-2804	SUBSCRIPTIONS/MEMBERSHIPS	400	400	330	82.5%	400
10-421-9201	GENERAL INSURANCE	40,520	43,759	33,420	76.4%	43,759
10-421-9603	CONTINGENCY	7,000	7,000	0	0.0%	7,000
10-421-9690	MISC EXPENSE	1,500	1,500	412	27.5%	1,500
10-421-9901	CAPITAL PURCHASES	0	0	0		0
10-421-9902	CAPITAL IMPROVEMENTS	0	0	0		0
Totals		307,409	313,325	183,625	59.7%	326,773

**EXPLANATION OF INCREASE/DECREASE**

10-421-1101 SALARY - ADJUSTMENT REQUIRED TO ALLOW FOR POTENTIAL RETIREMENT OF CHIEF WEAVER

10-421-2110 BUILDING MAINTENANCE - LINE NEEDED FOR GENERAL BUILDING MAINT AND TO PURCHASE AND MAINTAIN KEYLESS LOCK SYSTEM FOR EXTERIOR DOORS.

# Communications



## Description Of Services

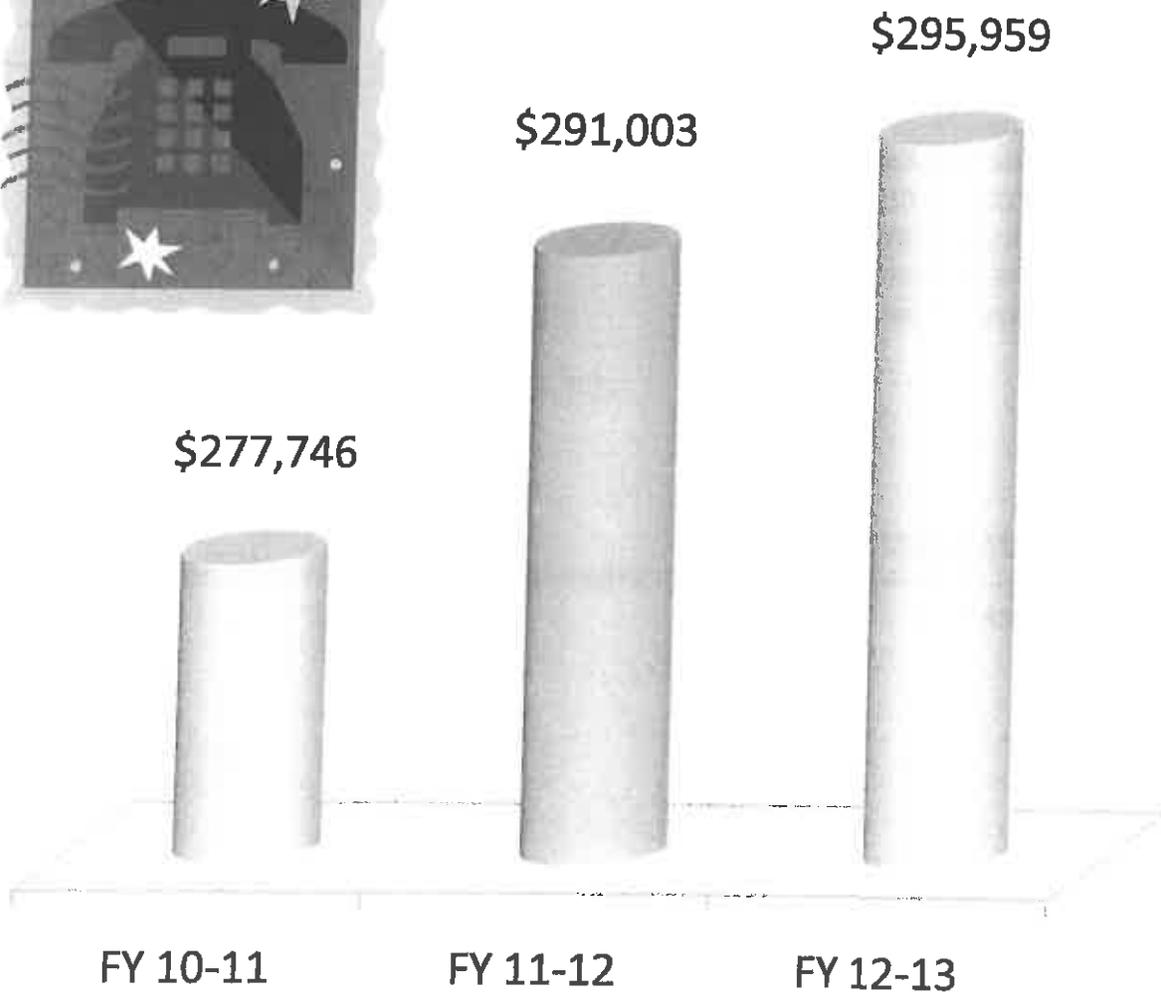
The primary function of the communications center is to receive and dispatch telephone, radio and 911 emergency calls. These calls are typically requests for service which would include EMS, Fire, Police, Humane. The communications center functions in accordance with Federal, State, and Local laws. The communications center is also a center point of contact for the public and provides a variety of public assistance duties. The center is also responsible for the security and maintenance of police records, warrants and other public and confidential records. The personnel of the communications center are required to multi task in a highly stressful environmental and must be able to make quick and accurate life and death decisions.

## Staffing

Communications Supervisor	Patricia Ackerson-Rodriguez—Employed Since Aug 1988 Eligible for Retirement
Dispatcher	Anita Herrera—Employed Since Sept 1997 Eligible for Retirement
Dispatcher	Julie Zozaya—Employed Since May 2001
Dispatcher	Julie Teeters—Employed Since June 2007
Dispatcher	Robert Gonzales—Employed Since Dec 2008
Dispatcher	Position Vacant—Pending Applications

# Public Safety Communications

## FY 2013 Budget Plan



**PUBLIC SAFETY - COMMUNICATIONS**  
**City of Willcox FY 13 Budget Planning Worksheet**

Acct No	Account Description	2010-11 Budget	2011-12 CUR YEAR Budget	CUR YTD 67%	YTD %	2012-13 PROJECTED BUDGET
10-422-1101	SALARIES	166,504	167,420	86,799	51.9%	173,649 *
10-422-1103	RETIREMENT ALLOWANCE	0	10,000	0	0.0%	
10-422-1105	OVERTIME	10,000	10,055	6,101	60.7%	10,357
10-422-1201	INDUSTRIAL INSURANCE	605	609	297	48.9%	631
10-422-1202	MEDICAL INSURANCE	25,084	27,961	16,484	59.0%	35,169
10-422-1203	FICA	13,503	13,573	6,937	51.1%	14,076
10-422-1204	ARS	17,386	17,928	9,626	53.7%	18,603
10-422-1205	UNEMPLOYMENT	916	806	450	55.9%	823
10-422-1207	LIFE INSURANCE	623	623	324	52.1%	623
10-422-1208	HEALTH REIMB ALLOWANCE	5,320	5,223	3,526	67.5%	5,223
10-422-1209	BENEFITS FEES	955	955	516	54.1%	955
10-422-2102	UNIFORMS	1,000	1,000	392	39.2%	1,000
10-422-2115	EQUIPMENT REPAIR/MAINTENANCE	500	500	0	0.0%	500
10-422-2116	SMALL EQUIPMENT PURCHASES	1,000	1,000	0	0.0%	1,000
10-422-2402	TELEPHONE	10,000	15,000	5,206	34.7%	15,000
10-422-2700	TRAVEL AND TRAINING	4,000	3,000	1,142	38.1%	3,000
10-422-2702	MANDATORY/CERTIFICATION	200	200	0	0.0%	200
10-422-2801	MAINTENANCE CONTRACTS	15,000	15,000	5,860	39.1%	15,000
10-422-2804	SUBSCRIPTIONS/MEMBERSHIPS	150	150	221	147.9%	150
10-422-9901	CAPITAL PURCHASES	5,000	0	0	0.0%	0
	<b>Totals</b>	<b>277,746</b>	<b>291,003</b>	<b>143,881</b>	<b>51.8%</b>	<b>295,959</b>

**EXPLANATIONS OF INCREASE/DECREASE**

10-422-1101 SALARIES - ADJUSTMENT NEEDED FOR POTENTIAL RETIREMENT OF P. ACKERSON-RODRIGUEZ AND A. HERRERA

# Humane



## Description Of Services

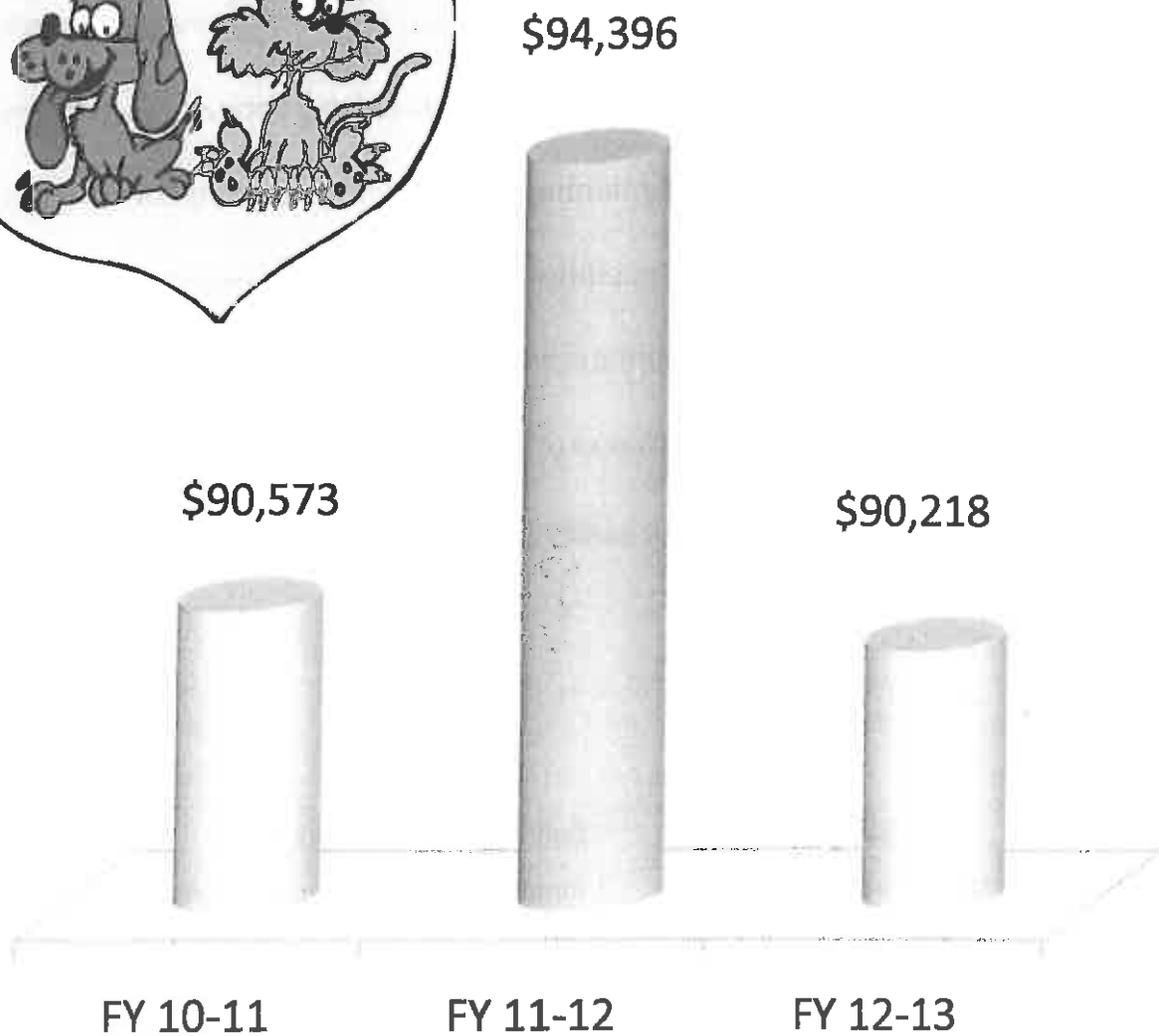
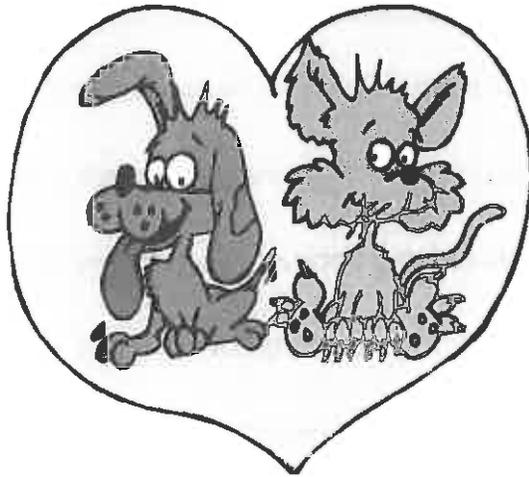
The Humane Division oversees the animal population for the City of Willcox. In doing so, provides animal control services and enforcement in accordance with Federal, State, and local laws and ordinances as well as Departmental rules and regulations. General work is performed by patrolling city streets, maintaining the shelter facility and conducting necessary administration of the office. In addition to this, the humane personnel must also provide care and services for County animals who are brought into the Willcox Shelter. The primary objective of the Humane Division is to limit the number of vagrant/Ferrell animals on city streets and to uphold the rights of safety and humane treatment of city animals.

## Staffing

Humane Officer	Kelly Colbert	Employed Since August 2005
Humane Officer (part time)	Rielly Loerzel	Employed Since November 2008

# Public Safety - Humane

## FY 2013 Budget Plan



**PUBLIC SAFETY - HUMANE**  
**City of Willcox FY 13 Budget Planning Worksheet**

Acct No	Account Description	2010-11 BUDGET	2011-12 CURRENT BUDGET	CUR YTD 67% (FEB)	YTD %	2012-13 PROJECTED BUDGET
10-424-1101	SALARIES	39,121	39,336	17,713	45.0%	40,710
10-424-1105	OVERTIME	1,538	1,508	670	44.0%	0
10-424-1201	INDUSTRIAL INSURANCE	1,213	1,218	509	41.8%	1,214
10-424-1202	MEDICAL INSURANCE	9,963	11,155	4,032	36.2%	7,133
10-424-1203	FICA	3,110	3,125	1,304	41.7%	3,114
10-424-1204	ARS	4,005	4,127	1,514	36.7%	4,115
10-424-1205	UNEMPLOYMENT	305	269	139	51.9%	274
10-424-1207	LIFE INSURANCE	208	208	67	32.4%	208
10-424-1208	HEALTH REIMB ALLOWANCE	2,660	2,612	880	33.7%	2,612
10-424-1209	BENEFITS FEES	350	350	115	33.1%	350
10-424-2102	UNIFORMS	500	500	0	0.0%	500
10-424-2106	FEED	4,000	4,000	4,491	112.3%	5,000
10-424-2115	EQUIPMENT REPAIR/MAINTENANCE	500	500	75	15.1%	500
10-424-2116	SMALL EQUIPMENT PURCHASES	1,800	1,800	335	18.7%	1,800
10-424-2190	VETERINARIAN SUPPLIES	3,000	3,000	1355	45.2%	3,000
10-424-2404	UTILITIES	9,000	11,388	6,163	54.1%	11,388
10-424-2590	CONTRACT SERVICES	2,500	2,500	0	0.0%	1,500
10-424-2601	FUEL AND OIL	3,000	3,000	1,577	52.6%	3,000
10-424-2602	TIRES AND TUBES	800	800	0	0.0%	800
10-424-2603	VEHICLE REPAIR/MAINTENANCE	1,000	1,000	237	23.7%	1,000
10-424-2700	TRAVEL AND TRAINING	500	500	0	0.0%	500
10-424-2804	SUBSCRIPTIONS/MEMBERSHIPS	100	100	0	0.0%	100
10-424-9601	ADVERTISING	400	400	202	50.6%	400
10-424-9690	MISC EXPENSE	1,000	1,000	788	78.9%	1,000
10-424-9901	CAPITAL PURCHASES	0	0	0	0.0%	0
<b>Totals</b>		<b>90,573</b>	<b>94,396</b>	<b>42,166</b>		<b>90,218</b>

**EXPLANATIONS OF INCREASE/DECREASE**

- 10-424-2106 FEED - INCREASE DUE TO CONSISTANT RISE IN IMPOUND ANIMALS FROM THE COUNTY  
10-424-2590 CONTRACT SERVICES - DECREASE AND MOVE FUNDS TO FEED LINE

# Patrol



## Description Of Services

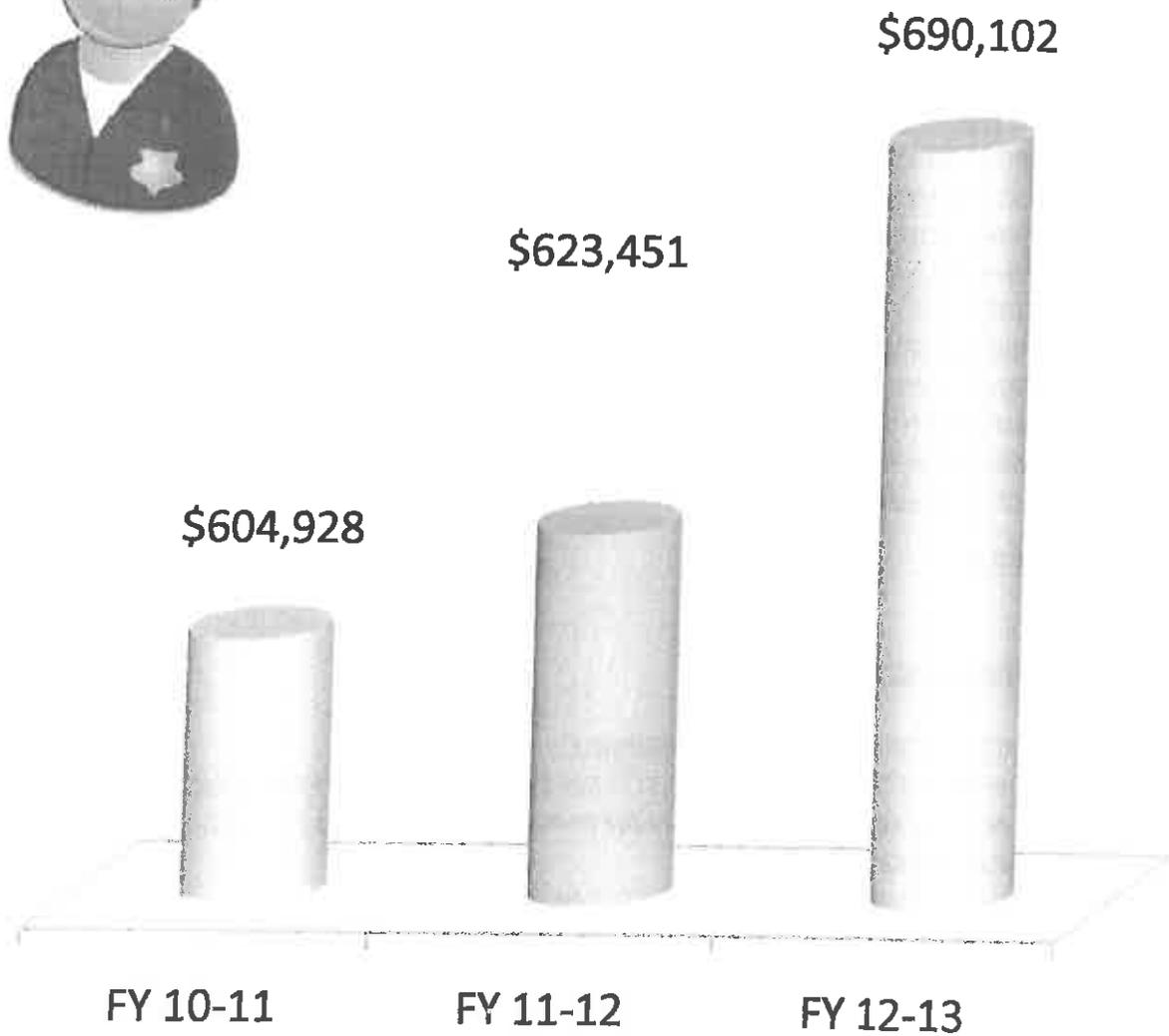
It is the duty of the Patrol Division of the Department of Public Safety to provide police services to the community of Willcox. This service is provided 24 hours per day, 7 days per week and 365 days per calendar year. Officers patrol the streets of Willcox in marked patrol units to provide safety and security to the citizens by observing and preventing criminal activity and traffic violations. Officers are required to respond to calls for service and emergencies, investigate crimes, arrest suspected criminals, investigate traffic accidents, enforce traffic laws and completed written reports on all described duties.

## Staffing

Lieutenant	Vacant Position	
Patrol Sergeant	Glen Childers	Employed Since October 1993
Police Officer	Milford Hammons	Employed Since March 1997
Police Officer	Richard Majewski	Employed Since July 2004
Police Officer / SRO	Rose Mary Lacey	Employed Since October 2007
Police Officer	David Reno	Employed Since January 2007
Police Officer	Amber Naverrette	Employed Since July 2011
Police Officer	Jericho Valle	Employed Since November 2011

# Public Safety - Patrol

## FY 2013 Budget Plan



PUBLIC SAFETY - PATROL  
City of Willcox FY 13 Budget Planning Worksheet

Acct No	Account Description	2010-11 BUDGET	2011-12 BUDGET CURRENT	CURR YTD 67% (FEB)	YTD %	2012-13 PROJECTED BUDGET
10-425-1101	SALARIES	285,755	285,755	185,359	64.9%	328,537
10-425-1105	OVERTIME	40,000	40,000	32,111	80.3%	41,200
10-425-1201	INDUSTRIAL INSURANCE	21,737	21,737	12,669	58.3%	22,389
10-425-1202	MEDICAL INSURANCE	45,107	50,446	30,687	60.8%	53,073
10-425-1203	FICA	27,461	27,461	17,971	65.0%	28,285
10-425-1205	UNEMPLOYMENT	1,221	1,075	1117	104.0%	1,075
10-425-1206	PSPRS	80,875	85,398	56,830	66.6%	102,164
10-425-1207	LIFE INSURANCE	1,630	1,630	531	32.6%	1,430
10-425-1208	HEALTH REIMB ALLOWANCE	10,640	10,447	7,171	68.7%	10,447
10-425-1209	BENEFITS FEES	1,402	1,402	943	67.3%	1,402
10-425-2101	OFFICE SUPPLIES	1,000	2,000	0	0.0%	2,000
10-425-2102	UNIFORMS	6,000	6,000	2,869	47.8%	6,000
10-425-2106	BULLET PROOF VEST	3,000	5,000	0	0.0%	5,000
10-425-2107	PHOTOGRAPHIC SUPPLIES	800	800	573	71.7%	800
10-425-2115	EQUIPMENT REPAIR/MAINTENANCE	1,200	1,200	266	22.3%	1,200
10-425-2116	SMALL EQUIPMENT PURCHASES	5,000	5,000	1,790	35.8%	5,000
10-425-2601	FUEL AND OIL	18,000	18,000	8,795	48.9%	18,000
10-425-2602	TIRES AND TUBES	4,000	4,000	0	0.0%	4,000
10-425-2603	VEHICLE REPAIR/MAINTENANCE	6,000	5,000	7,962	159.3%	5,000
10-425-2700	TRAVEL AND TRAINING	5,000	5,000	2,460	49.2%	5,000
10-425-2804	SUBSCRIPTIONS/MEMBERSHIPS	100	100	100	100.0%	100
10-425-9690	MISC EXPENSE	1,000	1,000	524	52.4%	1,000
10-425-9901	CAPITAL PURCHASES	38,000	45,000	1082	2.4%	47,000
	Totals	604,928	623,451	371,810		690,102

**EXPLANATIONS FOR INCREASE/DECREASE**

10-425-9901      2012 POLICE PACKAGE PATROL VEHICLE.  
VEHICLE IS TO REPLACE THE LAST OF THE DODGE INTREPID PATROL UNITS. THE CURRENT UNIT HAS EXCEEDED THE LIFE SPAN FOR A PATROL UNIT AND HAS HAD NUMEROUS MECHANICAL ISSUES.  
THIS COST INCLUDES THE COMPLETE PACKAGE TO INCLUDE CAGE, PUSH BAR, AND IN-CAR VIDEO RECORDING SYSTEM.

# Investigations



## Description Of Services

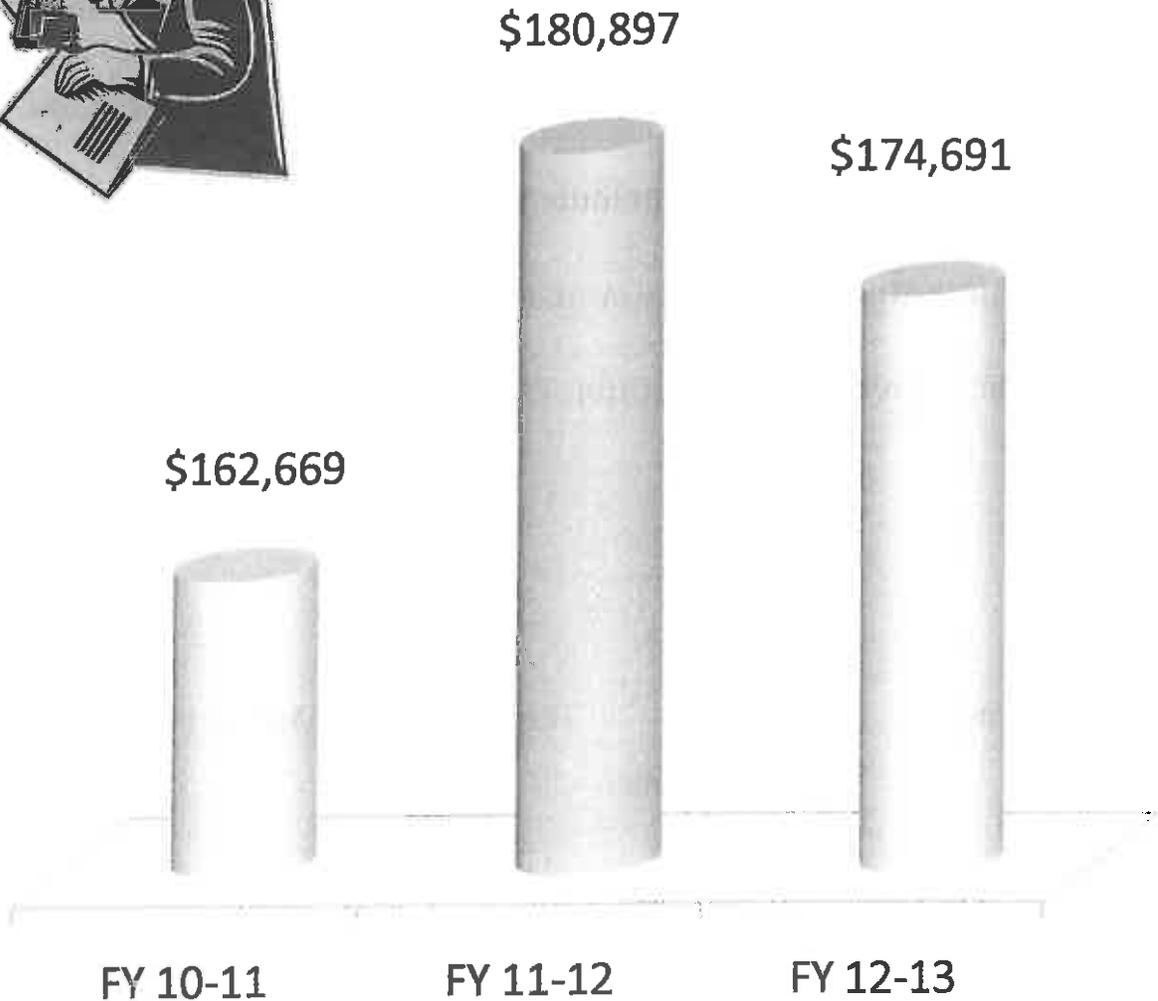
The Investigations Division for the Department of Public Safety is responsible for providing follow up and initial investigations of criminal offenses committed against persons and property within the City of Willcox. The primary function of the detectives is to provide support to the patrol division by investigating cases that require more time, certain expertise and immediate attention on major felony cases, evidence intake and management to include processing and distribution to crime lab for analysis. The Investigations Division also acts as a liaison with the County Attorney's Office on felony case prosecution. Detectives are responsible for apprehending

## Staffing

Detective Sergeant	Jose Rios	Employed Since March 1994
Detective	Vacant Position	

# Public Safety Investigations

## FY 2013 Budget Plan



**Public Safety - Investigations**  
**City of Willcox FY 13 Budget Planning Worksheet**

Acct No	Account Description	2010-11 BUDGET	2011-12 CURRENT BUDGET	CURR YTD 67% (FEB)	YTD %	2012-13 PROJECTED BUDGET
10-426-1101	SALARIES	89,336	89,336	40,699	45.6%	92,016
10-426-1103	RETIREMENT ALLOWANCE	0	15,500	0	0.0%	0
10-426-1105	OVERTIME	9,786	9,786	1,788	18.3%	10,079
10-426-1201	INDUSTRIAL INSURANCE	6,002	6,002	1,722	28.7%	6,182
10-426-1202	MEDICAL INSURANCE	11,407	12,970	4,046	31.2%	14,266
10-426-1203	FICA	7,583	7,583	3,281	43.3%	7,810
10-426-1205	UNEMPLOYMENT	305	269	220	81.9%	269
10-426-1206	PSPRS	22,332	23,581	7,460	31.6%	28,249
10-426-1207	LIFE INSURANCE	408	408	67	16.6%	358
10-426-1208	HEALTH REIMB ALLOWANCE	2,660	2,612	883	33.8%	2,612
10-426-1209	BENEFITS FEES	350	350	116	33.2%	350
10-426-2101	OFFICE SUPPLIES	0	0	0	0.0%	0
10-426-2102	UNIFORMS	2,000	2,000	30	1.5%	2,000
10-426-2107	PHOTOGRAPHIC SUPPLIES	200	200	0	0.0%	200
10-426-2115	EQUIPMENT REPAIR/MAINTENANCE	300	300	0	0.0%	300
10-426-2116	SMALL EQUIPMENT PURCHASES	1,500	1,500	111	7.4%	1,500
10-426-2190	FINGERPRINT SUPPLIES	500	500	35	7.1%	500
10-426-2601	FUEL AND OIL	4,000	4,000	998	25.0%	4,000
10-426-2602	TIRES AND TUBES	800	800	0	0.0%	800
10-426-2603	VEHICLE REPAIR/MAINTENANCE	1,000	1,000	230	23.1%	1,000
10-426-2700	TRAVEL AND TRAINING	1,200	1,200	934	77.9%	1,200
10-426-2702	MANDATORY/CERTIFICATION	1,000	1,000	0	0.0%	1,000
10-426-9650	BANK SERVICE CHARGES	0	0	0	0.0%	0
10-426-9901	CAPITAL PURCHASES	0	0	0	0.0%	0
<b>Totals</b>		<b>162,669</b>	<b>180,897</b>	<b>62,620</b>		<b>174,691</b>

**EXPLANATION OF INCREASE/DECREASE**

10-426-1103 RETIREMENT ALLOWANCE - REDUCE - NO EMPLOYEE SCHEDULED FOR RETIREMENT DURING THIS FY.

# Fire



## Description Of Services

The Willcox Fire Department is staffed with volunteer firefighters and is primarily responsible for property and life safety for the citizens of Willcox. The department operates in accordance with Federal, State, and local laws and ordinances. The department promotes fire safety and prevention for the community through education and fire danger awareness. The personnel of the Fire Department are required to perform in hazardous conditions during emergency situations. The Fire Department performs fire inspections to residence and businesses of Willcox. They routinely provide personnel and apparatus for school functions and other community activities upon request.

## Staffing

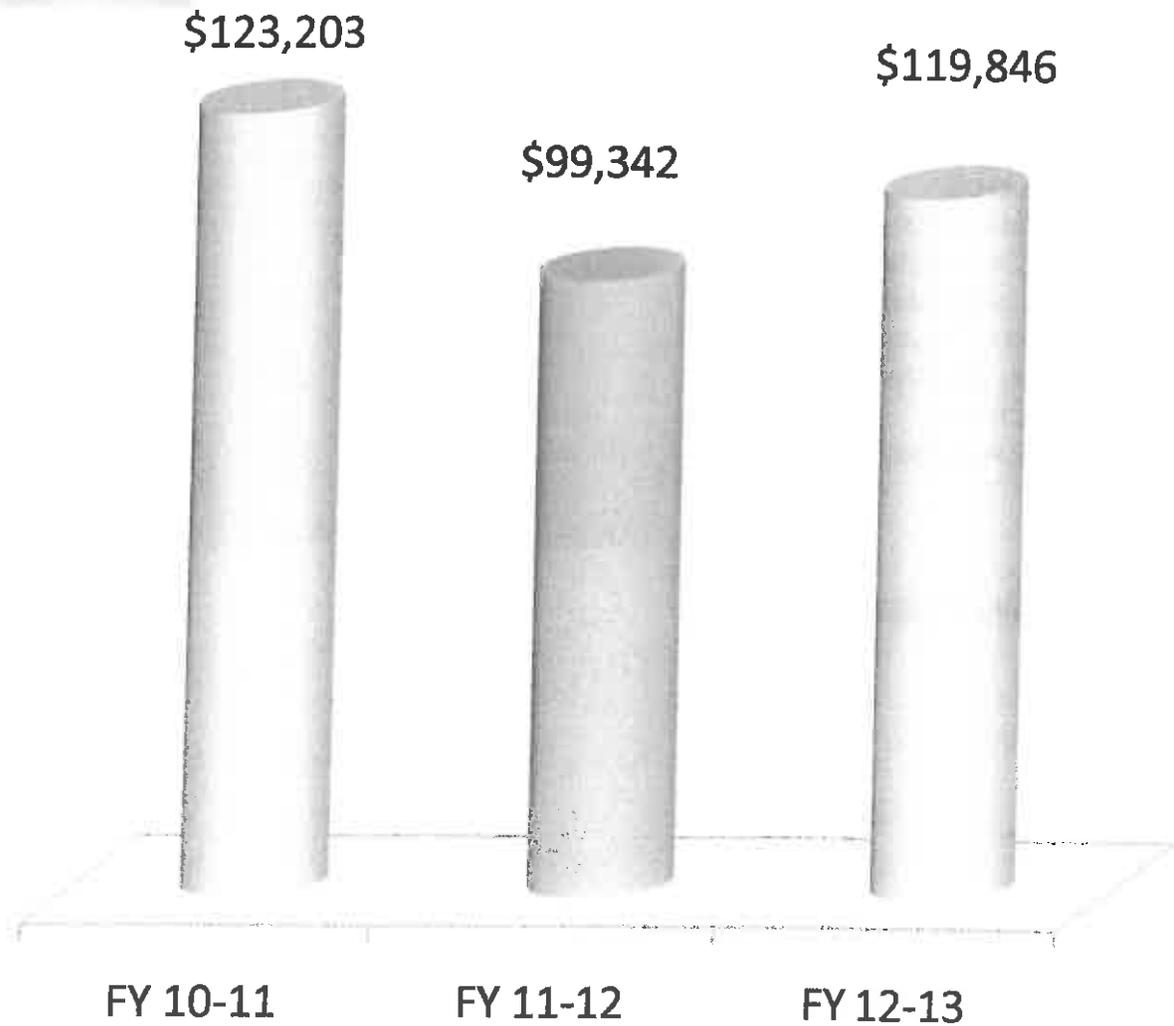
Chief	Jake Weaver
Assistant Chief	Patricia Ackerson-Rodriguez
Captain	Jerry Giudice
Lieutenant	Scott Bradon—Reserve
Lieutenant	Gary Adams
Firefighter	Dale Hadfield
Firefighter	Jose Rios
Firefighter	David Reno
Firefighter	Julie Teeters
Firefighter	James Norwood
Firefighter	William Teeters
Firefighter	Jeff Stoddard
Firefighter	G. Haynes
Firefighter	Aaron Weaver—Reserve
Firefighter	Rochelle Reno—Reserve
Firefighter	Rielly Loerzel—Reserve

\*\*\*6 Vacant Firefighter Positions

# Public Safety - Fire



## FY 2013 Budget Plan



Public Safety - Fire  
City of Willcox FY 13  
Budget Planning Worksheet

Acct No	Account Description	2010-11 BUDGET	2011-12 CURRENT BUDGET	CURR YTD 67% (FEB)	YTD %	2012-13 PROJECTED BUDGET
10-427-1101	SALARIES	29,100	29,100	11,791	40.5%	29,973
10-427-1201	INDUSTRIAL INSURANCE	2,595	2,595	1,081	41.7%	2,595
10-427-1203	FICA	2,226	2,226	925	41.1%	2,293
10-427-1204	ARS	0	1,455	0	0.0%	1,499
10-427-1205	UNEMPLOYMENT	634	559	122	22.0%	587
10-427-1211	PENSION	1,455	1,455	567	0.0%	36,947
10-427-2102	UNIFORMS	1,000	1,000	21	2.1%	1,000
10-427-2104	CLEANING & CHEMICAL	2,000	2,000	0	0.0%	2,000
10-427-2110	BUILDING MAINTENANCE	10,000	10,000	1236	12.4%	10,000
10-427-2115	EQUIPMENT REPAIR/MAINTENANCE	4,000	4,000	283	701.0%	4,000
10-427-2116	SMALL EQUIPMENT PURCHASES	5,000	5,000	1,954	39.1%	5,000
10-427-2190	OTHER SUPPLIES AND MATERIALS	2,000	1,000	122	12.2%	1,000
10-427-2590	CONTRACT SERVICES	2,000	2,500	0	0.0%	2,500
10-427-2601	FUEL AND OIL	5,000	5,000	1,564	31.3%	5,000
10-427-2602	TIRES AND TUBES	2,000	2,000	33	1.7%	2,000
10-427-2603	VEHICLE REPAIR/MAINTENANCE	5,000	5,000	315	6.3%	5,000
10-427-2700	TRAVEL AND TRAINING	4,000	3,000	259	8.7%	3,000
10-427-2804	SUBSCRIPTIONS/MEMBERSHIPS	200	200	100	50.0%	200
10-427-9201	GENERAL INSURANCE	3,993	4,252	3,205	75.4%	4,252
10-427-9690	MISC EXPENSE	1,000	1,000	167	16.7%	1,000
10-427-9901	CAPITAL PURCHASES	40,000	16,000	3596	22.5%	0
	<b>Totals</b>	<b>123,203</b>	<b>99,342</b>	<b>27,341</b>		<b>119,846</b>

**EXPLANATIONS OF INCREASE/DECREASE**

# K-9

## Description Of Services



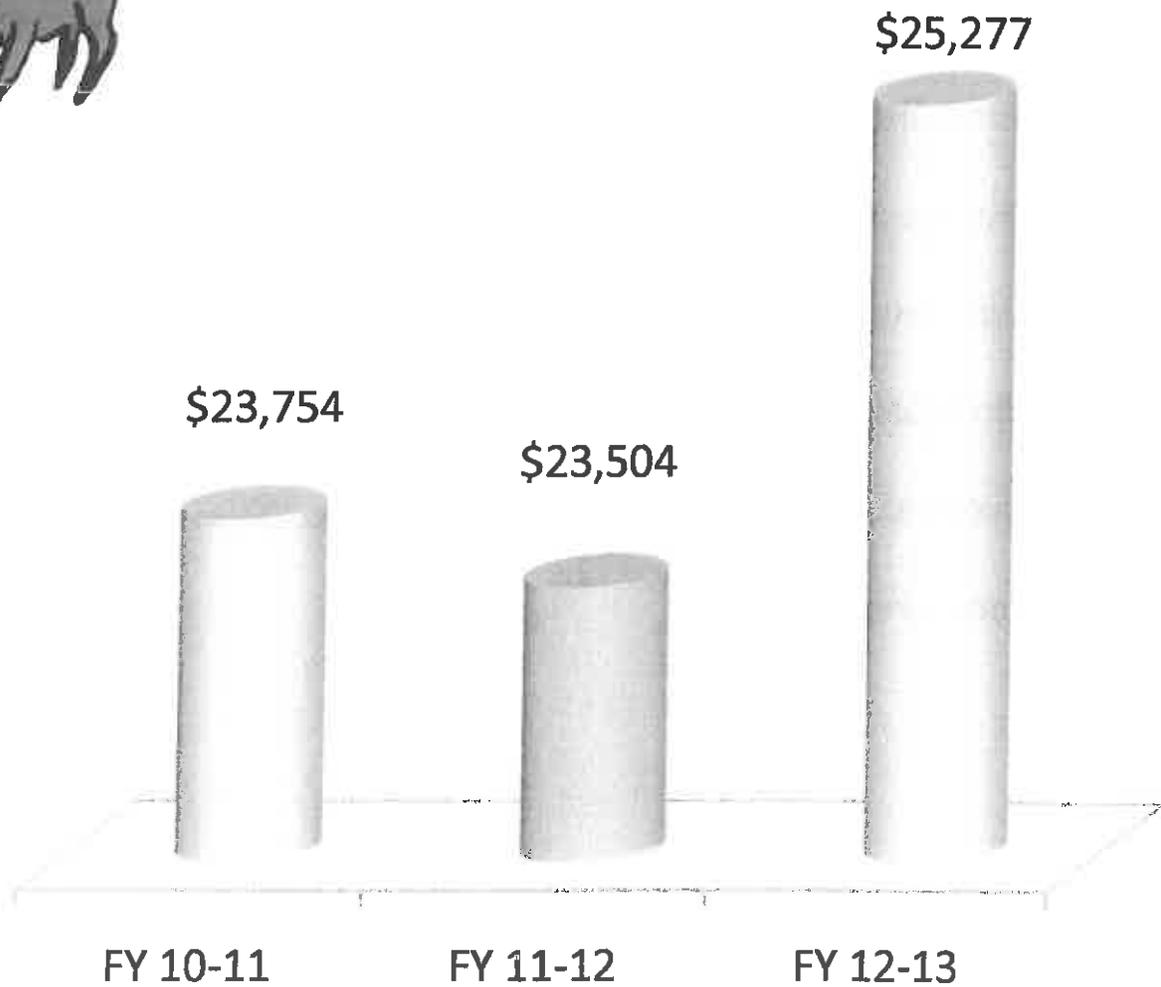
The K9 will operate as a special forces / patrol unit within the Department of Public Safety. The K9 and Officer assigned to the position of K9 handler is trained in accordance with State and National Certification requirements. The K9 is a valuable resource in assisting with law enforcement and reduction of criminal activity in the community. The primary focus of the K9 is directed toward narcotic activity, trailing of suspects and lost persons, handler protection, public demonstrations, search of school district property and other related drug prevention efforts in and around out city. The K9 will be available to assist other agencies as needed.

## Staffing

K-9 Officer	Dale Hadfield	Employed Since September 2006
K-9	Max	

# Public Safety – K9

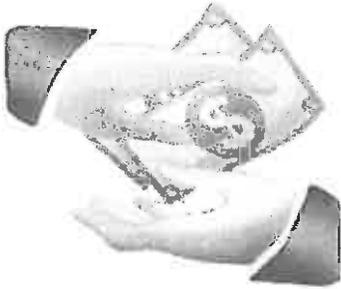
FY 2013 Budget Plan



PUBLIC SAFETY - K9  
City of Willcox FY 12 Budget Planning Worksheet

Acct No	Account Description	2010-11 BUDGET	2011-12 CURRENT BUDGET	CURR YTD 67% (FEB)	YTD %	2012-13 PROJECTED BUDGET
10-428-1105	OVERTIME	11,931	11,931	5,965	50.0%	12,657
10-428-1201	INDUSTRIAL INSURANCE	722	722	361	50.0%	766
10-428-1203	FICA	913	913	456	50.0%	968
10-428-1206	PSPRS	2,688	2,838	1,419	50.0%	3,886
10-428-2102	UNIFORMS	300	300	514	171.5%	300
10-428-2106	FEED	1,500	1,000	297	29.7%	1,000
10-428-2190	OTHER SUPPLIES AND MATERIALS	400	400	119	29.8%	400
10-428-2601	FUEL AND OIL	2,200	2,200	1,754	79.8%	2,200
10-428-2602	TIRES AND TUBES	400	500	0	0.0%	400
10-428-2603	VEHICLE REPAIR/MAINTENANCE	700	700	149	21.4%	700
10-428-2700	TRAVEL AND TRAINING	1,000	1,000	369	37.0%	1,000
10-428-2702	MANDATORY/CERTIFICATION	250	250	80	32.0%	250
10-428-2804	SUBSCRIPTIONS/MEMBERSHIPS	250	250	0	0.0%	250
10-428-9690	MISC EXPENSE	500	500	0	0.0%	500
Totals		23,754	23,504	11,483		25,277

EXPLANATIONS FOR INCREASE / DECREASE



# REVENUE

## GRANTS

### DEPARTMENT OF HOMELAND SECURITY - STONEGARDEN

FY 2011 (OCT. 1, 2011 THROUGH MAR. 31, 2013)

OVERTIME:	\$30,000	
MILEAGE:	<u>\$3,600</u>	
<b>TOTAL FUNDING:</b>	<b>\$33,600</b>	<b>APPROVED</b>

FY 2012 (OCT. 1, 2012 THROUGH MAR. 31, 2014)

OVERTIME:	\$44,312	
MILEAGE:	\$3,600	
EQUIPMENT:	<u>\$47,878</u>	(3 HAND HELD RADIOS & 8 IN-CAR VIDEO CAMERAS)
<b>TOTAL FUNDING:</b>	<b>\$95,790</b>	<b>PENDING</b>

### GOVERNOR'S OFFICE OF HIGHWAY SAFETY - DUI ENFORCEMENT & EDUCATION

FY 2013 (OCT. 1, 2012 THROUGH SEPT. 31, 2013)

OVERTIME:	\$30,000	
EQUIPMENT:	<u>\$51,272</u>	(PATROL VEHICLE & INSTAL EQUIPMENT)
<b>TOTAL FUNDING</b>	<b>\$81,272</b>	<b>PENDING</b>

### ATTORNEY GENERAL'S OFFICE OF VICTIM SERVICES - VRP GRANT

FY 2013 (JUL. 1 2012 THROUGH JUNE 30, 2013)

MISC. OFFICE SUPPLIES:	\$1,000	<b>PENDING</b>
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## OTHER REVENUE

### HEALTHCARE INNOVATIONS IGA

IGA ADOPTED APRIL 2012 FOR 1/2 OF DISPATCHER SALARY EFFECTIVE JULY 1, 2012-JUNE 30, 2013

PERSONNEL	\$11,269	<b>APPROVED</b>
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### HUMANE SHELTER - DONATIONS, IMPOUND FEES, ADOPTIONS & LICENSES

CURRENT YTD:	\$1,330	<b>VARIABLE</b>
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### RICO - COCHISE COUNTY PROPERTY FORFEITURES

CURRENT YTD BALANCE:	\$533	<b>VARIABLE</b>
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**CITY OF WILLCOX  
MAYOR AND CITY COUNCIL  
AGENDA**

**Monday, May 21, 2012**

**7:00 p.m.**

**City Council Chambers**

**300 W. Rex Allen Drive**

**Willcox, AZ 85643**

(Mayor or Designee will read only **BOLD** print of each agenda item,  
except for Public Hearings, Petitions and Communications.)

**Resolution No. 2012- 46  
Ordinance NS311**

**NOTICE TO PARENTS:** Valley Telecom Group records all Willcox City Council meetings. These recordings may be played and replayed on Valley Telecom Cable Channel 1. If you permit your child to participate in the Council Meeting, a recording will be made of your child's participation. If your child is seated in the audience, he or she may be recorded. If you desire, you may request that your child be seated in a designated area to avoid recording. To do so, please submit your request to the City Clerk prior to the meeting. (A.R.S. §1-602.A)

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. PLEDGE OF ALLEGIANCE TO THE FLAG**

**4. CALL TO THE PUBLIC**

Mayor and Council consider comments or complaints from the public. Those wishing to address the Council are required to register by completing an individual speaker's form and filing it with the Clerk before the meeting. The speaker must be recognized by the Mayor before speaking. Time permitting each presentation will be given approximately three (3) minutes. It is probable that each organization will be limited to one speaker. Action taken as a result of public comment will be limited to directing staff to study or reschedule the matter for further consideration at a later date.

**5. DECLARATION ON CONFLICT OF INTEREST**

Council members and staff have a right to declare a conflict of interest. The declaration of a conflict of interest must be made prior to discussion of any agenda item in which Council members or staff member determine they have a conflict of interest.

**6. ADOPTION OF THE AGENDA**

The Council will at this time either adopt the agenda as presented or may remove or table any of the listed agenda items. Tabled items, unless otherwise directed, will appear on the next regular agenda. Council may not add any items to the agenda at this time. Should staff have any recommendations concerning the exclusion or tabling of agenda items they will voice these recommendations at this time.

**7. PUBLIC HEARINGS, PETITIONS AND COMMUNICATIONS**

**Public Hearing:** In accordance with **ARS §9-499.15, Public Notice:** The Mayor and Council will hold public hearings on Monday, May 21, 2012 at 7:00 p.m. in the City Council Chambers, 300 W. Rex Allen Drive, Willcox, AZ, regarding the Notice of Intention to Increase Utility Rates and to consider the implementation of revised FY13 Utility Rate Schedules for the Gas, Water, Wastewater, and Solid Waste utilities. **Tab 1**

**8. CONSENT AGENDA**

Items that are considered to be routine by the City Council will be enacted by one motion **without** discussion. The consent agenda is a timesaving device and Council members have received documentation on these items for their review prior to the open meeting. Any Councilmember may remove any item from the consent agenda for discussion and a separate vote as deemed necessary. The public may view the documentation relating to the consent agenda on the City's web site or 24 hours prior to the meeting at the City Clerk's Office, 101 S. Railroad Avenue, Suite B, Willcox,

AZ from 8:30 a.m. to 4:30 p.m. or at the Elsie S. Hogan Library, 100 N. Curtis Avenue during normal working hours Monday-Saturday.

- 8A. **MINUTES OF REGULAR MEETING MAY 7, 2012** Tab 2
  
9. **DISCUSSION/DECISION REGARDING THE WASA ANNUAL REPORT** Tab 3  
Consideration, discussion and/or decision regarding the WASA Annual Report.
  
10. **DISCUSSION/DECISION REGARDING APPOINTMENT OF JEFFREY SHROYER TO FILL THE UNEXPIRED TERM VACATED BY JOSEPH AIMAN, LIBRARY ADVISORY COMMITTEE, TERM ENDS DECEMBER 31, 2012** Tab 4  
Consideration, discussion and/or decision regarding the appointment of Jeffrey Shroyer to fill the unexpired term vacated by Joseph Aiman, Library Advisory Committee, term ends December 31, 2012.
  
11. **DISCUSSION/DECISION OR PROVIDE DIRECTION TO STAFF OR TAKE ACTION ON WAIVING OF FEES FOR BUILDING PERMITS AT THE HIGH SCHOOL** Tab 5  
Consideration, discussion and/or decision or provide direction to staff or take action on waiving of fees for Building Permits at the High School.
  
12. **DISCUSSION/DECISION/DIRECTION TO STAFF CONCERNING COCHISE COUNTY TOURIST COMMITTEE MEMBER ATTENDING GOVERNOR'S CONFERENCE ON TOURISM** Tab 6  
Consideration, discussion, decision and/or direction to staff concerning Cochise County Tourist Committee member attending Governor's Conference on Tourism.
  
13. **DISCUSSION/DIRECTION REGARDING PROVIDE DIRECTION (IF ANY) ON ADJUSTMENTS TO THE CITY OF WILLCOX EMPLOYEES BASE COMPENSATION, I.E. COST OF LIVING ADJUSTMENT** Tab 7  
Consideration, discussion and/or direction regarding to provide direction (if any) on Adjustments to the City of Willcox Employees Base Compensation, i.e. Cost of Living Adjustment.
  
14. **DISCUSSION/DIRECTION REGARDING ADJUSTMENT TO THE ESTIMATED EXPENDITURES FOR FY13 FOR THE GENERAL FUND FOR ECONOMIC DEVELOPMENT** Tab 8  
Consideration, discussion and/or direction regarding adjustment to the estimated expenditures for FY13 for the General Fund for Economic Development.
  
15. **DISCUSSION REGARDING BUILDING CODE EFFECTIVENESS GRADING SCHEDULE (BCEGS)** Tab 9  
Consideration and/or discussion regarding the Building Code Effectiveness Grading Schedule (BCEGS).
  
16. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-35 APPROVING AND AWARDED THE WASTE WATER TREATMENT PLANT ("WWTP") BID TO SEVERN TRENT ENVIRONMENTAL SERVICES, INC. ("CONTRACTOR"), AUTHORIZING THE EXECUTION OF THIS RESOLUTION AND CONTRACT DOCUMENTS AND DECLARING AN EMERGENCY TO EXIST.** Tab 10  
Consideration, discussion and/or decision regarding Resolution NO. 2012-35, as stated, relating to approving the contract with Severn Trent for operation of the Waste Water Treatment Plant. (This item by motion was removed from the agenda on 04-16-2012, and tabled on 05-07-2012)
  
17. **DISCUSSION/DECISION TO APPROVE THE DONATION OF MATERIALS AND LABOR TO INSTALL A SCOREBOARD ON FIELD #2 AT KEILLER PARK** Tab 11  
Consideration, discussion and/or decision regarding to approve the donation of materials and labor to install a scoreboard on Field #2 at Keiller Park.
  
18. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-38 APPROVING AND AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE TOHONO O'ODHOM NATION ("NATION") PURSUANT TO A.R.S. 5-601-02 --- 12% GAMING DISTRIBUTION, DIRECTING CITY OFFICIALS TO SUBMIT APPLICATION DOCUMENTS AND DECLARING AN EMERGENCY TO EXIST.** Tab 12  
Consideration, discussion and/or decision regarding Resolution NO. 2012-38, as stated, relating to submission of an application to the Tohono O'Odhom Nation.

19. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-39 APPROVING AND ADOPTING THE BILLBOARD LEASE BETWEEN THE CITY OF WILLCOX ["LESSOR"] AND FARMERS INSURANCE GROUP, LEIGHA BURRIS ["LESSEE"] FOR BILLBOARD SPACE AT QUAIL PARK ON PARCEL #202-43-015B, AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.** Tab 13  
Consideration, discussion and/or decision regarding Resolution NO. 2012-39, as stated, relating to the Billboard Lease between the City and Farmers Insurance Group, Leigha Burris, at Quail Park on Parcel #202-43-051B.
20. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-40 RESCINDING RESOLUTION NO. 2011-77 RELATING TO THE INTERGOVERNMENTAL AGREEMENT ("IGA /JPA 11-042-1") WITH THE STATE OF ARIZONA ("STATE") THROUGH THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR THE SHARED USE PATH PROJECT, AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.** Tab 14  
Consideration, discussion and/or decision regarding Resolution NO. 2012-40, as stated, Rescinding Resolution No. 2011-77 relating to the IGA/JPA 11-042-2 with the State of Arizona through ADOT for the Shared Use Path Project.
21. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-41 DECLARING AND ADOPTING THE RESULTS OF THE GENERAL ELECTION HELD ON MAY 15, 2012** Tab 15  
Consideration and/or discussion regarding Resolution No. 2012-41, as stated, relating to Declaring and Adopting the results of the General Election held on May 15, 2012.
22. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-42 APPROVING AND ADOPTING THE INCREASED RATES AND CHARGES FOR THE WASTE WATER UTILITY OF THE CITY OF WILLCOX AND SETTING AN EFFECTIVE DATE.** Tab 16  
Consideration, discussion and/or decision regarding Resolution NO. 2012-42, as stated, relating to the Increased Rates and Charges for the Waste Water Utility of the City, and setting an effective date.
23. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-43 APPROVING AND ADOPTING THE INCREASED RATES AND CHARGES FOR THE GAS UTILITY OF THE CITY OF WILLCOX AND SETTING AN EFFECTIVE DATE.** Tab 17  
Consideration, discussion and/or decision regarding Resolution NO. 2012-43, as stated, relating to the Increased Rates and Charges for the Gas Utility of the City, and setting an effective date.
24. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-44 APPROVING AND ADOPTING THE INCREASED RATES AND CHARGES FOR THE WATER UTILITY OF THE CITY OF WILLCOX AND SETTING AN EFFECTIVE DATE.** Tab 18  
Consideration, discussion and/or decision regarding Resolution NO. 2012-44, as stated, relating to the Increased Rates and Charges for the Water Utility of the City, and setting an effective date.
25. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-45 APPROVING AND ADOPTING THE INCREASED RATES AND CHARGES FOR THE SOLID WASTE (TRASH SERVICE) UTILITY OF THE CITY OF WILLCOX AND SETTING AN EFFECTIVE DATE.** Tab 19  
Consideration, discussion and/or decision regarding Resolution No. 2012-45, as stated, relating to the Increased Rates and Charges for the Solid Waste (Trash Service) Utility of the City, and setting an effective date.
26. **DISCUSSION/DECISION REGARDING MICHELLE MULLINS REQUESTS STREET CLOSURE FROM RAILROAD AVENUE FROM STEWART STREET TO MALEY STREET INCLUDING STEWART INTERSECTION TO HOLD THE 6<sup>TH</sup> ANNUAL WILLCOX ROD & CLASSIC CAR SHOW ON MAY 26, 2012 FROM 6:00 A.M. UNTIL 5:00 P.M..** Tab 20  
Consideration, discussion and/or decision regarding Ms. Mullins request for street closure from Railroad Avenue from Stewart Street to Maley Street including Stewart Intersection for the 6<sup>th</sup> Annual Willcox Rod & Classic Car Show on May 26, 2012 from 6:00 a.m. until 5:00 p.m.
27. **REPORTS BY THE CITY MANAGER PAT MCCOURT**  
Consideration, discussion, and/or decision regarding the following topics by the City Manager:
- **Report on Arizona League of Arizona Cities & Towns Annual Conference**-will be held on August 28-31, 2012 at the Hyatt Regency Scottsdale at Gainey Ranch. They are requesting ideas, suggestions on possible conference themes, workshop topics and speakers. Also keep in mind if the Mayor and Council would like to participate in the

Parade of Flags and/or with a booth at the Festival of Cities & Towns which is an additional cost. The costs for registration, motel, booth, etc., will be sent soon.

- **Report on New City Clerk**-Ms. Virginia Mefford, has accepted the position of City Clerk and employment begins on Wednesday, May 30<sup>th</sup>.
- **2012 Newly Elected Officials Training**- reminder to save the date-June 1-2, 2012 at The Wigwam Resort, Litchfield Park, AZ, registration cost is \$170.00 per person.
- **Report on Collection of Donations for the 4<sup>th</sup> of July Fireworks**-The Willcox Department of Public Safety is accepting donations towards the 4<sup>th</sup> of July Fireworks!
- **Report Thanking Elk's Club**-for participation and preparation of luncheon for the *Run For The Wall*
- **Report the City Manager is on Vacation**- on May 29<sup>th</sup> and 30<sup>th</sup>.

**28. COMMENTS NOT FOR DISCUSSION FROM MAYOR AND COUNCIL MEMBERS.**

**29. DISCUSSION/DECISION ENTER INTO AN EXECUTIVE SESSION PURSUANT TO ARIZONA REVISED STATUTES §38-431.03A(1) DISCUSSION OR CONSIDERATION OF EMPLOYMENT, ASSIGNMENT, APPOINTMENT, PROMOTION, DEMOTION, DISMISSAL, SALARIES, DISCIPLINING OR RESIGNATION OF A PUBLIC OFFICER, APPOINTEE OR EMPLOYEE OF ANY PUBLIC BODY, EXCEPT THAT, WITH THE EXCEPTION OF SALARY DISCUSSIONS, AN OFFICER, APPOINTEE OR EMPLOYEE MAY DEMAND THAT THE DISCUSSION OR CONSIDERATION OCCUR AT A PUBLIC MEETING. THE PUBLIC BODY SHALL PROVIDE THE OFFICER, APPOINTEE OR EMPLOYEE WITH WRITTEN NOTICE OF THE EXECUTIVE SESSION AS IS APPROPRIATE BUT NOT LESS THAN TWENTY-FOUR HOURS FOR THE OFFICER, APPOINTEE OR EMPLOYEE TO DETERMINE WHETHER THE DISCUSSION OR CONSIDERATION SHOULD OCCUR AT A PUBLIC MEETING; AND** Tab 21

**PURSUANT TO ARIZONA REVISED STATUTES §38-431.03A(3) DISCUSSION OR CONSULTATION FOR LEGAL ADVICE WITH THE ATTORNEY OR ATTORNEYS OF THE PUBLIC BODY**

Consideration, discussion and/or decision to enter into an Executive Session pursuant to ARS §38-431.03A(1) and (3), as stated, relating to consideration of employee and consultation for legal advice with the attorney(s) of the public body.

**30. RECESS TO EXECUTIVE SESSION, IF APPROVED**

**31. RECONVENE FROM EXECUTIVE SESSION**

**32. DISCUSSION/DECISION/DIRECTION TO STAFF REGARDING MATTERS DISCUSSED IN EXECUTIVE SESSION**  
Consideration, discussion, decision and/or direction to staff regarding matters discussed in Executive Session and/or consultation for legal advice from City Attorney.

**33. ADJOURN**

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**NOTE:** Documentation (if any) for items listed on the Agenda is available for public inspection, a minimum of 24 hours prior to the Council Meeting, at any time during regular business hours in the Office of the City Clerk, 101 S. Railroad Avenue, Suite B, or the Elsie S. Hogan Community Library during regular business hours Monday-Saturday and on the City's website [www.cityofwillcox.org](http://www.cityofwillcox.org)  
**NOTE:** People with disabilities may request reasonable accommodations. Requests must be made 48 hours prior to the meeting by contacting City Hall at 384-4271 during regular business hours 8:00 a.m. to 4:30 p.m., Monday through Friday.

TAB 1



**NOTICE OF PUBLIC HEARING**  
**MAYOR AND CITY COUNCIL**

In accordance with Resolution No. 370 of the City of Willcox, and Section 38-431.01 of the Arizona Revised Statutes **NOTICE IS HEREBY GIVEN** that the **MAYOR AND COUNCIL** of the City of Willcox, County of Cochise, Arizona, will hold a **PUBLIC HEARINGS**, during the **REGULAR** meetings, on **MONDAY** the **7<sup>th</sup> AND 21<sup>st</sup>** day of **MAY**, 2012 at **7:00 p.m.**, in the **CITY COUNCIL CHAMBERS, 300 W. REX ALLEN DRIVE, WILLCOX, AZ.**

Public Hearing on:

**The Notice of Intention to Increase Utility Rates and to consider the implementation of revised FY13 Utility Rate Schedules for the Gas, Water, Wastewater, and Solid Waste utilities.**

All members of the public are invited to attend such meeting. For those persons unable to attend, written comments will be accepted until 4 p.m. the day of the public hearing in the Office of the City Clerk, 101 S. Railroad Avenue, Suite B, Willcox, AZ 85643.

**DATED AND POSTED this 30<sup>th</sup> day of MARCH 2012 AT 11:00 A.M.**

**CITY OF WILLCOX, ARIZONA**

**Is/Cristina G. Whelan, CMC**

**CITY CLERK**

**Publichearing/notice of intention utility rates**

**A.R.S. § 9-499.15**

**PUBLIC NOTICE**

Notice is hereby given that on July 16, 2012 the City Council will consider revised fee schedules for the use of City facilities. Adoption of the fee schedules will be considered by the Mayor and Council on Monday, July 16<sup>th</sup> at the regular City Council meeting at 7:00 p.m. at 300 W Rex Allen Dr, Willcox, AZ 85643.

(Notice posted 5/2/2012)





And one more Commercial		
Base	3%COLA	Projected
\$948.84	\$977.31	\$1,099.84
\$603.71	\$621.82	\$488.71 4"
\$584.22	\$601.75	\$607.58 4%
\$128.76	\$132.62	\$133.52 1.04
<u>\$2,265.53</u>	<u>\$2,333.50</u>	<u>\$2,329.66</u>
\$688.75	\$708.41	\$903.75
\$576.06	\$593.34	\$461.06
\$584.22	\$601.75	\$607.58
\$128.76	\$132.62	\$133.52
<u>\$1,977.79</u>	<u>\$2,037.12</u>	<u>\$2,105.92</u>
\$2,288.41	\$2,357.06	\$2,403.11
\$684.41	\$684.34	\$549.41
\$584.22	\$601.75	\$607.59
\$128.76	\$132.62	\$133.52
<u>\$3,665.80</u>	<u>\$3,775.77</u>	<u>\$3,693.63</u>
		% change
\$7,909.12	\$8,146.39	\$8,129.21 1.027827



EXHIBIT A  
CITY OF WILLCOX, ARIZONA  
GAS SYSTEM  
RATES AND CHARGES EFFECTIVE JULY 1, 2012

Section 1. Monthly Availability Meter Charge based upon size of Gas Service:				
Customer Type	Meter Size	Rate Code	FY12 Meter Charge	FY13 Meter Charge
Residential In Town	175/200/250/275	101	\$ 11.01	\$ 12.01
Residential Out of Town	175/200/250/275	102	\$ 11.01	\$ 12.01
Commercial	175/200/250/275	110	\$ 11.01	\$ 12.01
Commercial	315/325 415/425	111	\$ 11.01	\$ 21.01
Commercial	750/800	112	\$ 11.01	\$ 31.01
Commercial	1000/1500 2000	113	\$ 11.01	\$ 61.01
Commercial	3000/4000	114	\$ 11.01	\$ 91.01
Commercial	5000/6000	115	\$ 11.01	\$ 101.01
Commercial	7000/8000	116	\$ 11.01	\$ 131.01

Section 2. Usage Charge based upon Units of Thousand cubic feet (Mcf):	
In Town Customers	\$ 3.280
Out of Town Customers	\$ 3.924

The Usage Charges reflect the overhead rate charged on each unit of gas (Mcf). The Usage Charge is in addition to the monthly cost of gas purchases and transportation costs described in Section 3. below. The Usage Charge is subject to the annual cost of living adjustment.

**Section 3. Monthly Adjustment based on Gas Wholesale Price and Carrying Charges:**

The City's cost for the supply of natural gas and the transportation of the gas to the City's gate changes on a monthly basis. The wholesale natural gas price to customers is adjusted monthly to pass through the City's cost for the natural gas.

**Section 4. Annual Adjustment based on the Change in the Consumer Price Index:**

Unless acted upon by the City Council, the rates listed in Section 1. and Section 2. of this Resolution shall be adjusted effective July 1st of each year, with July 1, 2012 being the date of the first adjustment. The rates shall be adjusted by taking the monthly Meter Charge Availability charges and the per unit Usage Charges for the most recent period and multiplying those rates by the annual change in the Consumer Price Index - All Urban Consumers - U.S. City Average (CPI) as published by the Bureau of Labor Statistics for the period from January 1st of the preceding year to January 1st of the current year.

EXHIBIT A  
CITY OF WILLCOX, ARIZONA  
WATER SYSTEM  
RATES AND CHARGES EFFECTIVE JULY 1, 2012

Section 1. Monthly Availability Meter Charge based upon size of Water Service:				
Customer Type	Meter Size	Rate Code	FY12 Meter Charge	FY13 Meter Charge
Residential	3/4"	301	\$ 17.55	\$ 14.55
Residential	1"	302	\$ 27.21	\$ 19.21
Commercial	3/4"	310	\$ 17.55	\$ 14.55
Commercial	1"	311	\$ 27.21	\$ 19.21
Commercial	1 1/2"	312	\$ 46.52	\$ 26.52
Commercial	2"	313	\$ 85.16	\$ 35.16
Commercial	3"	314	\$ 152.80	\$ 72.80
Commercial	4"	315	\$ 297.61	\$ 182.61

Section 2. Unit Usage Charge based on Thousand Gallon Units (MG):	
0-2,000 Gallons	Included in base
2,001 - 6,000 Gallons	\$1.63
6,001 - 10,000 Gallons	\$1.82
10,001 - 15,000 Gallons	\$2.03
15,001 and above, No Limit	\$2.16

Section 3. Bulk Water Rates.	
Cost per Thousand	\$9.89

**Section 4. Annual Adjustment based on the Change in the Consumer Price Index:**  
Unless acted upon by the City Council, the rates listed in Section 1. and Section 2. of this Resolution shall be adjusted effective July 1st of each year, with July 1, 2012 being the date of the first adjustment. The rates shall be adjusted by taking the monthly Meter Charge Availability charges and the per unit Usage Charges for the most recent period and multiplying those rates by the annual change in the Consumer Price Index - All Urban Consumers-U.S. City Average (CPI) as published by the Bureau of Labor Statistics for the period from January 1st of the preceding year to January 1st of the current year. All water sales are subject to Transaction Privilege (Sales) Tax.

EXHIBIT A  
CITY OF WILLCOX, ARIZONA  
WASTE WATER SYSTEM  
RATES AND CHARGES EFFECTIVE JULY 1, 2012

Section 1. Monthly Availability Meter Charge based upon size of Water Service:				
Customer Type	Meter Size	Rate Code	FY12 Meter Charge	FY13 Meter Charge
Residential	3/4" or less	501	\$ 18.99	\$ 19.94
Residential	1"	502	\$ 25.82	\$ 27.11
Commercial	3/4" or less	520	\$ 27.61	\$ 28.99
Commercial	1"	521	\$ 34.46	\$ 36.18
Commercial	1 1/2"	522	\$ 51.68	\$ 54.26
Commercial	2"	523	\$ 72.31	\$ 75.93
Commercial	3"	524	\$ 137.77	\$ 144.66
Commercial	4"	525	\$ 224.00	\$ 235.20

Section 2. Unit Usage Charge based on Thousand Gallon Units (MG):	
All Customers	\$ 2.724830

**Section 3. Annual Usage Rate Adjustment based on three month Winter Average:**

The Current Usage Rate shall be based upon the volume of water usage during the billing cycles for December, January, and February each year. Water usage will be totaled and divided by three (3) to provide an average usage for computing the Sewer usage rate for each customer. This new average usage will remain unchanged throughout the ensuing year. Documentation of unusual circumstances (i.e. leaks) may be used by City Manager to adjust annual usage. The adjustment for Annual Usage shall be effective as of April 1st. New customers or sewer locations, or customers whose water is provided by a well, will be charged the average base rate and usage for that class of customers.

**Section 4. Annual Adjustment based on the Change in the Consumer Price Index:**

Unless acted upon by the City Council, the rates listed in Section 1, 2 and 3 of this Resolution shall be adjusted effective July 1st of each year, with July 1, 2012 being the date of the first adjustment. The rates shall be adjusted by taking the monthly Meter Charge Availability charges and the per unit Usage Charges for the most recent period and multiplying those rates by the annual change in the Consumer Price Index - All Urban Consumers - U.S. City Average (CPI) as published by the Bureau of Labor Statistics for the period from January 1st of the preceding year to January 1st of the current year.

EXHIBIT A  
 CITY OF WILLCOX, ARIZONA  
 SOLID WASTE (TRASH REMOVAL) SYSTEM  
 RATES AND CHARGES EFFECTIVE JULY 1, 2012

Section 1. Solid Waste Charges for Residential Service:				
Customer Type	Container Size	Rate Code	FY12 Charge	FY13 Charge
Single Family	96 gallon	701	\$ 23.49	\$ 23.72
Senior Citizen /Side Yard	96 gallon	702	\$ 19.85	\$ 20.40
Commercial	SEE ATTACHED FISCAL YEAR 13 RATE SCHEDULE			

**Section 2. Annual Adjustment based on the Change in the Consumer Price Index:**

Unless acted upon by the City Council, the rates listed in Section 1 and as enumerated on the attached rate schedule shall be adjusted by the cost of living effective July 1st of each year, with July 1, 2012 being the date of the first adjustment. The rates from the most recent period will be multiplied by the annual rate of change in the Consumer Price Index All Urban Consumers - U.S. City Average (CPI) as published by the Bureau of Labor Statistics for the period from January 1st of the preceding year to January 1st of the current year.

TAB 2

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND  
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ  
HELD ON THIS 7<sup>TH</sup> DAY OF MAY 2012**

**NOTICE TO PARENTS:** Valley Telecom Group records all Willcox City Council meetings. These recordings may be played and replayed on Valley Telecom Cable Channel 1. If you permit your child to participate in the Council Meeting, a recording will be made of your child's participation. If your child is seated in the audience, he or she may be recorded. If you desire, you may request that your child be seated in a designated area to avoid recording. To do so, please submit your request to the City Clerk prior to the meeting. (A.R.S. §1-602.A)

**CALL TO ORDER**

Gerald W. Lindsey called the regular meeting to order on Monday, May 7, 2012 at 7:10 p.m. and welcomed all to this City Council meeting and is happy to have all of them here and looks forward to hearing from some of you here and is always glad to have a crowd for our Council meeting and welcomes all to come back at any time.

**ROLL CALL**-City Clerk Cristina Garcia Whelan, called the roll:

**PRESENT**

Mayor Gerald W. Lindsey  
Vice Mayor Monika Cronberg  
Councilman Elwood A. Johnson  
Councilman Stephen Klump  
Councilman Christopher Donahue  
Councilman William "Bill" Holloway  
Councilman Robert "Bob" Irvin

**STAFF**

City Manager Pat McCourt  
City Attorney Hector M. Figueroa  
City Clerk Cristina Garcia Whelan, CMC  
Library Director Tom Miner  
Public Safety Director Jake Weaver  
Finance Director Ruth Graham  
Public Services & Works Director Dave Bonner  
Development Services Jeff Stoddard

**PLEDGE OF ALLEGIANCE TO THE FLAG**-Mayor Lindsey.

**CALL TO THE PUBLIC**- Mr. Robert Janus, addressed the Mayor and Council members, Director of Public Affairs for Cox Communications. Stating he is happy to appear here tonight to express his thanks and the thanks from Cox Communications for the collective work the City of Willcox and Valley Telecom who partnered with Cox for the successful execution of the asset transfer between the respected companies. A seamless and efficient cut over of services was implemented on April 19, 2012 without negative customer impact. While this activity went unnoticed by customers the leadership of the City and Valley should be noticed as a wonderful example of Teamwork. Today Valley Telecom is providing service to their former customer and additionally Valley has realized a large percentage of new subscribers choosing video and other Valley services. They are pleased to report these new subscribers and transition subscribers have been extremely satisfied with the entire transfer process. At Cox they never relish the idea of losing customers, however, they are hearten by the simple fact that the service being provided by Valley including Fiber Optic connections will deliver state of the art technology and excellent customer experience. They are extremely confident that they leave this market and former customers in good hands with Valley and the City of Willcox. This team performed Above and Beyond expectations and especially appreciates the effort of Pat McCourt, City Manager, and Hector Figueroa, City Attorney, who helped Cox with this transition. He hopes they join him in his enthusiasm and admiration to City's staff and Valley employees that made this transition a reality. Thanked the Mayor and Council.

Mr. Perry McGee, addressed the Mayor and Council, stating he is a new member of the City of Willcox and moved here 10 months ago. He has a few ideas on how to bring Revenue to the City. Had Battle of the Bands not too long ago and suggested to somebody that we should have this every month and each month designate a different group to get revenue from the Bands from the money that comes in from it. They said that would be a little too much and suggested now every two (2) months. Money generated could go to Library, Animal Shelter, maybe the Rex Allen Theater, help care for the elderly, Hospital, Senior Citizens, Law Enforcement, Fire Department, maybe some of the Parks, in order to get this done have to advertise and advertise not only in Willcox but the entire Sulphur Springs Valley. His second suggestion is a Farmers Market held first of Spring and probably through Halloween and big block party at the end of it. Suggested to block Stewart Street and Maley Street and make Railroad Avenue pedestrian only and have back to back booths down the middle of street where people could have wares whether artesian or farmers. Also there is a vacant lot on the other side of Stewart Street across from the Buffalo Sisters where they could have pony rides or petting zoo. They do not need franchise and sidewalks keep the shops open and have people there and ask for volunteers and all kinds of things to get people involved in that. Again he said

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we would have to do a lot of advertising throughout the Valley and bring artisans and people in from all of Cochise County as necessary. The third suggestion is he has heard a lot of things about the Rex Allen Theater and why it was closed down and back in South Pasadena about 30 years ago they had Realto Theater which was shut down and what they did was open up 4-nights a week and showed nothing but classical movies, and on weekends family oriented movies like the old Disney movies and after main picture was over on Friday nights they had R-movie festival that lasted an hour or two or cheesiest movies and people had a good time which keeps kids off the streets and give them something to do. Continue with the matinees on Saturday and Sunday and only keep it open 4-nights per week. Suggests go digital which is easier and do not have to deal with film or projectors breaking. And suggested again to advertise these things and advertise the City of Willcox. He does not see any advertisement for the City of Willcox except on Ft. Grant Road and only sees it if mesquite bushes are not growing over it. He would like to see i.e. 5-10-15 miles out and whether its Warren Earps grave or Marshall Bo's Gunfighters, Rex Allen Theater and Museum. Thanked Mayor and Council for their time. Mayor Lindsey stated they appreciate input.

Mr. Kelly Rowden said he talked with Mr. McGee and had that conversation about doing music in the park and that is doable and has talked with Bo Downing and doing something on a quarterly basis. They can do that and the Farmers Market idea and closing off the street involves insurance costs that are sizable and maybe they do not want to close off the streets. As far as the theater is concerned if he would like to help with Theater needs to talk to his wife. It looks like the Theater will re-open in 90-120 days. What it will require is volunteer help and they are in touch with the Princess Theater in Rushville, Illinois which they have been operating with for some time. We will have theater again and anyone who would care to help out should contact him or his wife and go ahead and put them to work. Thanked the Mayor and Council.

Mr. Paul Sheets, lives here in Willcox, and wants to encourage the Council members tonight there is some Discussion/Decisions that are on the agenda that he hopes as they have voted them in and asked them to look after them as the taxpayers that they will read thoroughly, look at it, don't be like the Legislature and Congress, and those that just pass laws. Said to "please read the contracts that are presented" and take the time and find out every possibility, and he personally does not know if this is good idea or bad idea about the sewer system. He does want to know and they voted the Council members to help them find out and to get the best answers and to know what to do on how to spend their tax money. If need to take more time, he encouraged them to table it, set it aside, do something, get more counsel if need to, and does not want them to rush into something. They already know it is going to cost the taxpayers money and they know their bills are going to go up and said lets make sure if they go up that we "get the best bang for our buck." Wants to make sure we do not move too quickly just because we do not understand and said let's take their time and read it. They laugh because our Congress do things and do not read 700-2,000 pages law and yet they did it. Mr. Sheets stated "let's take time and do what we have asked you to do when we voted you in." Thanked the Mayor and Council.

Mr. Bill Nigh, self employed manufacturer, and has a couple of items. When he came to Willcox it was in search of an available building and needed someplace to move. He had to spend a lot of money to change it for his capabilities and said available buildings can be an asset. At a meeting he heard that there are 27 empty business buildings. They can be an asset if we told other people in the State that we are here and there are a lot of people that are trying to escape from places like Phoenix. There is a little repair shop for engine parts that moved on Railroad that is not getting a lot of business yet because people are still going to Tucson but he is quite a capable mechanic and restoration of engine parts and he came here because he wanted to live in Willcox and it did cost him to get here. There is a lot of available buildings that could be used in other Cities such as there was an old motel in Kingman that was abandoned became a little cottage industry so small business with craft shops and it takes promotion. Mr. Nigh thinks if we could get newspapers in Phoenix and Tucson and surrounding large Cities with high crime areas to come here and it is much nicer here. The sewer system there are other alternatives from mechanic system or very old systems that have been very successful like in San Pedro Valley take all the sewer and put it through enzyme system chamber and converts solids to methane gas and currently they are running their equipment with the generated gas. There was a landfill project in Monte Bello and engineer died suddenly after he did this discovery, John Wayne, and he perfected making the sewer gas that came from the landfill into a usable source for generating electricity. There is another landfill with methane gas in the City of Industry and the whole hotel complex is operated by the fumes coming off the landfill. He knows we do not have many landfills around here and if we had mechanical system for sewer we probably going to need to do some hauling to somewhere. The alternative sewer system that was in the San Gabriel Valley was just a great big septic tank, and it was very successful and they had ways converting PH material that was high or low and the outflow coming from that system in the second cavity is in the San Gabriel River and it goes along the dammed up

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portions of the San Gabriel River and the water is sitting in various dammed up sections and goes into ground water. It is an alternative and knows the Council has done a lot of work getting this mechanic system in and it might be costing quite a bit of money for electricity to maintain it and would like to have them have another look at these systems and be happy to help.

**DECLARATION ON CONFLICT OF INTEREST**-There was no response from Mayor and Council members or staff.

**ADOPTION OF THE AGENDA**

**MOTION:** Councilman Holloway moved to adopt the agenda as presented and having no business with Attorney remove items #23-26 relating to an Executive Session.

**SECONDED:** Councilman Donahue seconded the motion. **CARRIED.**

**PUBLIC HEARINGS, PETITIONS AND COMMUNICATIONS**

**Public Hearing:** Mayor Lindsey read: (1) In accordance with ARS §9-499.15, Public Notice: The Mayor and Council will hold public hearings on Monday, May 7, 2012 and Monday, May 21, 2012 at 7:00 p.m. in the City Council Chambers, 300 W. Rex Allen Drive, Willcox, AZ, regarding the Notice of Intention to Increase Utility Rates and to consider the implementation of revised FY13 Utility Rate Schedules for the Gas, Water, Wastewater, and Solid Waste utilities; and

(2) **A.R.S. § 9-499.15 PUBLIC NOTICE**-Notice is hereby given that on July 16, 2012 the City Council will consider revised fee schedules for the use of City facilities. Adoption of the fee schedules will be considered by the Mayor and Council on Monday, July 16<sup>th</sup> at the regular City Council meeting at 7:00 p.m. at 300 W Rex Allen Dr, Willcox, AZ 85643.

**Proclamation:** Mayor Lindsey read and proclaimed: (1) May 2012 as "**Older Americans Month;**" and stated we do have some programs within the City of Willcox that benefit our older citizens such as Senior Center, which the City helps sponsor along with Northern Cochise Community Hospital, is in operation and certainly encourages those older citizens to join with them in their activities and the Hospital itself has Senior Enrichment Program that they provide needed support for our elderly citizens and encouraged all to participate with our older citizens.

(2) "**National Historic Preservation Month 2012;**" and presented the Proclamation to Ms. Kathy Klump; (**APPLAUSE**) President of the Sulphur Springs Valley Historic Society. Ms. Klump thanked the Mayor and Council for proclaiming *May as National Historic Preservation Month* and encouraged everyone to bring their families and visit the local museums this month and see what they are doing to preserve the history of Willcox and the surrounding areas. On May 17, 2012 the Chamber of Commerce and Historical Society will be having Business After Hours at the Chiricahua Regional Museum from 5-7:00 p.m. and encouraged everyone to come there. In this weeks newspaper they would like everyone to read the special section of the Community Profile where they have the biography of the next 10 Wheels of Progress they have chosen. Each year they choose 10 people to the Wheels of Progress that have kept Willcox rolling. Started in 2005 at the City's 90<sup>th</sup> Anniversary of the City's Incorporation and there will be 100 chosen by 2015. Their pictures hang in the Depot and in 2015 book will be published with all 100 biographies. On May 19<sup>th</sup> at noon all of the new inductees will be honored with a luncheon at the Elk's and encouraged all to come and help congratulate the new Wheels of Progress. Please let her know if want to come to the lunch and the cost is \$12.50 per person. Remembered all to visit the museums and bring your families. Thanked Mayor and Council and the Mayor thanked her for all her work on behalf of the City and our Historic Preservation Committee we have and appreciates the work that they do also; and proclaimed

(3) "**Letter Carriers' Food Drive Day**" on Saturday, May 12, 2012.

**Communications:** Mayor Lindsey announced there is one (1) Candidate Wm. "Bill" Nigh and three (3) Write In Candidates for the May 15<sup>th</sup> General Election. Those names not appearing on the ballot are: Linda Sue Bail; Richard Bennett and Wm. Kelly Rowden. Polls open at 6:00 a.m. and close at 7:00 p.m., City Council Chambers, 300 W. Rex Allen Drive, Willcox, AZ.

Mayor Lindsey opened the public hearing concerning utilities rate Gas, Water, Sewer and Solid Waste at 7:39 p.m. and asked if there is any materials for public to review. City Manager Pat McCourt said included in the Mayor and Council packet he has prepared a summary and it has been discussed at great length. What if do what has been done and use 3% cost of living and adjust each utility. It has been suggested to make changes to base rates in gas and water, sewer needs larger and garbage

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need smaller or 1.01%. Councilman Johnson asked if included Franchise Tax and the City Manager said "he did and the 3% cost of living for employees." Over all the rates stated are below the cost of living adjustments. Assumptions are same usage of gas, water and the cost for the gas we buy and if held constant then decrease in a couple of areas and minor increase in the other 3-areas. The Rates in detail are available, and Mayor and Council have gone through them in detail when discussed budgets, at City Hall.

Mayor Lindsey asked if there was any input from public and hearing none he asked the Council members. Vice Mayor Cronberg comment is on Council's projected 3% increase included in this mix. City Manager McCourt explained he did historic information, where we are currently and did projections for the next 10 years. Staff looked at cost of delivering services, the cost of employees and their fringe benefits. FY13 costs as of July 1, 2012 to June 30, 2013 incorporated 3% to wages and fringe benefits to each of the funds. Those will not be implemented until Mayor and Council approve.

Mayor Lindsey asked if any other questions or comments. Again the Mayor asked any other input from the public. Hearing none the Mayor closed the public hearing at 7:49 p.m.

**CONSENT AGENDA**

Items that are considered to be routine by the City Council will be enacted by one motion without discussion. The consent agenda is a timesaving device and Council members have received documentation on these items for their review prior to the open meeting. Any Councilmember may remove any item from the consent agenda for discussion and a separate vote as deemed necessary. The public may view the documentation relating to the consent agenda on the City's web site or 24 hours prior to the meeting at the City Clerk's Office, 101 S. Railroad Avenue, Suite B, Willcox, AZ from 8:30 a.m. to 4:30 p.m. or at the Elsie S. Hogan Library, 100 N. Curtis Avenue during normal working hours Monday-Saturday.

**8A. SPECIAL MEETING MINUTES OF THE APRIL 09, 2012 MEETING AND THE REGULAR MEETING HELD ON APRIL 16, 2012**

**MOTION:** Councilman Klump moved to adopt the Consent Agenda items as presented.

**SECONDED:** Vice Mayor Cronberg seconded the motion. **CARRIED.**

**DISCUSSION/DECISION REGARDING WINE FESTIVAL LICENSE/WINE FAIR LICENSE REQUESTED BY WILLCOX COUNTRY WINE FESTIVAL AT RAILROAD PARK ON MAY 19 AND 20, 2012**

**MOTION:** Councilman Johnson moved to approve the Wine Festival License/Wine Fair License requested by Willcox Country Wine Festival at Railroad Park on May 19 and 20, 2012.

**SECONDED:** Councilman Donahue seconded the motion. **DISCUSSION:** Councilman Klump asked about the Wine Festival application they have a map for each one and asked if able to condense or he asked are we legally bound to publish all. The Councilman suggested in the future only the names of the Wineries be included in the Council packet. Mayor Lindsey said it is probably State requirement that the Council knows what is being sent to the State. **CARRIED.**

**DISCUSSION/DECISION REGARDING WILLCOX WINE COUNTRY FESTIVAL REQUEST FOR A WAIVER FOR GLASS CONTAINERS IN RAILROAD PARK**

**MOTION:** Councilman Johnson moved to approve the Willcox Wine Country Wine Festival request for a Waiver for Glass Containers in Railroad Park.

**SECONDED:** Councilman Donahue seconded the motion. **DISCUSSION:** Mayor Lindsey stated they have always been responsible in whatever they do there and excellent job in their clean up. **CARRIED.**

**DISCUSSION/DECISION REGARDING WILLCOX WINE COUNTRY COMMITTEE OF THE WILLCOX CHAMBER OF COMMERCE REQUESTS RESERVATION OF 10-15 PARKING SPACES ON THE PARK SIDE OF RAILROAD AVENUE ON MAY 19-20, 2012 FROM 7:00 A.M. UNTIL 7:00 P.M.**

**MOTION:** Councilman Johnson moved to approve the Willcox Wine Country Committee of the Willcox Chamber of Commerce requests reservation of 10-15 parking spaces on the park side of Railroad Avenue on May 19-20-, 2012 from 7:00 a.m. until 7:00 p.m.

**SECONDED:** Councilman Donahue seconded the motion. **DISCUSSION:** Mayor Lindsey said he thinks it is a lot better than closing all the street. **CARRIED.**

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**DISCUSSION/DECISION REGARDING STRONGHOLD FEED & SUPPLY REQUESTS STREET CLOSURE FROM RAILROAD AVENUE BETWEEN FREMONT AND WOOD STREET ON FRIDAY, JUNE 8, 2012 FROM 5:00 P.M. TO 10:30 P.M. (NO ALCOHOL)**

**MOTION:** Councilman Johnson moved to approve the Stronghold Feed & Supply requests street closure from Railroad Avenue between Fremont and Wood Street on Friday, June 8, 2012 from 5-10:30 p.m.

**SECONDED:** Councilman Holloway seconded the motion. **DISCUSSION:** Mayor Lindsey stated his question was if whether there would be access to local home owners that live in that area. DB said there is only one business other than Stronghold Feeds. **CARRIED.**

**DISCUSSION/DECISION REGARDING APPOINTMENT OF ANGELA FUENTES TO THE PARKS & RECREATION ADVISORY COMMITTEE TERM TO EXPIRE DECEMBER 31, 2012**

**MOTION:** Councilman Johnson moved to approve the appointment of Angela Fuentes to the Parks and Recreation Advisory Committee term to expire December 31, 2012.

**SECONDED:** Vice Mayor Cronberg seconded the motion. **CARRIED.**

**DISCUSSION/DECISION REGARDING ACCEPTING THE LETTER OF RESIGNATION FROM DELAH J. AIMAN FROM THE WILLCOX PUBLIC LIBRARY ADVISORY COMMITTEE, EFFECTIVE JUNE 30, 2012**

**MOTION:** Councilman Johnson moved to approve the acceptance of the letter of resignation from Delah J. Aiman from the Willcox Public Library Advisory Committee, effective June 30, 2012.

**SECONDED:** Vice Mayor Cronberg seconded the motion. **CARRIED.**

**DISCUSSION/DECISION REGARDING ACCEPTING THE LETTER OF RESIGNATION FROM JOSEPH L.T. AIMAN FROM THE WILLCOX PUBLIC LIBRARY ADVISORY COMMITTEE, EFFECTIVE JUNE 30, 2012**

**MOTION:** Councilman Johnson moved to approve the acceptance of the letter of resignation from Joseph L.T. Aiman from the Willcox Public Library Advisory Committee, effective June 30, 2012.

**SECONDED:** Vice Mayor Cronberg seconded the motion. **CARRIED.**

**DISCUSSION/DECISION REGARDING APPROVAL OF A TRANSFER OF FUND APPROPRIATIONS IN THE AMOUNT OF \$100,000 TO THE NEW FUND 22, "REPAIR AND DEMOLITION FUND"**

City Manager McCourt referred to the summary budget sheet and explained the City uses Fund Accounting and each of these Funds is like a separate company and all books kept separate and the balance sheet separate and account sheets are kept separate. The Council in November 2008 adopted Ordinance NS289 and adopted quite a few items by reference including the Uniform Code for Abatement of Dangerous Buildings. Within that is Section 802.1 and reason for this is that it establishes a Repair & Demotion Fund. The Repair & Demotion Fund is used when City feels that there is a structure or something of sufficient danger to the public and property owner can't, won't or hasn't taken necessary steps to fulfill their responsibly to protect the public and it becomes incumbent to the City to take the necessary steps to give the public the protection. It was not needed before and now it is. Staff has setup the Repair & Demotion Fund. Each is separate company and one of the things we have to do in the City Budget we have to plan on spending some money and have to be show that and this is for next year expense line item and showing we plan on spending \$100,000 for this purpose. That's okay; but like any check book in any company before you can spend the money you have to get the cash from somewhere. First we are in the current fiscal year which ends June 30, 2012 and we do not have any money planned to spend for this purpose. Therefore, we have to move some spending authority or appropriations from someplace else to here so that we can start spending some money to take care of Repair & Demolition. In Arizona the budget is more than planning document it is also regulatory and once adopt the budget this spending number is all you can spend, you can not spend any more (\$8,368,289) that is all you can spend. Whether you have Emergency or something comes up that is why talked many times we have to build to handle emergencies and unforeseen into the budget. In this particular case we do not have any appropriations or budget authority in the Repair & Demolition Fund. This auction seeing before them today is to allow us to move some spending authority from the Sewer into the Repair & Demotion and it keeps our total spending at the same level for the current fiscal year. So we do not exceed our spending cap adopted and allows us to spend some money from Repair & Demotion Fund which currently has a zero budget. That is what this action does it moves appropriation for the ability to spend money from the Sewer Fund to the Repair & Demolition Fund. The City can't spend money unless we have it budgeted under Arizona Revised Statutes.

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Councilman Johnson asked if we had an extra \$100,000 in the Sewer Fund and the City Manager replied we had planned to spend which is different than cash. This is not cash we are talking about this is what we told the public when we adopted the budget last year this is maximum amount of money we will spend to deliver all City services and we have to stay within that cap. We are moving the ability to spend from one area of the budget to another area of the budget. Vice Mayor Cronberg said we are moving money but there is no money to expend. Mr. McCourt said that is the next agenda item. If we do not do this then we can not spend any money for this purpose.

Councilman Johnson said in layman terms we had budgeted an extra amount of money in Sewer and Mr. McCourt explained we planned additional money in the Sewer because we knew we had expenses coming up and did not know if incurred this year or future year and now as of May 7<sup>th</sup> it seems pretty safe bet that we are not going to expend this money in this fiscal year. Councilman Johnson asked if staff thinks \$100,000 is enough. Mr. McCourt said that is interesting question and can discuss that more on the next item and thinks it is enough for the current fiscal year.

**MOTION:** Councilman Klump moved to approve of a transfer of fund appropriations \$100,000 to the "Repair and Demolition Fund."

**SECONDED:** Councilman Donahue seconded the motion. **CARRIED.**

**DISCUSSION/DECISION REGARDING APPROVAL OF A \$100,000 LOAN TO FUND 22 THE "REPAIR AND DEMOLITION FUND" FROM THE GENERAL FUND**

City Manager McCourt said when using this particular fund it is because it is public and we are spending money to take care of private property which is the owner's responsibility. When we do this we are basically loaning them the money and they pay that or we try to recapture that by putting Liens on Property and eventually if they do not pay the loan it is conceivable the property could be taken and sold and used to pay the loan. Abatement of Dangerous Buildings Chapter 8 802.2 and part of City Code the 'Council may out of money in the General Fund.....any sum so transferred shall be deemed a loan the Repair & Demolition Fund and re-paid out of the proceeds.' We need to do is to approve a loan from the General Fund to the Repair & Demolition and that gives us "some actual cash" to write the checks against it. On our books and balance sheet it shows Due To and Due From Account and sometimes these things take many years before they are fully resolved and they may not be here and this is a way keeping it on the books to show that General Fund is owed that money from Repair & Demolition. Staff has suggested the way is we will only transfer money as is needed to pay the bills. The reason for that is to keep the maximum balance in the General Fund to earn interest during the time. If it becomes necessary, as Councilman Johnson has suggested it might, to spend more than \$100,000 in the Repair & Demolition Fund staff would have to come back to the Council to get additional authorization. Councilman Holloway asked to tell them about the \$100,000 for this current year. Mr. McCourt said we are working on one structure currently the Desert Inn and we know we have some bills already in place for the fencing rental and those are running along. We have one (1) estimate or quote from a company to clean it up "just shy of \$90,000" and we may be able to get other quotes and price and we may get a better price than that and does not know that at this time. That is why thinks we apparently have enough currently if the Mayor and Council decide to do this to take care of that. If it does run into more than that then staff will have to come back and get additional authorization from the Council to transfer additional monies. Person in audience asked about volunteers wanting to clean it up and Mr. McCourt replied he guesses "that could conceivably happen." When City is doing it we have to make sure that we follow all the appropriate laws as well as anybody. It is conceivable that a group could come in and do the necessary steps as far as asbestos abatement, and lot abatement, removal and transport to a proper landfill. What the City Manager knows at this time and it certainly could happen and all necessary steps have to take place. Vice Mayor Cronberg asked if we are involved right now in a legal process that has to follow its course. The City Manager explained we have embarked on notification to the property owner, and the lien owner telling them that they have to fulfill their responsibilities under the law. The Vice Mayor said she thinks that preempts the other suggestions. Mr. McCourt said in theory they could make agreement and he is not trying to preclude any possibilities what he is saying is that at this time based on information he has it looks like this would be enough to address that question.

**MOTION:** Councilman Klump moved to approve the loan of \$100,000 to Fund 22 (Repair and Demolition Fund) from General Fund, to the

**SECONDED:** Councilman Donahue seconded the motion. **DISCUSSION:** Councilman Donahue said at this point it would bear the explanation that one of the great things about living in a City is in moving together in collective we share a lot of responsibilities and unfortunately they share some tough responsibilities as well as all the benefits that come from having City water, City services and sometimes have to take care of some unsavory business and that is part of collectiveness and that is

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what happens in the City sometimes and have to take care of other business. Mayor Lindsey said they are in hopes there might be some legal avenues to help in this and it's looking "bleak." Sooner or later in some fashion the City is going to be forced to clean up the hazard that is there and we have to be prepared to do what ever action is necessary when we get to that point. **VOTE: Ayes-** Mayor Lindsey, Vice Mayor Cronberg, Councilmen Johnson, Klump, Donahue and Irvin. **Nays-** Councilman Holloway. **CARRIED 6-1.**

**DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-35 APPROVING AND AWARDDING THE WASTE WATER TREATMENT PLANT ("WWTP") BID TO SEVERN TRENT ENVIRONMENTAL SERVICES, INC. ("CONTRACTOR"), AUTHORIZING THE EXECUTION OF THIS RESOLUTION AND CONTRACT DOCUMENTS AND DECLARING AN EMERGENCY TO EXIST.**

(After Mayor Lindsey read the agenda title there was silence for a few seconds from the Mayor and Council members and staff.) Councilman Klump thinks it is hard to vote on since didn't discuss this contract tonight or it is the first he has seen it. That is the only issue he has with it and stated he would like a little time to review it and most of it is definitions and counted 45 pages. He said he "would love to see it come back before the Council" and prefers the time to read this. City Manager McCourt asked if there was additional information staff can provide. The Contract they saw last time and now provided with the blanks filled in and Vice Mayor Cronberg and Councilman Johnson both said "this is the first time seen it." She said additional information was asked for and that has not come to them either. Mr. McCourt explained that the additional information is included in the Council Action Report including the additional dollar amount that would be required, that is the top end of the dollar amount, the Contract has several provisions for Base Pay, Chemical Costs and Supply Costs and there are four (4) particular sections, that he recalls, which has estimated budget the City shares on the contract. If it goes under budget the City receives the benefit of those and if it goes over the City pays on the additional amounts.

The Vice Mayor asked if that is in the Contract and Mr. McCourt replied "yes ma'am that is in the Contract" and the Vice Mayor replied "exactly." Vice Mayor Cronberg said everything else asked and does see the other submissions as response to the Request for Qualifications. The Vice Mayor guesses she has a lot of concerns and questions overall because to her still she is in that place that all of this sort of transpired without knowledge coming to the Council at all. Or somehow she missed those meetings or 'slept through them.' The Vice Mayor feels like she just does not know enough and for an important decision like this she thinks they need to have as much information as is possible. She does not know when they said 'sure let's go ahead and pursue the process' and does not know when they were informed that the original plan or the request was even going to take place. The original plan was deemed inadequate and staff had to go back out for a new plan with Engineer. She asked when did all of this transpire, and when did they make decision to go for RFQs, and when decided to enter into bid process, and how did we select people that did all this. There are so many unanswered questions and now expected to make big decision. At the last time they meet they were asked to make decision after a work session presentation and a sales pitch by personnel from Severn Trent and she understands they have to do. Still the Vice Mayor wants to know more of the pros and cons on how it is going to effect our citizens overall and what are the experiences from other municipalities in Arizona who have dealt with this. There are a few and they do not have any other information and expected to take it on blind faith. It is on a pretty short time line because we want to make this happen by July 1. The Vice Mayor does have concerns why coming at them again with very little information and yet they have to make this very important decision that will affect citizens for a very, very long time to come and that is her concern. Mr. McCourt explained this is how the public process works. They bring this up. The Mayor and Council has repeatedly told staff to look at contracting to see if there are services that can be contracted out and at last meeting they advised staff again for the next budget year to look at contract opportunities. Staff is doing that. Staff went out and looked at contractors, did Request for Qualifications, they received three (3) proposals, followed the purchasing procedure, set up review committee and interviews and Severn Trent was most qualified organization to satisfy the operations to the Waste Water Treatment Plant. This is public process to discuss this and it is correct to ask questions so that staff can get information to present to Mayor and Council for discussion. Not sure why the Contract was not in packet. He did do the additional costs over and above for operations and information came from Public Works Department and the three (3) companies that were chosen they can see the amounts. Staff is open to additional questions that staff can find the answers. Vice Mayor Cronberg asked what is overall affect going to be on City employees and asked that before and apparently there will be two (2) employees that would become contracted to Severn Trent. The City Manager replied in regards to City employees there would still be two (2) people who would still be working at the plant and we would have two (2) less City employees and two (2) private employees. The Vice Mayor asked what about the net effect of morale when those two (2) employees end up with probably much better salaries than what we are able to provide for our people who are currently

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working for the City. Mr. McCourt said he does not think we should penalize somebody to try to make better themselves by going to work with Severn Trent. He does not know what Severn Trent and if they are able to better themselves with Severn Trent then that is good for them.

Kelly Rowden said if this is potential contractual agreement he asked if City Attorney reviewed and has he had any comments. The Mayor asked Counsel if he'd like to comment. The City Attorney Figueroa stated his comments have been provided to City staff, Mayor and Council under privileged communications. In public he is allowed and he opted on certain matters. In this particular case he has made his concerns known to them, they have corrected the concerns he brought to them, they have changed the contract, and the contract provisions are within the confines of Statute and Council authority. He will not give opinion whether they ought to do or not to do that is decision of the Mayor and Council. In regards to employees whether their qualifications they would be as such and be able to compete once the new plant comes into effect. Also he had concern that certain by product should be in original contract the responsibility of Severn Trent and now it's the City's responsibility. Entering into contract and in his opinion they are legally authorized and empowered to enter into this contract and the question is do they want to.

Councilman Johnson asked if ADEQ comes down and finds that the City is still not in compliance and Severn Trent has taken over with their knowledge and we are still cited who is ultimately responsible. Mr. McCourt explained that the contract provides under current violations and fault for not in compliance Severn Trent would not be responsible getting us into compliance and they would be responsible doing and getting us to the steps that are required under the consent to do reports turned in timely manner and they would not be responsible saying we suddenly got into compliance. Assuming going forward and have plant operating and on-line then at that point the contract would be modified with Severn Trent taking on responsibility to make sure we stay in compliance. If we then fall out of compliance and staff can't speak for Severn Trent they have representatives present and contract is clear that Severn Trent would take full responsibility once we get plant into compliance and producing quality of fluids and discharge that meets the State law requirements and they will guarantee they will continue to meet that.

Councilman Johnson said today, tomorrow the plan that we are in and situation we are in nothing is going to change until we actually change the plan. If he is understanding "and excuse me if I am offending anyone" staff is saying that people we have on staff are "not competent enough" to help guide the City in what we need or if we need expertise that we have discussed and not necessarily a partnership with someone to come along and help guide us through this. In getting the Contract tonight and reading over a few pages he too has lots of questions. City Manager McCourt replied "not competent" is his term not his. He thinks our people are competent, he thinks they are intelligent and thinks they are hard working. They are doing the best they can with the knowledge, intelligence and training and support of materials. What we are talking about here is huge expertise to help us right now and to help us in choosing the most appropriate facility to satisfy our current and future needs of the community. In getting that facility designed so that we can minimize our future operating costs. Talked a lot about plant and it is likely get a sizeable grant as funding sources to help us build the plant. It is important when built the plant what is it going to cost to operate that because we are going to pay for that forever. Our rate payers are going to pay for that. We need to build what we need for lowest cost and also lowest future operating costs and that is why we need to secure that. Capital costs paid eventually and the operation costs goes on forever and need much higher expertise to help us through this process.

Vice Mayor asked if again we are back to square one with reviewing all of the potential plant designs that we could use and we are basically starting over because whatever they did determine earlier would be a good fit for the Willcox area the oxidation ditch with drying beds. They went to Benson to see what it was like and a lot of the operations were handled by computers and one tech. Asked if that is not something that would work in Willcox and we would not be able to train people to do such a thing. Mr. McCourt replied he thinks it will work in Willcox and he has told her he is familiar with that type of plant. It is a good plant. Are we back to square one if recall our funding sources from USDA said our preliminary Engineering Report was insufficient and needed "to be beefed up" and they gave us additional grant to help pay for additional Engineering Costs they required. Now getting ready to start public portion of that process and talk about various options. Last time we had 6-7 and now have 13-14 options that they are presenting. The City Manager suggests that we need somebody that has actually operated those types of plants and our crews have not. Could our people be able to be trained "absolutely" we have capable people working for the City, but they don't know what they don't know. If we hire Severn Trent what we are getting is they have thousand of hours and experience in operating all the options and help us evaluate and chose a plant. The second part

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is they have actually run it. When get plans showing what needs to be built they know if that works or not. It is not that our crews are not intelligent or hard working it is they just don't know that because they have not done it. That is what we are getting we are buying huge, huge increase in knowledge in expertise. Vice Mayor asked if there is possibility then of contracting for that knowledge and expertise to take us through the transition and design to make the best decision possible and not going into long term operations management. Councilman Klump said 5-years is just going to get us to the operations. Vice Mayor getting us operations by again an outside source.

Councilman Johnson dollars staff has budgeted at approximately at \$180,000 to bring this group in when all through budget session said "we have no money" and now we have that money to add in and asked whose ultimately going to pay for that but our citizens. Asked rates shown he still does not believe that with the cost of what this is and the Vice Mayor said that is Contract for Service and Councilman Johnson said this is the same as RDS contract. Believes in Enterprise and when flush that toilet and does not go anywhere we are going to get phone calls. In the book talked about a Balloon Payment and does not see anything or has heard anything about that and asked for explanation. City Manager does not believe there is a Balloon payment. Councilman Johnson said that is what they read down the road new plant cost today \$180,000 and what is it going to cost 3-4-5 years from today. This (Contract) is something they should have got it is dated May 2 and he could have had 5-days to read it. He said he is disappointed again this has happened for 8-years "stuff comes to Council at the last minute for decision and I am not going to do it."

**MOTION:** Councilman Johnson moved to table this item until they have enough time to review the Contract.

**SECONDED:** Vice Mayor Cronberg seconded the motion. **CARRIED.**

**DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-36 APPROVING AND ADOPTING AMENDMENTS TO BILLBOARD LEASES BETWEEN THE CITY OF WILLCOX ["LANDLORD"] AND CLEAR CHANNEL OUTDOOR, INC., A DELAWARE CORPORATION ["TENANT"] FOR THE PURPOSE OF EXTENDING THE LEASES ON CITY OWNED PROPERTY FOR BILLBOARD SPACE, AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.**

**MOTION:** Councilman Johnson moved to approve Resolution NO. 2012-36 as stated, regarding extension of leases with Clear Channel for two (2) billboard sites.

**SECONDED:** Councilman Holloway seconded the motion. **CARRIED.**

**DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-37 APPROVING AND ADOPTING THE DISPATCH AGREEMENT WITH HEALTHCARE INNOVATIONS, INC. ["HCI"] ON BEHALF OF THE WILLCOX DEPARTMENT OF PUBLIC SAFETY COMMUNICATIONS DIVISION ["WDPS"] FOR THE PURPOSE OF PROVIDING DISPATCH SERVICES AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.**

**MOTION:** Councilman Klump moved to approve Resolution No. 2012-37, as stated, regarding Dispatch Agreement with HCI.

**SECONDED:** Councilman Johnson seconded the motion. **DISCUSSION:** Chief Jake Weaver explained this Agreement they may or may not be aware that the City of Willcox Department of Public Safety Communications Division entered into Agreement in 2002 or sooner to handle dispatch duties with HCI which was contract basically to provide EMS service to the City of Willcox and the surrounding area. EMS is ambulance service which the City of Willcox does not provide and it was contracted out in 1998-99 in order to save money. Once that occurred HCI agreed to provide ambulance service to this area and approached City of Willcox approximately 1999 to help with Dispatch Duties. During that time frame the original contract was drafted and agreed upon and there was some provisions placed that all communication equipment utilized by Dispatch, EMS, personnel and animal to be provided by HCI and other agreements made such as City employees injured on the job we would not be charged for transport by HCI and that has not been an issue either. However the amount of calls has increased in the last 11-12 years and it is "pretty big." They went into negotiations with HCI this year and requested while the City proposed that we be given some GPS monitoring equipment to be housed in Dispatch to monitor location of ambulances for Dispatch to know where they are at all times. They have already agreed to that and placed that equipment in Dispatch. Agreed to train staff on medical purposes and some of that is scheduled to take place in the next couple of weeks for not only City staff or Willcox residents can have that training as well. Thinks generous is the City asked if they would pay for half salary for Dispatch and they agreed provided that Medicare and Medicaid continue to be funded to their organization. What this entails continue to operate from Dispatch and public safety application area and we would be primary dispatch for 9-1-1 in our area and secondary calls that come inside of our area. There are times when HCI is not staffed or after hours, weekends, Holidays when their staff is not there they will notify us and we take over their phones. Asking considers enter into this Agreement with HCI as of June 1 until June 1, 2015. **CARRIED.**

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**REPORTS BY THE CITY MANAGER PAT MCCOURT**

Consideration, discussion, and/or decision regarding the following topics by the City Manager:

- **Report on City Election** – General Election to be held on Tuesday, May 15, 2012, for one (1) position. There are three (3) Official Write-In Candidates and their name(s) will not appear on ballot. They are Linda Sue Ball, Richard Bennett, and Wm. Kelly Rowden. Candidate William Nigh will be listed on the Ballot.
- **Report on City Clean Up Day held on Saturday, April 28, 2012**-Tonnage was down at 28 Tons and the dumpster was delivered late and City crews did pick up on Friday. A couple of groups worked this past Saturday and was not reflected in tonnage. (out of sequence) Kelly Rowden stated as commendation the City Manager came and helped him and Juanita Buckley (behind Rex Allen Museum) on Saturday and volunteered his truck to pick up all “that stuff” and send kudos to him.
- **2012 Newly Elected Officials Training**- reminder to save the date-June 1-2, 2012 at The Wigwam Resort, Litchfield Park, AZ, registration cost is \$170.00 per person. Advised that is excellent source to get information and Mayor and Council has money to reimburse.
- **May 14, 2012** – No Work Session Scheduled next Monday, May 14<sup>th</sup> due to General Election on Tuesday, May 15, 2012
- **Report on Arizona League of Arizona Cities & Towns Annual Conference**-this is excellent training opportunity for the Mayor and Council and it will be held on August 28-31, 2012 at the Hyatt Regency Scottsdale at Gainey Ranch. Ask the Council to check their calendars if available to attend. The League is requesting ideas, suggestions on possible conference themes, workshop topics and speakers. Also keep in mind if the Mayor and Council would like to participate in the Parade of Flags and/or with a display booth at the Festival of Cities & Towns which is an additional cost. Suggested the Mayor and Council think about that. The costs for registration, motel, booth, etc., will be sent soon.
- **Arizona Legislature adjourned Thursday, May 3, 2012**-they are out of session as of 8:35 p.m.
- **Chip Seal**- is completed at Patte Road. Advised the Council members to go over and take a look at it. A lot of work was previously done on leveling that.

**COMMENTS NOT FOR DISCUSSION FROM MAYOR AND COUNCIL MEMBERS.**

Councilman Klump stated as his term is winding down and thought tonight was his last meeting and guesses he has two (2) more. He has had several people involved in the rebuild of the High School and the way design build is working any money that the builder/general contractor can save goes back to building more buildings and it is a big project. Several mentioned to him that the Permit Fees and Impact Fee or Hoop-up Fees and things like that they wanted him to remind staff, and Council that this is a big Economic Development and this will maybe make people want to send their kids here instead of sending them to other cities. They just wanted him to pass that on and any thing the City can do to keep those costs down to the School would be appreciated by everybody.

Councilman Johnson wished publicly Vice Mayor Cronberg: Happy Birthday! Also he stated some of things he would like to see prior to the next meeting would be: the Plan what Severn Trent is going to do; the transition of what the City needs to do in order to transition to this; one year plan to 5-year plan and what is exactly going to happen to this; and has not seen any of this. If the Councilman thinks of anything else he will email to “Pat.”

Councilman Donahue stated in response to comment on rates and these issues that comes up and somebody made a comment tonight about the Federal Government and Representatives not reading things. Thinks it was the Economist Milton Freedman if gave Federal Government control of the Sahara Desert within 5-years would have shortness of sand. That is not the case here in Willcox your elected officials have a very finite set of items to spend your money on and wants to say as he is leaving office, like Councilman Klump, the City of Willcox is very responsible and they do have bits of infrastructure that do need desperately investment and re-investment and wanted to assure him that the people that are still sitting on this Council after he leaves are doing a phenomenal job managing that money.

**Per motion removed from agenda items relating to an Executive Session.**

**ADJOURN**

There being no further business before the Mayor and Council, Mayor Lindsey adjourned the meeting at 8:39 p.m.

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**CERTIFICATION**

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the City Council of the City of Willcox held on the 7<sup>th</sup> day of May 2012. I further certify that the meeting was duly called and held, and that a quorum was present.

**Dated this 14<sup>th</sup> day of May 2012**

\_\_\_\_\_  
City Clerk Cristina Garcia Whelan, CMC

**PASSED, APPROVED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_ 2012.

\_\_\_\_\_  
MAYOR GERALD W. LINDSEY  
Signed: \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
City Clerk Cristina Garcia Whelan, CMC



**CITY OF WILLCOX  
REQUEST FOR COUNCIL ACTION**

Agenda Item:           9            
Tab Number:           3            
Date: 05-21-2012

**Date Submitted:**  
5-8-12

**Date Requested:**  
5-21-12

**Action:**  
 Resolution  
 Ordinance  
 Formal  
 Other

**Subject: WASA annual  
Report to City council**

**TO:           MAYOR AND COUNCIL**

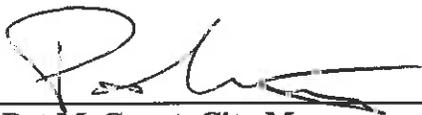
**FROM:       City Manager**

**DISCUSSION:** The City of Willcox contracts with Willcox Against Substance Abuse (WASA) to provide recreation services to youth in the Community. One of the requirements of the contract is an annual report to the City Council. Ms. Sally White is the director of WASA and will be making the annual report to the Council

**RECOMMENDATION:** Accept the annual Report

**FISCAL IMPACT: NA**

**Prepared by:** Pat McCourt

**Approved by:**   
Pat McCourt, City Manager



# **WASA Annual Activity Report**

## **January, 2011 – December, 2011**

### **On-going meetings:**

- . WASA meets at noon on the second Tuesday of each month at the Brass Rail. This is an open meeting and anyone interested in getting involved is invited to join us.**
- . Meth Task Force (a sub-committee of WASA) meets quarterly on the second Thursday of January, April, July & October in the conference room of the new Willcox Police Department.**
- . Prevention classes are given by WASA staff each month that school is in session at Willcox Elementary, for the 2011-12 school year classes are taught by Jennifer King and/or Kelsey Ackerson. Project TNT, Project Alert (taught by Sally White) and DARE (provided by Officer Lacey) are available for Middle School, but with the 4 day schedule, do not always fit into scheduling. Message Theater is now a high school elective provided daily by Sally White. Youth Court, taught as a lab for the dual-credit Justice Class at Cochise College remains a strong part of the WASA program – under the jurisdiction of Judge Ward and the Willcox Justice Court, the Youth Court portion of the program returned to the direction of Gary Hatch when school resumed in August, 2011.**
- . Counseling continues to be provided by WASA on a monthly basis. Services provided by Mario Garcia and Claudia Chacon who see 12 to 20 clients one Sat. a month.**

### **Following is a recap by month of 2011 for WASA:**

**JANUARY:** All other plans went temporarily on hold when much of the WUSD campus was destroyed by fire on January 11. Despite the devastation of the fire, and the chaos of finding room for classes, replacing necessary items, etc. education and normal programming resumed as quickly as humanly possible. On Jan. 18, WASA set up a Fire Recovery Fund to accept donations until such time as a special committee was formed to work with rebuild and continue to serve as an educational support fund. Upon the incorporation of WWTE all collected funds were turned over to that group. Winter Formal was held Jan. 22 and the WUSD/WASA partnership received word that we would be receiving a Safe and Supportive Schools Grant (one of only fifteen in the state).

**FEBRUARY:** Friends of WASA/annual meeting was held February 24 at the WUSD cafeteria. Reports were given on the changes occurring in the mental health system in our area, with Cenpatico becoming the contracting agent and both SEABHS and ACTS being service providers; all three agencies gave brief overviews of their rolls in the new program. Message Theater students performed a series of skits regarding youth issues ending the presentation with an emotional speech and slide show by Jarreth Cohorn on the importance of wearing seat belts. SRO Rose Lacey received the Best Friend of WASA Award.

**MARCH:** Fund raising community activity held on Mary 12 with Kenny Dobbs bringing a group of exhibition basketball players for a challenge game with

**Willcox All-Stars; Mayor Lindsay's 3 point shot shocked the challengers and thrilled the crowd, but in the end the challengers put on quite a show and still edged our team of good sports out for the win.**

**APRIL: On April 7 a car crash assembly was held on the WHS football field; by utilizing services of Willcox Police and Fire Departments, local ambulance and helicopter rescue units, mortuary and the acting talents of the Message Theater an extremely professional and emotional dramatization was done for the students prior to Prom night on April 9. Valley Telecommunications filmed and edited the event and have played it on their local channel several times – it is very effective and will be used for the next year or two as a film prior to prom. Message Theater performed “ALKY” for the Annual Meth and Substance Abuse Conference at EAC in Thatcher on April 27. The 21<sup>st</sup> Century after school program ended regular after school classes on April 28 and WASA staff participated with “Stories Under the Stars” the same evening.**

**MAY: Senior Message Theater class had the opportunity to do “ALKY” as a movie with Ralph Scores from VTC – this was an excellent theatrical learning opportunity for these students and gives us a great archive to use in the future. McWASA night was held at McDonalds as a fund raiser on May 11. City of Willcox renewed the \$12,000 contract with WASA to provide Parks & Recreation coordination for youth and family events, including but not limited to: summer activities, Halloween Carnival and “Coats for Kids”. Summer staff hired for 2012: Tomi Abbl, Jake Shaver and Haley Hardy, began working with us on 5/23. WASA helped sponsor 8<sup>th</sup> grade promotion dance party. Summer School started May 31.**

**JUNE: Summer school was held from May 31 through June 24 and WASA summer activities from June 6 through July 27. A Teen Parent Conference was done in Keiller Park in conjunction with SEABHS on June 4. On June 18 WASA provided sponsorship for a committee consisting of Gary Truschke, Kelly Rowden, Cyndee Rae Peterson, Tomi Abbl and Sally White to produce a community event entitled “Music in the Air, Dinner on the Ground” that solicited musicians of all ages and genres with Willcox community ties to come together and perform in Keiller Park. Non-profit organizations were invited to sell refreshments for their own organizations – all gate money and donations went to the Fire Recovery fund at WWTE – a total of \$2184.48 was raised and donated to that cause. In addition to helping with all aspects of the program, WASA staff sold water and raised over \$400 for our summer programs.**

**JULY: Summer activities completed on July 27; records indicate that we served 651 youth through 25 programs for a total cost of \$5598.33; this was paid for through the City contract and donations from Radio Shack, Sierra Lumber, Carquest, Cochise Credit Union, Willcox Real Estate, VTC, SSVEC, Eurofresh, Sierra Southwest, and Lineman Golf Tourney as well as the funds raised at the basketball event, McWASA night and Music in the Air water sales. The annual Health Fair and Sports Physicals day was held on July 29 with 4 health providers provided by Sulphur Springs Clinic giving physicals; 138 high school aged youth were seen (Walker Family Clinic provided middle school physicals).**

**AUGUST:** Due to internal problems with a provider, WASA was forced to stop the Campus Legends program but was able to obtain Calvin Terrell to start a new program. Now known as the ALLIES, this youth leadership team took an intensive two day training program with Calvin and hit the ground running, helping with the back to school assembly and putting WUSD/WASA ahead with the S-3 grant and our positive efforts of the high school. School started Aug. 10. Sally participated in an AZRDC grant forum organized by Eddie Browning Aug. 10-13. Training began to prepare the staff to introduce the PBIS (positive behavior incentive system) that is a major component of the S-3 grant. Cowboy Creed (Be Respectful, Responsible, Reliable, Ready & Real) developed.

**SEPTEMBER:** Calvin Terrell returned for full student assembly and Allies booster on Sept. 13. The AZTCA (Arizona Teen Court Association) annual Youth Court Conference was held in Willcox with WASA hosting on Sept. 23-24. Youth Court teams from around the state brought 117 youth participants, 25 to 30 chaperones. This was a huge undertaking, but by enlisted approximately 30 volunteers we were able to provide a full slate of classes, panel discussions, a nationally recognized youth motivational speaker (Dr. Mike) and even treated the city kids to a rodeo and barbeque, all within our budget of \$5000 (provided by the AZFLSE). Sally and Ruth Foy (our after school program lead teacher) attended the 21<sup>st</sup> Century program's mandatory training on Sept. 25 and 26 and the after school program resumed on September 28. Derrick Dix completed his two years of service with WASA through AmeriCorps. He will no longer be in our office, but will be working with Special Education in our school and will continue to be a welcome volunteer for many of our programs.

**OCTOBER:** The Allies group participated in the annual Rex Allen Days parade and catered a reception for the class of 2001 at Cochise College. Sally and Rose attended a 3-day training in the Student Assistance Program that is another component of the S3 grant on Oct. 5-7. Friday morning school at the Elementary, through the 21<sup>st</sup> Century program resumed on Oct. 14. WASA sponsored Red Ribbon Week (Oct. 23-31) – providing ribbons, buttons and bracelets to all local students, as well as posters, articles and ads on the importance of drug awareness and prevention; the Message Theater group provided prevention skits for nearby elementary and middle school youth. WASA again sponsored a Trunk or Treat for Halloween (Oct. 31) – we were very pleased that our number of providers nearly doubled this year (to 21); we served approximately 800 youth and gave away over 400 pounds of candy and prizes. ALLIES provided a Haunted School Bus which increased fun and earned a little money to pay for their activities.

**NOVEMBER:** PBIS trainings now being held in Willcox which is very helpful (trainings held Nov. 4 and 16). Sally was able to vacation in NYC 11/23-12/3!!

**DECEMBER:** On 12/6 Doris, Shirley, Sally & 3 ALLIES participated in a BreakAway Training in Marana. BreakAway is the 3<sup>rd</sup> and final component of the S3 grant and will incorporate the ALLIES into the grant program. ALLIES held a Christmas party/canned food drive 12/17, with donations going to the Food Bank.

WASA FINANCIAL REPORT

as of December 31, 2011

Funding for Year 2011

Community Donations: 1/1/11 – 12/31/11:

Summer 2011 Donations	=	\$5803
Freeport-McMoran for Youth Summit	=	1000
Halloween 2011 Donations	=	205
Allies 2011 Donations & Fundraising	=	175
Youth Court	=	1980

Contracts::

City of Willcox	=	\$12,000
Cochise County Health Dept. 7/1/11 – 12/31/11	=	12,638

Grants:

Foundation for Legal Services (for Youth Summit)	=	5,000
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NOTE: WUSD provides facility use, supplies and salaries primarily through grants written for the school by WASA and coordinated through the WASA office.

These include the 21<sup>st</sup> Century grant (\$82,919) and Safe & Supportive Schools grant (\$150,000)

Funds from these grants are administered through the WUSD Office

Funds on hand 12/31/11

Checking account Balance 12/31/2011 = \$ 7,346.88  
(pays WASA insurance, counseling, daily operating expenses)

Savings accounts Total 12/31/2011 = 6,535.11  
(held for special programs including Allies, Youth Court, out of school youth activities, soccer club, etc.)

**CITY OF WILLCOX  
REQUEST FOR COUNCIL ACTION**

Agenda Item: 19  
Tab Number: 2  
Date: 05/21/2012

**Date Submitted:**  
**05/18/2012**

**Date Requested:**  
**05/21/2012**

**Action:**

Resolution  
 Ordinance  
 Formal  
 Other

**Subject: Appointment  
to the Library Advisory  
Committee, to fill 1  
vacancy, term expiring  
June 30, 2014.**

**TO: MAYOR AND COUNCIL**

**FROM: Sherry Lynn Van Allen, Human Resources**

**DISCUSSION:** In accordance with the Willcox City Code Title 2-Chapter 2-2-3 Appointment; Terms; Vacancies; Removals: vacancies shall be filled by appointment by the Mayor and City Council. There are two (2) vacancies to fill which was vacated by the resignations of Joseph Aiman whose term expires June 30, 2014 and Dee Aiman who term expires on June 30, 2012. City staff has advertised for three weeks in the Arizona Range News to fill the vacancies. Staff received 1 letter of interest in response to the advertisement.

A letter was received for consideration for appointment to the Library Advisory Committee from Jeffrey S. Shroyer. Mr. Shroyer currently serves on the Library Advisory Committee as the Chairman; his current term expires on June 30, 2012. Mr. Shroyer would like to fill the unexpired term of Mr. Joe Aiman expiring June 30, 2014. He requests this to allow the Council to appoint new members to fill the two (2) remaining vacancies for the full four year terms expiring on June 30, 2016.

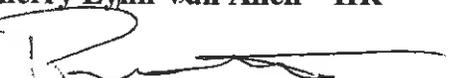
**RECOMMENDATION:** For the Mayor and Council to appoint Jeffrey Shroyer, if so desired, to the Library Advisory Committee to fill the unexpired term.

**FISCAL IMPACT: -0-**

Prepared by:

  
Sherry Lynn Van Allen - HR

Approved by:

  
Pat McCourt, City Manager

clw

Received  
MAY 11 2012  


Letter of Intent  
May 11, 2012

PLAC Vacancy

I, Jeffrey S. Shroyer, wish to be considered for one of the newly vacant positions upon the Public Library Advisory Committee.

With the ending of the term I was chosen to fill, the position vacated by Fred Lewis, there are two new 4 year terms open.

I hereby submit this letter for the consideration of the City Council.

I wish to be chosen to fill the remainder of the term resigned by Joe Aiman, thus leaving two full 4 year terms open for the incoming new members of the committee, giving them a chance to start a new term each, without feeling as though they are merely "replacing" a previous and more senior member of the PLAC.

Thank you.



Jeffrey S. Shroyer  
PLAC Chairperson  
(520) 507-2884  
P. O. Box 872  
Willcox AZ,  
85644

**CITY OF WILLCOX  
REQUEST FOR COUNCIL ACTION**

Agenda Item:       11        
Tab Number:       5        
Date: 05-21-2012

<b>Date Submitted:</b> 5-15-12
<b>Date Requested:</b> 5-21-12

<b>Action:</b>
<input type="checkbox"/> Resolution
<input type="checkbox"/> Ordinance
<input type="checkbox"/> Formal
<input checked="" type="checkbox"/> Other

<b>Subject: Provide Direction to staff or take action on Waiving of Fees for building Permits at the High School</b>
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**TO:           MAYOR AND COUNCIL**

**FROM:       City Manager**

**DISCUSSION:** Mr. Phil Hogue and Dwayne Owen (School Building Committee) came to visit with me on Tuesday afternoon and has requested that an item be placed on the City Council agenda to request the City waive or partially waive the building permit fees for the construction at the new High School.

The Council may recall Building Codes and fees were discussed at the December 5, 2011 meeting: the City has a fee schedule for construction under the uniform building codes. The City subcontracts to have plan review done for commercial construction (like the School) with Scoutten Engineering. i.e. the City has paid of pocket costs directly involved with any commercial building permits. The attached sheet shows the current fees from the School project (\$55,896.75) and the "to date fees" (there is likely to be additional fees) paid by the City to Scoutten Engineering on this project (\$13,910.09). The City also has "fixed costs" in the General Fund (like the cost of wages in the Community Development Department) and within the Community Development Department some variable fees (like gasoline for operating the vehicle, paper, copier costs which are directly related to this project).

While I can understand the Building Committee's desire to reduce the cost of the permits and hence have additional money available for the school to use for construction; from an economic standpoint I can not support the request. The City General Fund is currently in a deficit and has been for a couple of years; waiver of these fees will increase the deficit; the City is paying money to outside consultants to review and expedite the review of the plans, a waiver is a "double whammy" in that there is lost income and increased expenses to the General Fund. From an economic standpoint, the payment of these fees to the City of Willcox increases the amount of money which is retained in the Community's "Economic Pie" and helps maintain the turnover; spending them to pay the contractor sends the money out of the community and decreases the turnover of dollars in the local economic pie.

**RECOMMENDATION:** Provide direction to staff on Council's decision on what course of action to take on the request to waive building permit fees for the Willcox Unified School District construction.

**FISCAL IMPACT:** Building Permit fees are an income source to the City General Fund the impact of a waiver is a reduction of income to the City General Fund, additionally there are increased direct expenses the City is incurring related to this project which reduce the General fund balance.

**Prepared by:** Pat McCourt

**Approved by:**



**Pat McCourt, City Manager**

Willcox High School Phase I

Project Valuation: \$5,034,641.00

Fee's Charged to School:

Building (structural) Fee:	\$20,738.65
Plan Review Fee:	\$13,480.12
Electrical Fee:	\$5,184.66
Mechanical Fee:	\$5,184.66
Plumbing Fee:	\$5,184.66
Civil Plan Review Fee:	\$1,600.00 (see Civil below)
Landscape Review Fee:	\$2,200.00
Sewer Connection Fee:	\$2,324.00

Total: \$55,896.75

Scoutten charges to City: \$13,910.09

Civil plan review has not been approved. On second review there were more red lines found. This will require 3<sup>rd</sup> plan review which will be a cost to City of Willcox.

Pat for your info on Aridus Winery; 40 inspections to today's date and we are not at half way point of Project Valuation \$3.5 million. 40 inspections = approx. 92 hours

Change orders: (12) I review all change orders approx. 20 hours review time.

I have spent many hours on phone and researching answers for Arch. and Engineers regarding code questions. (Calls happen 2 or 3 times a week on going.)



**CITY OF WILLCOX**  
**REQUEST FOR COUNCIL ACTION**

Agenda Item:       12        
Tab Number:       6        
Date: 05-21-2012

<b>Date Submitted:</b> 5-16-12
<b>Date Requested:</b> 5-21-12

<b>Action:</b> <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Formal <input checked="" type="checkbox"/> Other
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<b>Subject: Discussion and Direction to Staff concerning Cochise County Tourist Committee member attending Governor's Conference on Tourism</b>
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**TO:           MAYOR AND COUNCIL**

**FROM:       City Manager**

**DISCUSSION:** The City of Willcox is a member of the Cochise County Committee on Tourism. There are two representatives from the Willcox Area; one of the representatives is the Chamber Director; the second member is Brenda Haas (manager of the Holiday Inn Express). These members are appointed by the City Manager as per our agreement with the County.

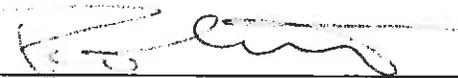
Ms. Haas would like to attend the Governor's Conference on Tourism, which is being held July 11-13, 2012 at the Arizona Biltmore in Phoenix Az. Ms. Haas would like for the City of Willcox to assist in her expenses to attend this conference. The Council has provided support for other City volunteers to attend appropriate conferences.

There is \$385.00 appropriation remaining in the Tourism Agreement line item in the Community programs in the General Fund for FY12 (enough for the registration). The hotel and meal costs will be in FY13 Budget and can come from the same line item. Attached is the information I have available on the Conference.

**RECOMMENDATION:** Discussion and direction to staff concerning the City of Willcox assisting Ms. Haas (a City volunteer) by paying costs associated with attending the Governor's Conference on Tourism.

**FISCAL IMPACT:** The impact over two FYs will be approximately \$750 from the General Fund, Community Programs Tourism Agreement.

**Prepared by:** Pat McCourt

**Approved by:**   
Pat McCourt, City Manager

**Pat McCourt**

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**From:** Kathy [chamberdir@vtc.net]

**Sent:** Wednesday, May 16, 2012 12:20 PM

**To:** 'Pat McCourt'

**Pat, I think you will need this for council. If you need anything else give me a call.**

**I am requesting the City of Willcox cover the cost for Brenda Haas to attend the Governor's Conference on Tourism. Conference information and cost follows:**

**Kathy Smith**

**2012 ARIZONA GOVERNOR'S CONFERENCE ON TOURISM  
JULY 11-13, 2012  
Arizona Biltmore, Phoenix, AZ**

The tourism industry is a thriving source of Arizona's economy. Each year travel professionals come together to learn from tourism experts and take advantage of the latest information, products and services which enhance travel in Arizona.

The 2012 Arizona Governor's Conference on Tourism will take place July 11-13 at the Arizona Biltmore in Phoenix. The conference begins Wednesday, July 11 with the annual Taste of Arizona reception. We continue with many valuable breakout sessions, the Arizona Governor's Awards Gala on Thursday evening and an outstanding lineup of keynote speakers to conclude the Conference on Friday, July 13.

The Arizona Governor's Conference on Tourism provides valuable networking opportunities, professional development sessions, nationally recognized speakers, a dedicated sponsor exhibit area and the Governor's Tourism Awards Gala. The conference, consistently attended by 600, is the opportunity for our visitor industry to gather information on the latest trends affecting tourism. We offer an environment that promotes networking and the exchange of ideas for the benefit of our commerce. The success and growth of our conference is reflective of a unified industry that wants to continually be successful at what we do.

Cost of Conference is \$350.00 (Early Bird Special prior to June 1st)

Hotel Cost	\$224.26 (July 11 <sup>th</sup> & 12 <sup>th</sup> )
Total Cost	\$574.26

## CONFERENCE SCHEDULE

**2012 Conference Schedule as of May 14, 2012. Please check periodically for updates.**

### Wednesday, July 11th, 2012

3:00pm - 6:30pm Registration  
 5:00pm - 7:00pm Welcome Reception/Taste of Arizona Cuisine Reception

### Thursday, July 12th, 2012

7:30am - 8:30am Continental Breakfast  
 8:30am - 9:00am Opening Comments - AOT  
 9:00am - 10:15am General Session - Scott Stratten "Un-Marketing"  
 10:15am - 10:45am Morning Break  
 10:45am - 12:00pm Concurrent Workshop Sessions

12:00pm - 2:00pm Destination AZ Showcase Luncheon  
 2:00pm - 3:15pm Concurrent Workshop Sessions

3:15pm - 3:45pm Afternoon Break  
 3:45pm - 5:00pm Concurrent Workshop Sessions

5:00pm - 6:00pm Conference Reception  
 6:00pm - 8:30pm Governor's Tourism Award Gala Dinner

### Friday, July 13th, 2012

7:45am - 8:45am Continental Breakfast  
 8:45am - 10:00am Roger Dow, USTA & Legislative Panel  
 10:00am - 10:30am Morning Break  
 10:30am - 12:00pm Closing Keynote - Marti Barletta "The World's Foremost Expert on Today's Mightiest Market - Women"

**CITY OF WILLCOX  
REQUEST FOR COUNCIL ACTION**

Agenda Item: 13  
Tab Number: 7  
Date: 05-21-2012

**Date Submitted:**  
5-15-12

**Date Requested:**  
5-21-12

**Action:**  
 Resolution  
 Ordinance  
 Formal  
 Other

**Subject: provide  
direction (if any) on  
adjustments to the City  
of Willcox employees  
base compensation, i.e.  
cost of living adjustment**

**TO: MAYOR AND COUNCIL**

**FROM: City Manager**

**DISCUSSION:** Attached are a couple of documents: a January 30, 2012 memo to the Council on "Budget direction from the Council", and a comparison sheet showing a 3% Cost of Living Adjustment versus a one dollar per hour adjustment presented at the May 7, 2012 work session.

There are multiple options available under either of these proposals.

Staff is trying to assemble the FY 13 Budget for Council's consideration. Compensation paid to employees has a varying impact depending on the number of employees within each Fund. The impact is greatest in the General Fund, due to the number of employees and the higher retirement benefits required for Public Safety Personnel.

**RECOMMENDATION:** A motion, second and majority approval on what option if any the Council would like staff to include in the FY 13 Budgets for the City of Willcox

**FISCAL IMPACT:** The impact varies by Fund and by which option the Council may choose to implement.

**Prepared by: Pat McCourt**

**Approved by:**

  
\_\_\_\_\_  
**Pat McCourt, City Manager**



# Memorandum

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**To:** Mayor and Council  
**CC:** Directors  
**From:** City Manager  
**Date:** January 30, 2012  
**Re:** Direction from Council on Budget Preparation FY 13

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I was asked at the January 17, 2012 City Council meeting what guidelines I was using in the preparation of the Budget for FY 13 and I responded that I did not think the Council wished to reduce services to the Public. There was then some discussion that followed on employee morale and raises for the City Employees; during which I mentioned that giving raises would increase the deficit that already existed in the General Fund and that the employees has not received a raise in five years.

Upon reflection I realized that this did not create a very complete picture for the Council or the Public.

Since I have been with the City of Willcox, the City has picked up a larger share of the cost of Health Insurance; the City provided a increase in base pay to City employees under the Arizona State Retirement System (ASRS) to offset the change in % paid by the employees and the City from a 50/50 split to a 53/47 split (47 City); the City has also provided a Health Reimbursement program for the Health Insurance program, and \$50.00 bonus/incentive checks have been provided in December of 2010 and 2011. While none of these increased the take home pay of the City Employees, some people might feel these constituted a raise to the City Employees.

In preparing the budgets for the various Funds of the City of Willcox over the last three years the staff and I have been very aware of the service levels and have tried to minimize the impact on the people and business in the City of the reduction in revenues which the City Government has experienced. We have also been very aware of the all the people and business have been experiencing similar difficulties and have sought to minimize any tax or rate increases (while maintaining the financial stability of the various funds). We have also been very aware of the deficit spending in the General Fund and the Streets Fund: the staff understands that in the short term using up reserves (Deficit Spending) may be acceptable; it may also lead

to bankruptcy and radical needs for cuts in service to the people and businesses of Willcox. We are also aware that the payment of salaries and wages to City employees to deliver services to the public results in much of those salary and wages being returned to the economic pie in the City; hence layoffs may increase a downward economic trend (more business failures) and reduce services and ability of the City to attract visitors, support the local business, and encourage economic development.

Therefore in preparation of the Budgets of the various funds the Staff has been trying to accomplish several goals:

- 1) Minimize the loss of service to the public,
- 2) Minimize Deficit spending,
- 3) Minimize any Tax and/or Rate increases,
- 4) Minimize any layoffs,
- 5) Be prepared to respond to emergencies and unforeseen circumstances,(due to the unique nature of laws in Arizona this requires artificially inflated budgets)
- 6) Increase efficiencies of operation,
- 7) Treat all of the Employees fairly and impartially,
- 8) Treat all of the customers, citizens, and visitors fairly and impartially, and
- 9) Provide current, meaningful, and accurate information to the Council and Public on all of the above, and
- 10) Restore reductions in service.

I understand that some of these goals are contradictory and some inhibit the ability to fulfill others; that is the nature of budgeting.

I hear suggestions to “give the employees a raise and cut the budget”. I think it would be great to give the employees a raise and cut the budget(s) at the same time; I just do not know how it can be done. Therefore, I think this is not direction from the Council, but rather “Political Posturing”. I understand that Political Posturing is a normal part of any Political system (the City of Willcox is a political entity) and I also understand that this is a reflection of what people wish/dream could be. I listen and I try to incorporate those wishes/dreams into the service delivery of the City. My concern is that sometimes individuals may not realize the “cost” to implement these wishes/dreams and become frustrated to the point of believing they are not being heard or that nobody cares.

There seems to be an understanding that the services can be cut sufficiently to take care of the deficit in the General Fund. This can be done. The question is which services should be cut. The answer is the services that nobody will miss. We all know that there are no services that nobody will miss. The service levels in the City have been built up over the last one hundred years and even the simplest reductions (like expecting the leagues to turn off the ball field lights after they finish play) results in complaints. Staff recognizes that it is normal for the public to work in the political system to retain or even increase the level of service that they receive, regardless of the fiscal concerns of the City.

We may be able to cut services that public in a way that the public doesn't see the impact: like not properly accounting for money received and distributed. This might give the appearance that a cut has been made without a reduction in services, while actually the "cost" may be huge and undetected for many years. This is why when suggestions for service cuts have been requested no suggestions have been forthcoming on which services to cut. Every cut has an impact on the services the public receives. Every unfilled position results in a reduction of service. Staff constantly works to find more efficient methods to provide services (and we report many of these to the Council). Staff constantly works to minimize the expenditures (that is why the City budgets are "under spent" and the deficit is much less than forecast).

While staff hears the Council say they wish to see reductions in budget, which means cuts to service: what staff sees is the Council waiving fees and even agreeing to provide additional service to some groups. Staff understands this desire to service the public goes to the heart of the reason for existence of the City – to provide service to the public. Service to the public is a value that the Staff shares with the Council.

Can more service cuts be made – yes; the cuts that are left will require major reductions in services to the public. I understand; serving the public means being fiscally responsible: I do not believe; serving the public means making cuts to budget numbers for the sake of "reducing the budget". Reducing the expenditures means reducing the service to the public.

In my opinion, if we continue the current path of fiscal restraint, the City of Willcox will get the General Fund and Streets Fund in balance. This will require sacrifices on the part of all parties and will require "Planned Deficit Spending – which does use up reserves and must end.

On the question of raises for the employees: I support raises for the employees. As your manager I have not felt I could recommend across the board raises during the past and current fiscal situation. The following is a brief discussion and explanation on why while I favor raises I do not feel I can recommend them. Please keep in mind all of the goals listed above.

On page 31 of the Budget book for Fiscal Year 2011-2012 is a page entitled "City of Willcox: FY 2011-2012 Budget: Salaries and Benefits Schedule (0% Wage Increase, HMO \$5,000 Deductible. This page shows the number of positions authorized in the City and the Personal related costs of having those positions by Fund. (See Attachment 1)

For the FY 2012, the personnel related costs for the General Fund are \$2,592,801. The total Budget for the General Fund for FY 2012 is \$4,315,884. Personnel costs are 60% of the total General Fund, remaining costs include the City Court system (contracted), the Legal Services (contracted), Property and Liability Insurance, Elections, watering (Parks), electric for operations, fuel for cars, utilities for public buildings, maintenance of vehicles and buildings, economic development, etc. Staff has consistently under spent on all of the above areas which have minimized the year end deficit.

In the Streets Fund (also known as the Highway Users Fund) The Personnel related costs are \$321,627, the total budget is \$1,174,602 (including match on Ft Grant Project) personnel costs are 27% of the Streets Fund. The remainder of the costs are made up of Bond Payments and Grant Match \$400,709 (34%), Street Preservation/Improvements/repair \$211,751 (18%), Street Lighting \$77,246 (7%) Leases of equipment \$66,450 (6%), and all other including fuel, insurance, etc are \$99,819 (8%).

Both the General Fund and the Streets Fund have a planned DEFICIT for FY 2012. The Expenses exceed the Revenue. Personnel costs are a large part of the expense in both Funds. If the Council wishes to provide a raise to the Employees (which I will support) then the DEFICIT in both Funds will become larger. An increase in base wages and salaries is a permanent increase in the cost of service, which means the DEFICIT is increased; in not only this year, but indefinitely into the future. This will make it much more difficult to reach a balanced budget.

The Council has indicated that they do not wish to increase the Primary Property Tax Levy (A General Fund source of income). The Council has often waived fees for use of City Facilities (A General Fund source of income), and there are requests to reduce the current building fees (A General Fund source of income). All of these are in line with the goals listed above – all of these increase the DEFICIT in the General Fund.

Many of the decreases in revenue to the General Fund and the Streets Fund have been the result of the State of Arizona reducing the State Shared Revenue to the City or placing new costs on the City. While the State of Arizona income is recovering from the recession; there has been NO indication that any of the reduction in State Shared Revenue will be returned to the City; nor has there any indication that any of the increased costs will be rescinded. There are actually bills introduced into the current legislative session to transfer more costs from the State to the City (cost of

prisons). Consequently, there is no reason to believe there will be any significant increase in State Shared Revenues; and as reported at the mid year Budget review the estimated money from State Shared Revenue for the Street Fund is falling significantly below the estimate provided by the State for FY 12.

Even if the Council only meets the current legal requirements imposed on the City by outside entities (Federal, State Governments and the ASRS – both regular employees and Public Safety Employees) and does not grant an increase in the base wages; the cost of personnel will increase next year. (See Attachment 2)

General Fund personal cost 2013 is \$2,651,946  
 General Fund personal cost 2012 is \$2,626,014  
 A permanent increase of \$ 25,932

Streets Fund personal cost 2013 is \$ 327,768  
 Streets Fund personal cost 2012 is \$ 321,627  
 A permanent increase of \$ 6,141

For the Gas fund the increase is \$ 1,636

For the Water Fund the increase is \$ 2,382

For the Sewer Fund the increase is \$ 2,102

There are many other increases in the cost of operation that will be experienced in the operating budgets: Gasoline, Parts, Electric, Materials, Water, Sewer, Gas, Solid Waste, etc. in addition to the above mandated increases in Personnel cost.

If the Council wishes to grant an increase in the Utilities Fund, this will not necessarily cause a deficit in those Funds (Gas, Water, Sewer; the Solid Waste Fund does not have employees in it and will only be effected indirectly). It will increase the cost of Operations and may require a rate adjustment to the customers in those Funds.

In the interest of equity, fairness, and morale of the employees in the General Fund and Streets Fund, I would not recommend an increase to only the employees in the Utilities Funds.

I have worked up what an across the board increase would cost to implement within the Funds of the City based upon a % increase. These increases are over and in addition to the personal increase costs listed above.

1% increase in the base:

General Fund	\$ 23,119
Streets Fund	\$ 2,722
Gas Fund	\$ 1,320

Water Fund	\$ 1,586
Sewer Fund	\$ 1,487

2% increase in the base:

General Fund	\$ 46,242
Streets Fund	\$ 5,443
Gas Fund	\$ 2,639
Water Fund	\$ 3,172
Sewer Fund	\$ 2,975

3% increase in base:

General Fund	\$ 69,369
Streets Fund	\$ 8,164
Gas Fund	\$ 3,958
Water Fund	\$ 4,759
Sewer Fund	\$ 4,463

4% increase in the base:

General Fund	\$ 92,499
Streets Fund	\$ 10,885
Gas Fund	\$ 5,277
Water Fund	\$ 6,345
Sewer Fund	\$ 5,951

5% increase in the base:

General Fund	\$115,633
Streets Fund	\$ 13,606
Gas Fund	\$ 6,597
Water Fund	\$ 7,932
Sewer Fund	\$ 7,438

The Detail on the above numbers may be seen on the attached Attachment 2.

**CITY OF WILLCOX FISCAL YEAR 2012-2013 BUDGET DRAFT**  
**Cost Estimate for Payroll 05/07/2012**

Beginning Compensation Rates Based on FY12		0%		3%		With \$1/hr		0%=>3%		0%=>\$1	
DEPARTMENT/POSITION	# Pos	TOTAL COMP	COMP DIFF	COMP DIFF	COMP DIFF	COMP DIFF					
<b>GENERAL FUND</b>											
MAYOR AND COUNCIL (10-402)	7.0	\$ 21,695	\$ 21,695	\$ 21,695	\$ 21,695	\$ 21,695	\$ 21,695	\$ -	\$ -	\$ -	\$ -
ADMINISTRATION (10-401)	3.0	\$ 249,975	\$ 256,769	\$ 256,769	\$ 256,769	\$ 256,769	\$ 256,769	\$ 6,794	\$ 6,794	\$ 7,433	\$ 7,433
DEVELOPMENT SERV/BLDG INSP (10-460)	3.0	\$ 122,945	\$ 126,168	\$ 126,168	\$ 126,168	\$ 126,168	\$ 126,168	\$ 3,223	\$ 3,223	\$ 7,288	\$ 7,288
PUBLIC SAFETY ADMIN (10-421)	3.0	\$ 211,709	\$ 217,231	\$ 217,231	\$ 217,231	\$ 217,231	\$ 217,231	\$ 5,522	\$ 5,522	\$ 7,998	\$ 7,998
COMMUNICATIONS (10-422)	6.0	\$ 247,259	\$ 253,534	\$ 253,534	\$ 253,534	\$ 253,534	\$ 253,534	\$ 6,275	\$ 6,275	\$ 15,719	\$ 15,719
HUMANE DIVISION (10-424)	1.5	\$ 65,318	\$ 66,806	\$ 66,806	\$ 66,806	\$ 66,806	\$ 66,806	\$ 1,488	\$ 1,488	\$ 4,714	\$ 4,714
PATROL (10-425)	8.0	\$ 576,740	\$ 591,947	\$ 591,947	\$ 591,947	\$ 591,947	\$ 591,947	\$ 15,207	\$ 15,207	\$ 26,832	\$ 26,832
INVESTIGATIONS (10-426)	2.0	\$ 152,228	\$ 156,428	\$ 156,428	\$ 156,428	\$ 156,428	\$ 156,428	\$ 4,200	\$ 4,200	\$ 6,558	\$ 6,558
K-9 (10-428)	1.0	\$ 17,213	\$ 18,262	\$ 18,262	\$ 18,262	\$ 18,262	\$ 18,262	\$ 1,049	\$ 1,049	\$ 665	\$ 665
FIRE DEPARTMENT (10-427)	18.0	\$ 35,946	\$ 36,947	\$ 36,947	\$ 36,947	\$ 36,947	\$ 36,947	\$ 1,001	\$ 1,001	\$ 1,001	\$ 1,001
FINANCE (10-442)	4.5	\$ 217,895	\$ 223,611	\$ 223,611	\$ 223,611	\$ 223,611	\$ 223,611	\$ 5,716	\$ 5,716	\$ 10,450	\$ 10,450
LIBRARY (10-444)	5.0	\$ 206,759	\$ 212,176	\$ 212,176	\$ 212,176	\$ 212,176	\$ 212,176	\$ 5,417	\$ 5,417	\$ 12,375	\$ 12,375
SWIMMING POOL (10-445)	12.0	\$ 52,516	\$ 54,087	\$ 54,087	\$ 54,087	\$ 54,087	\$ 54,087	\$ 1,571	\$ 1,571	\$ 6,010	\$ 6,010
PUBLIC WORKS ADMIN (10-451)	3.0	\$ 150,873	\$ 154,829	\$ 154,829	\$ 154,829	\$ 154,829	\$ 154,829	\$ 3,956	\$ 3,956	\$ 7,180	\$ 7,180
CEMETERY (10-455)	1.0	\$ 34,836	\$ 35,615	\$ 35,615	\$ 35,615	\$ 35,615	\$ 35,615	\$ 779	\$ 779	\$ 2,681	\$ 2,681
VEHICLE MAINTENANCE (10-456)	2.0	\$ 99,704	\$ 102,224	\$ 102,224	\$ 102,224	\$ 102,224	\$ 102,224	\$ 2,520	\$ 2,520	\$ 5,196	\$ 5,196
BUILDINGS AND GROUNDS (10-457)	1.0	\$ 44,213	\$ 45,246	\$ 45,246	\$ 45,246	\$ 45,246	\$ 45,246	\$ 1,033	\$ 1,033	\$ 2,655	\$ 2,655
PARKS AND RECREATION (10-462)	4.0	\$ 156,621	\$ 160,528	\$ 160,528	\$ 160,528	\$ 160,528	\$ 160,528	\$ 3,907	\$ 3,907	\$ 10,791	\$ 10,791
<b>TOTAL GENERAL FUND WAGES/BENEFITS</b>	<b>85.0</b>	<b>\$ 2,664,445</b>	<b>\$ 2,734,103</b>	<b>\$ 69,658</b>	<b>\$ 69,658</b>	<b>\$ 135,546</b>	<b>\$ 135,546</b>				
<b>STREETS</b>											
<b>TOTAL STREETS WAGES/BENEFITS</b>	<b>8.0</b>	<b>\$ 329,670</b>	<b>\$ 337,890</b>	<b>\$ 8,220</b>	<b>\$ 8,220</b>	<b>\$ 22,033</b>	<b>\$ 22,033</b>				
<b>UTILITIES</b>											
GAS FUND (50-451)	3.0	\$ 150,982	\$ 154,701	\$ 154,701	\$ 154,701	\$ 154,701	\$ 154,701	\$ 3,719	\$ 3,719	\$ 8,640	\$ 8,640
WATER FUND (51-451)	4.0	\$ 197,502	\$ 202,327	\$ 202,327	\$ 202,327	\$ 202,327	\$ 202,327	\$ 4,825	\$ 4,825	\$ 11,414	\$ 11,414
SEWER FUND (52-451)	3.0	\$ 158,155	\$ 162,214	\$ 162,214	\$ 162,214	\$ 162,214	\$ 162,214	\$ 4,059	\$ 4,059	\$ 8,411	\$ 8,411
<b>GRANT FUNDED POSITIONS</b>											
WILDLAND FIRE--ESTIMATED 17-439-6000		\$ 11,934	\$ 11,934	\$ 11,934	\$ 11,934	\$ 11,934	\$ 11,934	\$ -	\$ -	\$ -	\$ -
<b>FY13 PROJECTED WAGES/BENEFITS</b>	<b>103.0</b>	<b>\$ 3,512,688</b>	<b>\$ 3,603,169</b>	<b>\$ 90,481</b>	<b>\$ 90,481</b>	<b>\$ 186,044</b>	<b>\$ 186,044</b>				
<b>MAGISTRATE CONTRACT</b>											
Magistrate Contract Wages 10-443-2595	1	28,092	29,216	29,216	29,216	29,216	29,216	\$ 28,935	\$ 28,935	\$ 1,124	\$ 1,124
<b>FY13 WAGES/BENEFITS W/ MAGISTRATE</b>	<b>1.0</b>	<b>\$ 3,540,780</b>	<b>\$ 3,632,385</b>	<b>\$ 119,416</b>	<b>\$ 119,416</b>	<b>\$ 34,571</b>	<b>\$ 34,571</b>				

**CITY OF WILLCOX FISCAL YEAR 2012-2013 BUDGET DRAFT**

**Cost Estimate for Payroll 05/07/2012**

Beginning Compensation Rates Based on FY12 DEPARTMENT/POSITION	# Pos	0%		3%		With \$1/hr		0%=>\$1	
		TOTAL	COMP	TOTAL	COMP	TOTAL	COMP	COMP	DIFF
OVERALL CHANGE FROM 0%	104.0							\$	187,168

**CITY OF WILLCOX  
REQUEST FOR COUNCIL ACTION**

Agenda Item:           14            
Tab Number:           8            
Date: 05-21-2012

<b>Date Submitted:</b> 5-10-12
<b>Date Requested:</b> 5-21-12

<b>Action:</b> <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Formal <input checked="" type="checkbox"/> Other
---

<b>Subject: Adjustment to the estimated expenditures for FY13 for the General Fund for Economic Development</b>
---

**TO:**           MAYOR AND COUNCIL

**FROM:**       City Manager

**DISCUSSION:** I have been asked by Councilman Holloway to place an item on the Agenda to increase the proposed expenditure for Economic Development from the General Fund in FY13 in the amount of \$100,000. The amount would be used to pay, on a contingency basis, to a contractor who can demonstrate the actual production of increased benefit to the City Government and the community by bringing in increased economic development.

**RECOMMENDATION:** Provide direction to the Staff on possible adjustment to the General Fund budget for FY 13.

**FISCAL IMPACT:** Depending on the level of success the expenditure from the General Fund might be increased \$100,000.00. If the payments are tied to actual increased economic activity which actually creates a benefit to the City Government and therefore increases General Fund income the effect is zero.

**Prepared by:** Pat McCourt

**Approved by:**   
Pat McCourt, City Manager



**CITY OF WILLCOX  
REQUEST FOR COUNCIL ACTION**

Agenda Item 15  
Tab Number 9  
Date: 05-21-2012

**Date Submitted:**  
May 14, 2012  
**Date Requested:**  
May 21, 2012

Resolution  
 Ordinance  
 Formal  
 Other

**Subject:** Building Code  
Effectiveness Grading  
Schedule (BCEGS)

**TO:** MAYOR AND COUNCIL  
**FROM:** Jeff Stoddard, Supervisor of Development Services

**DISCUSSION:** The Insurance Services Office (ISO) will be administrating a program called Building Code Effectiveness Grading Schedule (BCEGS). BCEGS was developed through the combined efforts of three national model building code organizations and the property/casualty insurance industry. The program evaluates a community's building code enforcement- focusing on hazard mitigation. The intent is to encourage code compliant construction thus ultimately reducing catastrophe-related damage and lower insurance costs. The program also includes advisory premium discounts for property insurance written in municipalities with effective Building codes that are enforced.

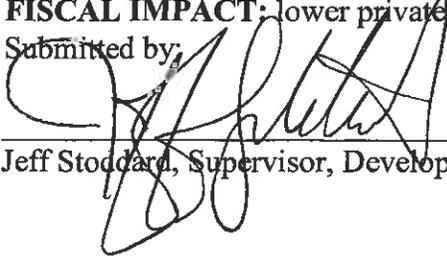
The concept is simple: Municipalities with well-enforced, up-to-date codes should demonstrate better loss experience, and insurance rates can reflect that. The prospect of reducing damage and ultimately lowering insurance costs provides an incentive for communities to enforce their building codes rigorously.

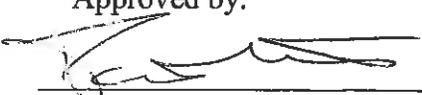
The ISO has previously visited Willcox to evaluate the fire defense. The classification number from that evaluation is one of many factors used to determine insurance premiums for properties in our community. This program has been effectively used by the insurance industry since 1916.

The ISO has asked that Development Services Department to fill out a twenty (20) page survey questionnaire and gather appropriate documentation. In the later part of May 2012 the Development Services Department will be meeting with an ISO representative to go over survey and talk about what this means to our community.

**RECOMMENDATION:** It is the recommendation of this department to fill out required Building Code Effectiveness Grading Schedule (BCEGS) and to meet with Insurance Services Office (ISO) representative.

**FISCAL IMPACT:** lower private residential and commercial insurance costs.

Submitted by:   
\_\_\_\_\_  
Jeff Stoddard, Supervisor, Development Services

Approved by:   
\_\_\_\_\_  
Pat McCourt, City Manager



**CITY OF WILLCOX  
REQUEST FOR COUNCIL ACTION**

Agenda Item: 16  
Tab Number: 10  
Date: 05-21-2012

**Date Submitted:**  
5-15-12

**Date Requested:**  
5-21-12

**Action:**  
 Resolution  
 Ordinance  
 Formal  
 Other

**Subject: Private Public  
partnership in operation  
of Waste Water  
Treatment Plant with  
Transition Plan.  
Resolution to Approve**

**TO: MAYOR AND COUNCIL**

**FROM: City Manager**

**DISCUSSION:** As the Staff has previously reported, we have been reviewing the prospect of a Public/Private Partnership for the operation of the City's Waste Water Treatment Plant (WWTP). There have been a few factors driving this exploration.

- 1) The City of Willcox has used a Lagoon system of Waste Water Treatment for many years, this system does not seem to be adequate to properly treat the waste water. The result has been a Notice of Violation (NOV) from the Arizona State Department of Environmental Quality (AZDEQ). Failure to address the concerns could result in substantial fines and the loss of the ability to connect any new accounts to the Sewer Collection system.
- 2) The City made major upgrades to the WWTP approximately 2000, these were made in conjunction with professional engineers. These have failed to address the concerns and the result was the NOV and a Consent Order (CO).
- 3) The Federal and State requirements are projected to continue to become more demanding in future years.
- 4) While the City staff is knowledgeable and motivated, we are limited by our lack of expertise in the operation of many types of Waste Water Disposal.
- 5) The City is faced with making major investments in facilities to address long term needs at the WWTP. The decisions made now will affect the City rate payers for decades. These decisions will affect the type of system chosen, the design of the WWTP, and the long term costs of the operation of the WWTP. Each of these decisions can have the effect of hundreds of thousands of dollars in construction and/or operational costs.
- 6) It is not clear at this time what will be selected as the "Best" system to address to correct the current problems and address the future needs of the City. While I have a preference, much of that preference is guided by my limited past experience. What I do not have, nor does any of the staff or engineers, is the "hands on" experience of operating the various types of plants. This is the type experience the City needs to help make the decision on type and design.

- 7) While engineers are knowledgeable and will design a system which will achieve the goal of producing the end product (effluent of adequate quality); they are not necessarily experienced or knowledgeable in day to day operations.
- 8) Whatever system is picked for the WWTP there will be new costs involved in the operation which will be difficult to predict.

The Staff looked for ways to try to address these concerns. We feel that the need to bring in a high level of “Operational Expertise” to the City to assist in the process of developing the new WWTP: this development needed to be done in a timeframe which will allow the City to be active in the selection of method, design of facility, and future operation of facility. This latter item is especially important to the City as these costs will have to be 100% borne by the ratepayers – forever.

Our opinion was that the best way to find the type Operational Expertise we needed was to look to a large private firm who had broad experience in the operation of WWTP of various types.

Staff initiated a Request for Qualifications (RFQ) in conformance with the City’s purchasing procedure. While we feel Willcox is an important Metropolitan area; in the bigger picture we are small potatoes. We did receive three (3) well qualified responses.

GHD Environmental Services, Inc.  
Phoenix AZ

PERC Water Corporation  
Costa Mesa CA

Severn Trent Services  
Colorado Springs CO

A panel made up of Staff, outside staff and a knowledgeable citizen from the Willcox area reviewed the RFQ and selected Severn Trent as best suiting the needs of the City. (Panel: Pat McCourt, John Bowen, Jim Thomas, Brad Hamilton [Benson Public Works Director], and Kevin Stamback [County resident and Septage Hauler]).

Staff recognized that we are buying not just current operations ability; we are buying expertise and a lot of it. We recognize that the immediate cost to operate the WWTP is likely to **increase**. Under all circumstances the cost to operate the WWTP will increase. We feel that the long term benefits of selection of the type facility and the design to incorporate operational efficiencies will far out weigh the short term costs. Therefore the saving by having additional expertise as the City’s partner during selection, design, construction, during switch over and operation of the new WWTP is likely to create savings which will outweigh the additional short term costs.

The plan is to bring Severn Trent on board July 1, 2012. They will be our long term partner through the selection, design, construction, and operation of the new WWTP. Severn Trent is currently working with the City of Safford in a Public Private Partnership to operate Safford’s WWTP.

At the 5-7-12 Council meeting, the Council requested additional information on a “Transition Plan” attached is a transition Plan provided by Severn Trent.

**RECOMMENDATION: Award a five (5) year contract for operation of the City's WWTP to Severn Trent.**

**FISCAL IMPACT:** While it is somewhat difficult to breakout the cost of operation of the WWTP from the operation of the Collection system; therefore the FY13 numbers are likely to be highly inflated; it is estimated that the additional costs of operation of the entire Sewer system is likely to increase over the current costs \$180,000/year. Regardless whether the City decides to use the Public/Private partnership the cost of operation of the WWTP will increase substantially. The proposed contract includes variable cost sections which are designed to protect both the City and Severn Trent. If costs of operation in these areas exceed estimates, Severn Trent receives additional payments to cover the costs; if costs are less than expected the City receives a credit toward the next years costs. These clauses could cause the estimated increase of \$180,000 to be higher or lower.

**Prepared by: Pat McCourt**

**Approved by:**



**Pat McCourt, City Manager**



**RESOLUTION NO: 2012-35**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA, APPROVING AND AWARDING THE WASTE WATER TREATMENT PLANT (“WWTP”) BID TO SEVERN TRENT ENVIRONMENTAL SERVICES, INC. (“CONTRACTOR”), AUTHORIZING THE EXECUTION OF THIS RESOLUTION AND CONTRACT DOCUMENTS AND DECLARING AN EMERGENCY TO EXIST.**

**WHEREAS**, the CITY is empowered pursuant to A.R.S. § 9-240 (A) and (B) to control the finances and property of the corporation; and

**WHEREAS**, the CITY is empowered pursuant to A.R.S. §§ 9-240 and 9-276 to establish and define sewer districts and construct sewers therein; to regulate, build and repair sewers, tunnels and drains; and

**WHEREAS**, the CITY is empowered pursuant to A.R.S. § 9-511 to engage in any business or enterprise which may be engaged in by persons by virtue of a franchise from a municipal corporation, and may construct, purchase, acquire, own and maintain within and without its corporate limits any such business or enterprise, including plants and pipelines for sewage; and

**WHEREAS**, the CITY and AZDEQ have reached an agreement pursuant to an AZDEQ Consent Order to perform certain steps to assure actions are taken to come into compliance with State and Federal laws related to the City’s Waste Water Treatment Plant; and

**WHEREAS**, the City of Willcox Mayor and Council, desire to have this item presented at its next Council meeting on May 21, 2012; and

**WHEREAS**, it is necessary for the preservation of the peace, health, and safety of the City of Willcox, Cochise County, Arizona, that an emergency be declared to exist to assure approval of the bid award to CONTRACTOR, and that this Resolution be effective immediately upon its passage and adoption.

**THEREFORE, BE IT RESOLVED** by the Mayor and Council of the City of Willcox, Cochise County, Arizona, that the City hereby formally approves the bid award to CONTRACTOR for the WWTP contracted services.

**BE IT FURTHER RESOLVED** by the Mayor and Council that, due to an existing emergency declared herein, the immediate effectiveness of this Resolution is necessary to preserve the peace, health, and safety of the City of Willcox, Cochise County, Arizona, and this Resolution shall therefore be effective upon its passage and adoption.

**PASSED AND ADOPTED** by the Mayor and Council of the City of Willcox,  
Cochise County, Arizona this \_\_\_\_\_ day of May, 2012.

**APPROVED/EXECUTED:**

\_\_\_\_\_  
MAYOR, GERALD W. LINDSEY (or)  
VICE-MAYOR, MONIKA S. CRONBERG

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Clerk, Cristina Garcia Whelan, CMC

\_\_\_\_\_  
City Attorney, Hector M. Figueroa

**RESOLUTION NO: 2012-35**

# **Contract Operations**

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## **Project Transition Plan**

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## 1 Purpose

The purpose of this manual is to provide guidelines for the transition of acquisitions within Severn Trent Services and new Contract Operations projects that have been awarded. These guidelines have been established for the business acquisition/development team, Transition Manager, transition team and the Project Manager to ensure the following:

- There is no deterioration in the quality of service to the client or clients during the transition.
- During the early stages of the transition, the transition team works with the project employees to establish a sound base in terms of knowledge of the employees and to assess capability.
- Severn Trent business processes and practices are introduced and ownership is established.
- The contractual obligations are fully comprehended and an enhanced understanding of the client's expectations is established.
- Any regulatory issues are rectified early.
- An action plan that addresses all the project deficiencies against contract obligations and company standards is prepared and implemented.
- All affected employees are kept informed of the transition process.

The Project Manager is often designated in the proposal. In some cases, the management team may be determined subject to interviews with the project's existing managers.

---

## 2 Scope

The spirit of a successful transition must begin from the first contact with the client and the employees, all the way through any renewals and life of the client relationship. We are in this business of client service for the long haul and can ensure success by meeting the needs of our clients through superior service.

This manual provides guidance for all Severn Trent acquisitions and new contracts secured by Contract Operations. It is intended for use in the transition of all new Severn Trent projects, both large and small. There are, however, projects in which use of all elements is not applicable. (For example, when a project is an expansion in services or a district that is just starting and there are no personnel to transition, the personnel elements will not apply.) For all projects, the relevant elements of the manual are to be utilized. It should be noted that, for projects at the smaller end of the scale, the role of the Transition Manager can be performed by the Project Manager.

These transition guidelines are applicable from the time of the initial walkthrough, through development of the proposal and throughout the life of the contract. The most intensive effort is in the first few months after the start date (usually three to seven months) but continues beyond the startup phase.

The transition team has a finite life. After the project is established and the team has achieved its goals, it will be disbanded and a final meeting held with the project team to hand over any remaining tasks and review performance against the contract.

This manual is to be followed until all contractual obligations and company standards are met, after which the review process applies. The guidelines are to be used by the project management team and the transition team.

---

### 3 Role of the Transition Manager

The Transition Manager drives a successful transition and is responsible for the successful startup of a project and for performing periodic reviews. The Transition Manager is determined in consultation with Regional Manager/VP and the Head of Technical Services. In many cases, the Transition Manager is selected in Phase 1 as part the proposal development process.

Reporting to the Project Manager, the Transition Manager:

- Is responsible for the production and implementation of action plans
- Keeps the Project Manager, Regional Manager/VP and Head of Technical Services informed of progress against the Transition Plan
- Calls transition and management team progress meetings as necessary
- Focuses to the operating cost reductions as stated in the proposal when the early phases of the transition are well advanced
- Tracks the current operating costs against the pricing model in conjunction with the Project Manager

## 4 Transition Program Phases

The transition consists of the following phases:

Phase 1	Contract award to start date
Phase 2	Contract startup
Phase 3	Alignment with proposal
Phase 4	Performance maintenance and/or enhancement

### 4.1 Phase 1 – Contract Award to Startup

During this phase, which begins with the execution of the service agreement, the Transition Manager is responsible for reviewing the contract, RFP and proposal to develop a complete listing of:

- Required deliverables and due dates
- Regulatory action items
- Required actions and due dates
- Vehicle purchases and lead times
- Equipment purchases and lead times
- Construction or building installation requirements with installation times
- Design and permit approval requirements with time required, etc.

The resulting listing of actions and purchases – with the addition of all of the administrative, personnel, safety, asset management and other requirements – will become the outline for the Transition Plan, a sample of which is provided in Appendix A.

It is critical that each member of the team understand the contractual obligations. The Transition Manager and Project Manager will produce a summary of the contract for distribution to all members of the transition team and project management team. Copies of the proposal and contract will also to be made available. (See Section 6, Company Standards.)

During this phase, the following will take place:

- Transition Manager and Project Manager select the transition team. Corporate and regional departments will be required to make employees available for transition teams. Those identified will be on the team from one or two week up to a period of months – although not continuously. They will be responsible for completing their tasks as assigned.
- Transition Manager confirms the transition budget as per the contract, proposal and associated pricing model.
- The transition team meets – through a conference call or individual calls – to assign tasks, outline the transition process and present the budget.
- Transition team prepares a prioritized action plan in terms of time to be allocated to the project by each member. The action plan should be initiated and as many of the tasks as possible should be completed before the contract starts.
- Transitions team members responsible for administration, purchasing, financial, human resources and payroll assemble information packs in preparation for Phase 4 (startup) activities.

- 
- Transition team drafts a press release about the contract for internal use and external release. The release will be approved by Corporate Marketing and the client before release.
  - All necessary contractor and other business licenses required to perform the contractual obligations are obtained.
  - The contract is reviewed for tax implications in consultation with the Tax Manager.

## Employee Transition

Employee transition activities, which can be particularly sensitive, should begin in this phase and include:

- Reviewing the contract to determine any requirements related to employment of the existing employees
- Evaluating the staffing plan detailed in the proposal and defined in the pricing model
- Reviewing the employees' current benefits package and the salaries of all existing employees who are potential candidates for employment by Severn Trent
- Developing a plan for screening and interviewing all existing employees. Any employees who are off work on disability and/or workers compensation should be identified and a plan developed for their transition.

Normally, one of the first – and most important – transition tasks is meeting with employees. This is an opportunity to provide tangible security to the employees of their new jobs with Severn Trent Services. This security is often the most important factor in preventing employee unrest, political problems and securing a smooth transition for Severn Trent and the client. Usually held in the evening (or, if the client allows, in the daytime) with the employees, the meeting:

- Introduces the employees to Severn Trent
- Explains the transition process
- Provides information about our benefits programs
- Provides applications for employment
- Informs employees of the interview schedule
- Answers any questions

This meeting is often a good time to show a modified version of the PowerPoint presentation that was made to the client to inform employees about the breadth and depth of the Severn Trent organization.

Existing employees should be informed that they will have an opportunity to earn full-time employment at the project or within Severn Trent, as dictated by the contract. Accordingly, you should share with existing employees the obligations of the contract as it relates to compensation and job retention and that the number of available jobs will be dependent on the needs of the project and other Severn Trent projects and locations. Employees should also be informed of the company policy that requires pre-employment screening of all employees.

HR/Payroll representatives must meet with all employees to complete personnel, payroll and benefits documentation. Those absent due to vacation/sick/disability must be seen as soon as possible after this initial meeting. Transitioning employees must be hired well before the actual start date so payroll is prepared to deliver checks on the first payday of the contract. ***No exceptions!***

---

Finally, the transition team, in consultation with the Project Manager, will develop a communication plan to detail what is proposed and to keep the employees informed. This will take the form of an offer letter that provides information such as:

- Severn Trent's contractual obligations as it relates to compensation and job retention
- The requirement for all transitioning employees to be subject to pre-employment screening
- When interviews will be conducted

#### **4.2 Phase 2 – Contract Startup**

As detailed above, an informational meeting to introduce Severn Trent and explain the transition process to the new employees is typically held in Phase 3. If for some reason this has not been accomplished, the Project Manager and Transition Manager will arrange an introductory meeting – as detailed the Employee Transition portion of Section 4.1 – during the first week of startup and make special arrangements for those who cannot attend the meeting.

While the following tasks should, if at all possible, be completed before the first week of the startup, any remaining should be completed during the first week of startup:

- Transition Manager arranges meetings for the project management team with the transition team to train them on Severn Trent practices and procedures that must be completed within first month. (See Section 6, Company Standards)
- Project Manager and Transition Manager inform the regulatory agencies of the new operational management and arrange to meet with the appropriate officers.
- Project Manager and Transition Manager interview every new employee to determine their knowledge, skills, experience, concerns and aspirations. (Whenever possible, these interviews should be held before the start of the contract.) It may be necessary to administer aptitude tests and specific quizzes to establish knowledge and skills levels. Tests must be objective, job-related and administered to the specifically affected employees. These tests and list of employees to be tested must be approved by HR before they are presented to the employees.
- Project Manager and Transition Manager meet with the client in the first week and at least weekly thereafter to report progress and address any issues of concern.
- A system for the production of a regular newsletter to provide progress reports and answers to questions is established.

#### **4.3 Phase 3 – Alignment with Proposal**

During this phase, the following will take place:

- Transition Manager and Project Manager review the revenues and operating costs against the proposal
- Employee competency is reviewed and a plan established on how to attain the target staffing level.
- Transition Manager performs energy and chemical audits and, in consultation with the Project Manager, implements changes to enhance efficiency.
- Transition Manager reviews all operating costs and identifies where targeted expenditure reductions cannot be achieved.

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#### 4.4 Phase 4 – Performance Maintenance and/or Enhancement

During this phase, the following will take place:

- A project renewal plan is produced that focuses on meeting, as a minimum, all contractual obligations and commitments made in the proposal. A plan addressing how client relations are to be enhanced should be included.
- Transition Manager and the transition team withdraw from the project.
- Transition Manager maintains contact with the Project Manager on a regular basis.
- Transition Manager retains responsibility for ensuring that all initiatives that were started in Phases 1 through 3 are completely implemented.

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## 5 Transition Team Tasks & Action Plans

The membership of the transition team and the resulting action plans will be determined by the scope of the contract. While the majority of transition team activities will take place during Phase 4 (Contract Startup), there are some activities that must be completed in Phase 3.

### 5.1 Administration

Administration tasks and action plans include:

- Provide managers copies of the company phone directory
- Provide a list of corporate support personnel
- Provide all relevant headed paper, business forms and request forms in electronic format
- Arrange for the provision of uniform change, if applicable, or company name patch
- Arrange for signage changes as appropriate on vehicles and facilities
- Notify appropriate regulatory agencies of management changes
- Review the permits and certification required to meet all relevant regulations and ensure they are in place and current. Rectify any deficiencies.
- Obtain originals of all existing vendor and service contracts
- Obtain Severn Trent's original signed copy of all contracts and forward to the Houston office for processing and distribution

### 5.2 Finance & Accounting

Finance and accounting tasks and action plans are governed by the Accounting Policies & Procedures Manual.

The following finance and accounting activities should be complete during Phase 3:

- Provide the project team with cost center information for new project (preferably before startup)
- Set up the project budget and a system to monitor the actual costs for startup/transition program, operations and maintenance and capital projects against budget in consultation with the Project Manager and Transition Manager
- Order vehicles, equipment, supplies and other materials

Phase 4 finance and accounting tasks to be completed include:

- Provide the project team with a copy of Accounting Policies & Procedures Manual
- Obtain the vendor listing and billing information and update the master files (A/R, A/P)
- Where applicable, determine if the previous contractor has any outstanding vendor invoices and rectify
- Determine petty cash needs in consultation with the Project Manager and obtain corporate approval to establish a bank account
- Identify the project finance/accounting contact person and provide points of contact points in Houston (i.e. A/R, A/P, payroll, forecasting, budgeting, etc.)
- Obtain a copy of the client's sales tax exempt certificate or initiate sales tax exemption effort (where applicable) in consultation with the Tax Manager

- 
- Provide the project finance/accounting contact with any needed training on:
    - Account coding
    - A/P procedures including payment terms
    - Expense report procedures
    - Petty cash procedures
    - Check request procedures
    - Capital requests
    - A/R procedures including billing document
    - Approval authority guidelines
    - Month-end close process
    - Payroll information
    - Forecast preparation
  - Review all current processes and produce an action plan that establishes a timetable for implementation of required changes

### **5.3 Purchasing**

*(Please refer to the Accounting Policies & Procedures Manual.)*

Purchasing tasks and action plans include:

- Determine the purchasing contact person and provide him/her with contact information in Houston Purchasing
- Obtain a listing of current vendors and compare to Severn Trent vendors; determine if Severn Trent has national agreements that provide favorable pricing
- Provide purchasing contact with national agreement information/preferred vendor listing
- Provide purchase contact with purchasing procedures including requisition process, P-card information and credit application process
- Provide purchase contact with approval authority guidelines
- Train purchasing contact on the above
- Perform periodic price comparisons

### **5.4 Health & Safety**

Health and safety tasks and action plans include:

- Evaluate the status of current workers' compensation claims (before startup whenever possible) and verify that the current employer and insurance carrier will be responsible for open claims
- Identify those employees who are off work on disability and/or workers compensation and determine how they will be transitioned
- Perform an audit of all facilities
- Review task schedule for project. If not available or complete, produce a comprehensive task schedule.
- Perform a risk assessment of all the tasks and then rank according to the significance of risk

- Perform a Job Safety Analysis (JSA) of all tasks, starting with those having the most significant risks
- Review all of the Health and Safety procedures with reference to the JSAs (see Section 6, Company Standards) and identify procedures that need to be revised
- Identify training needs
- Produce and implement an action plan that addresses the deficiencies

## 5.5 Human Resources & Payroll

*(Please refer to the Accounting Policies & Procedures Manual and Employee Handbook.)*

The following human resources and payroll activities should be complete during Phase 3:

- Prepare new hire packets before enrollment meetings
- Obtain approval for first payroll, start of benefits and 401(k) start date. Medical benefit coverage must be continuous and any new plan in place from day one of project.
- Schedule and hold employee and spouse meetings to begin the benefit registration process and provide new employees with information pertaining to topics that include:
  - Benefits
  - Pay cycle, reporting and calculation
  - Work rule changes, if any
  - Severn Trent employee policies and procedures
  - Drug test requirement
  - New hire packet completion
- Add employees to payroll and benefits plans

Phase 4 human resources and payroll tasks to be completed include:

- Determine pre-employment screening locations and timing of any associated tests
- Interview current employees (coordinate with new Project Manager)
- Identify employees' training needs (in consultation with the Transition Manager and Project Manager) and initiate training programs
- Identify and train HR contact at the new location and provide him/her with HR contact information
- Hold follow-up meetings to further explain benefits and discuss transition issues

## 5.6 Asset Management

Asset management tasks and action plans include:

- Review the asset inventory of all fixed plant, machines and buildings
- With reference to the Severn Trent Maintenance Program (4 STEP), determine the steps to be implemented for the project (See Section 6, Company Standards)
- Take general digital photographs of all buildings, operating areas, storage areas, lab, maintenance areas, and landscaping. Secondly, take individual photographs of all operating plant and other facilities (both interior and exterior), equipment, fixtures, machinery, vehicles, tools, lab equipment and any other significant items with a written description. One copy should be kept on site and another should be forwarded to Houston

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for inclusion in the contract file. An Initial Conditions Report with photographs should be prepared for each major project that documents the initial conditions – especially deficiencies – and the inventory of equipment with photographs and a detailed report (all of which is in the best interest of the client and Severn Trent). All photos must be dated.

- Update the inventory of all fixed plant, machines and buildings used operationally and included in the scope of the contract (See Section 6, Company Standards)
- Review and update the inventory of all mobile plant, equipment and vehicles (See Section 6, Company Standards)
- Provide the fixed and mobile plant inventories to the Tax Manager for insurance purposes
- Perform a review of all assets, determine their condition and performance and rate accordingly
- Take necessary corrective action to address any immediate safety or maintenance problems that pose a risk to employees or operations
- Produce an asset management report including asset photos, condition and performance rating and criticality
- Obtain and review a copy of client's current capital investment program
- Establish an asset management plan for all fixed assets (See Section 6, Company Standards)
- Determine the replacement cost of the assets and include the investment required to maintain the performance of all facilities to ensure compliance with regulations and client's expectations in the asset management plan
- Determine the predictive maintenance requirements of the project and produce a plan
- Review the existing planned maintenance plan. A Computerized Maintenance Management System (CMMS) should be used to generate preventive maintenance work orders and track reactive maintenance tasks. Upgrade (if feasible) or produce and implement a new planned maintenance system and train the personnel. (See Section 6, Company Standards)
- If the facility has a CMMS:
  - Print out a list of the equipment and conduct an audit to verify that all equipment is in the program and that the original manufacturers' preventive maintenance recommendations are being followed. The audit should go back at least six months. Look for evidence that the preventive maintenance is being carried out and that reactive maintenance activities are being documented in the CMMS. Note any concerns or recommendations for improvement.
  - Determine which predictive maintenance tools can be used to enhance the maintenance program
- Review the list of equipment and determine which equipment is critical to facility operations
- Identify which predictive maintenance tools should be used to monitor the condition of the critical equipment
- Put together a list of the critical equipment and the recommended predictive maintenance tools for each piece of equipment. Some of the predictive maintenance tools that should be considered are:
  - Detailed inspections
  - Vibration monitoring
  - Infrared thermography
  - Oil and fluid analysis

- Ultrasonic inspection
- Motor circuit and motor performance analysis
- Well point cleaning
- Determine the availability and status of plans for collection and distribution systems, water production and wastewater facilities (See Section 6, Company Standards)

Activities related to employee skills and training are a vital part of asset management and include:

- Interviewing all maintenance personnel to determine whether they are adequately trained, determining whether they have any concerns about the condition of the facilities and obtaining details of historical maintenance gaps. All maintenance employees should have enough training on the CMMS to be able to review equipment history data and preventive maintenance tasks. At a minimum, the plant should have a procedure in place that would allow the maintenance personnel to get this information from another employee or manager.
- Ensuring that all maintenance personnel have a basic knowledge of predictive maintenance tools
- Ensuring that employees who perform mechanical repairs:
  - Are trained on the proper installation of bearings
  - Understand the need and principles related to lubrication
  - Are able to read simple mechanical drawings
  - Have the necessary training to properly align motors
- Ensuring that employees whose jobs require them to work on electrical circuits have adequate electrical training and are properly licensed or certified

The closing asset management tasks and action plans include:

- Submitting a report to the Regional Manager and Project Manager that summarizes the effectiveness of the current maintenance program and provides recommendations for improvements
- Determine what actions are required to meet Severn Trent's contractual obligations
- Produce an action plan for the completion and implementation of the asset management tasks

## 5.7 Performance of Processes

Performance of processes tasks and action plans include:

- Undertake a review of all water and/or wastewater processes and their performance in terms of water quality, sludge classification, odors and public nuisance. The quantities of sludge held on site at the time of contract start should be determined and recorded. Photographic evidence should be used to supplement data wherever possible.
- Determine action required to meet regulatory standards and contractual obligations
- Review adequacy of standard operating procedures; produce the necessary standard operating procedures and amend those requiring improvement (See Section 6, Company Standards)
- Review and update the O&M manual
- Obtain approvals for proposed process changes, as required by regulatory agencies

- 
- Review adequacy of process control mechanisms in place; upgrade process control system as necessary.
  - Review adequacy of process data management system. If system is inadequate, implement Severn Trent's database system or an off-the-shelf system (such as Ops Win) for larger projects (See Section 6, Company Standards)
  - Identify and record any opportunities to enhance cost effectiveness of operating the processes
  - Produce an action plan for completing and implementing the above tasks

## 5.8 Laboratories

Laboratories tasks and action plans include:

- Review all laboratory procedures – from sampling through to analysis – and all relevant documentation
- If not already in place, implement a QA/QC program
- If not already in place, implement the Severn Trent Standard Lab Procedures Manual (See Section 6, Company Standards)
- Identify any deficiencies in terms of:
  - Standard operating procedures
  - Compliance with regulatory reporting
  - Training
- Produce and implement an action plan that addresses the deficiencies

## 5.9 Industrial Pretreatment Program

Industrial pretreatment program tasks and action plans include:

- Review the approved Industrial Pretreatment Program
- Ensure that the documents include:
  - Approved IPP (and approved modifications) and ERP with official letter of approval from the regulator
  - Most recent in effect SUO
  - Technically-based local limits calculations and determinations
  - All permits in effect
- Identify any deficiencies of the program in terms of:
  - Industrial permits
  - User surveys
  - Sewer Use Ordinance and local limits statutes
  - Regulatory compliance
- Review adequacy of standard operating procedures; produce the necessary standard operating procedures and amend those requiring improvement (See Section 6, Company Standards)
- If an IPP is not in place, determine if the program is necessary by identifying industrial discharges and impacts on the POTW

- 
- Produce and implement an action plan that addresses the deficiencies and/or that addresses program implementation

## 5.10 Information Technology

Information technology tasks and action plans include:

- Determine the IT contact person
- Obtain an inventory of hardware and software
- Review all computer systems in all departments including:
  - Administration
  - Accounting
  - Customer billing
  - Operations
- In consultation with the transition team, determine system, software and hardware needs
- Prepare capital request for necessary systems equipment (hardware and software)
- Review all software licenses to determine suitability for Severn Trent usage and that all Severn Trent machines are properly licensed
- Add employees (per the Project Manager) to Severn Trent's e-mail system
- Train the IT contact person on:
  - Capital request procedures
  - Systems troubleshooting procedures
- Produce an action plan to meet our contractual obligations and to enhance efficiency

## 5.11 Public & Client Relations

Public and client relations tasks and action plans include:

- Review the contract to determine Severn Trent's obligations in terms of public relations and client relations
- Inform the Project Manager of the program that must be followed. If necessary, assist the Project Manager with implementation of the program.

## 5.12 Business Management System

Business Management System (BMS) tasks and action plans include:

- Implement the Business Management System
- Produce the aspect matrix and determine significant aspects
  - Include those action plans initiated to address transition issues in the BMS process and number the action plans accordingly
  - Include additional BMS action plans from subsequent phases

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## **6 Company Standards**

### **6.1 Contract Information Sheet**

The Regional Manager/VP is responsible for ensuring that a contract information sheet is completed for every project (and updated to reflect changes such as amendments, renewals, terminations and annual contract amounts). The completed contract information sheets are submitted to the Proposal Development Group, which enters the information into the project/contract database. A copy should also be provided to the Project Manager and the Transition Manager.

### **6.2 Contract Information Sheet Supplement**

The following additional information must also be produced by the Transition Manager as a supplement to the Contract Information Sheet for use by the Project Manager and transition team:

- Project Manager's name, address and contact details (phone, fax, e-mail, etc.)
- Transition Manager's name, address and contact details (phone, fax, e-mail, etc.)
- Revenues and schedule of charges for time and materials projects
- Caps on expenditure (such as for maintenance or sludge disposal)
- Operating costs
- Gross margin
- PBIT
- PBITA
- Key contractual obligations

### **6.3 Inventory of All Plants & Equipment**

An inventory of all plants and equipment will include all fixed assets, plant and buildings, mobile plant and vehicles. All items will have an identification code that is also attached to the item.

### **6.4 Plans of Collection & Distribution Systems**

The location and accessibility of plans for all systems will be determined. A system to enhance the plans will be agreed upon with the client.

### **6.5 Standard Operating Procedures**

All administrative, accounting and operational practices must have standard operating procedures (SOPs).

Development of SOPs typically involves:

- Perform a Job Safety Analysis (JSA)
- Determine the operating procedures including:
  - Startup

- 
- Running
  - Performing
  - Shut down
  - Combine the JSA and the operating procedures to produce the SOP

Normally, project personnel prepare the standard operating procedures using guideline procedures from other projects or provided by Technical Services.

## **6.6 Project Data Management System**

A data management system will be established at sites without a system or with a system that does not meet the project's needs. The Severn Trent database system is to be adopted where appropriate. However, an off-the-shelf system such as Ops Win may be required for larger projects, subject to approval by the IT Department.

## **6.7 Process Control System**

There are to be process controls in place for all operational processes that include:

- On-site testing
- Action limits for key parameters

## **6.8 Site-Specific Health & Safety Safe Working Procedures**

The general procedures from the Health and Safety manual that are applicable to the project should be included in the project's manual. In addition, site-specific procedures based on the generic procedures are to be produced for all aspects of the project.

## **6.9 Emergency Response Plans**

Emergency response plans should be produced for following:

- Severe weather
- Fire
- Explosion
- Construction collapse
- Prolonged power outage
- Computer system failure
- Releases/spills
- Sabotage
- Terrorist acts
- Other significant disruptions

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## **6.10 Incident Reporting System**

The Incident Reporting System should be implemented. Employees should be introduced to the system and responsibilities assigned to ensure that all reportable and major incidents are reported to the relevant managers.

## **6.11 Training Needs Program (for all personnel)**

Each employee have training needs should be identified and recorded and a plan for addressing his/her needs developed. The interview process is a good place to begin identifying an individual's training needs.

## **6.12 Planned Maintenance System (for all assets requiring maintenance)**

A planned and preventive maintenance system is to be in place and operational for all projects. In situations where there is no existing system or the current system is inadequate, Severn Trent's database system is to be implemented.

## **6.13 Asset Management System**

The asset management system is required for projects with facilities and pipeline systems. When the inventory for fixed plant and pipeline systems is in place, the asset management system is utilized to determine condition and performance grades. This information then is used to develop and maintain the client's capital investment program.

## **6.14 Personnel List**

A list of all project personnel – with home addresses, next of kin and contact details – is to be maintained. A copy of the list should be provided to the Human Resources Department.

## **6.15 Management Structure for Region & Project**

Provide a management structure for the region the project is in that identifies the name and the title of the managers and all other employees.

## **6.16 Orientation Program**

An orientation meeting is to be conducted for all new employees within the first week of the project. The meeting agenda will include:

- Welcome to Severn Trent Services
- The Severn Trent Group
- Severn Trent Services in the USA
- Quote our Core Values, Purpose and Mission
- Operating Services
- Management structure, names and titles

- 
- History of Severn Trent and Operating Services
  - Description of Operating Services' business
  - Identify our geographic presence
  - Describe our client profile
  - Describe our capabilities
  - Introduce the Employee Handbook and highlight the importance of confidentiality. Request that all media inquiries are referred to the Project Manager or Transition Manager.
  - Introduce Risk, Environmental, Health and Safety policies
  - Introduce Business Management System (BMS)
  - Stress the availability of management to answer concerns
  - Repeat welcome to Severn Trent
  - Invite questions

#### **6.17 Business Management System**

The Business Management System should be implemented for the project in accordance with the BMS Procedures Manual.

#### **6.18 Management Training Program**

A management training program should be presented by members of the transition team addressing each of the functions that he/she is responsible for. The objective is to ensure that all managers are aware of the way Severn Trent does business and, therefore, will address:

- Administrative procedures
- Financial procedures
- Human resources policy
- Health and safety policy
- Environmental policy
- Operational practices
- Client and customer relations
- Business development
- Company objectives

#### **6.19 Customer & Client Complaints Record & Monitoring System**

A system must be in place to record all complaints. A manager is responsible for ensuring all complaints are responded to in a timely and satisfactory manner. This manager reports the complaint to the relevant functional manager and ensures that, whenever possible, an action plan is implemented to remove the cause of the complaint.

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## 6.20 Employee Annual Review

Each employee will be reviewed before his/her first 90 days of Severn Trent employment is complete. After that, each employee's performance will be reviewed at least annually.

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## Appendix 1 – System to Track Progress of a Transition Plan & Rectification of Performance Deficiencies

### Purpose

This system is used to track progress against a transition plan and to monitor the progress of a plan to rectify performance deficiencies identified in a contract review or audit.

### Methodology

Step	Activity
1	For each contract, the contractual obligations are identified in sufficient detail to ensure that all aspects of the contract are understood and listed on the contract schedule.
2	Refer to Transition Plan Section 6 for Company Standards.
3	An action plan schedule will be developed that lists all of the tasks and actions required to be taken in response to an audit or in a performance enhancement program (in a project or acquisition transition plan) to meet company standards and to meet contractual obligations.
4	Start dates and subsequent review dates (the first after one week and then set at a frequency not less than monthly) will be established for every task in the action plan schedule.
5	For each of the reviews, the progress for each item in the action plan will be stated according to the status definitions provided below.

### Status Definitions

C	Complete
A	In accordance with contract
O	Ongoing; being addressed
I	Improvement required
X	Urgent action required
NA	Not applicable

### Action Plan Schedule

Appendix 2 provides an example of an action plan while a blank form is provided in Appendix 3.

## Appendix 2 – Sample Action Plan Schedule

Contract:	
Action Plan in Response to:	Transition Plan/Contract Review/Audit
Manager Responsible for Action Plan:	
Date Plan Prepared:	

	Manager	Status					
		Startup Date	Rev. 1 Date	Rev. 2 Date	Rev. 3 Date	Rev. 4 Date	Rev. 5 Date
		9/20/04	9/27/04	10/11/04	10/25/04	11/1/04	12/1/04
<b>Transition Tasks</b>	TF	O	O	O	O	C	
Administration	GH	O	O	C			
Finance	DW	O	O	C			
Purchasing	TF	O	O	O	O	C	
Health & Safety Issues	MJ	X	X	X	O	O	C
HR & Payroll	AS	O	O	C			
Asset Management	JT	I	I	O	O	O	O
Performance of Process	KU	I	I	I	I	I	I
Pipeline Networks	LP	I	I	I	O	O	O
Laboratories	CD	X	O	O	O	O	C
IPP	XR	X	I	I	O	C	
Meter Reading	VF	NA					
Customer Billing	NH	NA					
Information Technology	TT	I	I	I	O	O	O
Public and Client Relations	LD	O	O	O	O	O	O
BMS	WS						
<b>Company Standards</b>							
Contract Summary	IK	C					
Contract Information	IK	O	C				
Inventory	GT	I	I	I	I	C	
Plans of Collection System	PL	I	I	O	O	O	O
Plans of Distribution System	MB	I	I	O	O	O	O
SOPs	HT	X	X	X	I	I	C
Data Management System	KL	X	X	I	I	C	
Process Control	SE	I	I	I	C		
Customer Billing	NV	NA					
Health & Safety Procedures	DD	X	X	O	O	O	O
Emergency Response Plans	WF	I	I	C			
Incident Reporting System	WF	I	I	O	C		
Training Needs	HG	O	O	O	O	O	O
Planned Maintenance	AW	I	I	I	I	I	C
Asset Management	AW	I	I	O	O	O	O
Personnel List	AS	O	C				
Management Structure	AS	O	C				
Orientation Program	SD	O	C				
BMS	WS	O	O	O	O	O	O
Management Training	AS	I	I	I	I	I	O
Customer & Client Complaints System	NV	I	I	O	O	O	O
Employee Review	RT	O	O	O	C		

## Appendix 2 – Sample Action Plan Schedule

Contract:	
Action Plan in Response to:	Transition Plan/Contract Review/Audit
Manager Responsible for Action Plan:	
Date Plan Prepared:	

	Manager	Status					
		Startup Date	Rev. 1 Date	Rev. 2 Date	Rev. 3 Date	Rev. 4 Date	Rev. 5 Date
		9/20/04	9/27/04	10/11/04	10/25/04	11/1/04	12/1/04
<b>Contractual Obligations</b>							
Collection System (Sewer TV Inspection, etc.)	PL		0	0	0	0	1
Distribution System (Main laying, etc.)	RY		0	0	0	0	0
Effluent Compliance (Plant performance, etc.)	TG		0	0	0	0	0
Water Treatment (Chemical optimization, etc.)	FR		X	X	1	1	0
Maintenance (Planned maintenance, etc.)	CD		1	1	0	0	0
Meter Reading (Attain frequency budget, etc.)	SE		1	1	1	0	0
Customer Billing (Post on time, etc.)		NA					
Streets and Parks (Road sweeping, etc.)		NA					

### Appendix 3 – Action Plan Schedule Form

Contract:	
Action Plan in Response to:	
Manager Responsible for Action Plan:	
Date Plan Prepared:	

	Manager	Status					
		Startup Date	Rev. 1 Date	Rev. 2 Date	Rev. 3 Date	Rev. 4 Date	Rev. 5 Date
<b>Transition Tasks</b>							
Administration							
Finance							
Purchasing							
Health & Safety Issues							
HR & Payroll							
Asset Management							
Performance of Process							
Pipeline Networks							
Laboratories							
IPP							
Meter Reading							
Customer Billing							
Information Technology							
Public and Client Relations							
BMS							
<b>Company Standards</b>							
Contract Summary							
Contract Information							
Inventory							
Plans of Collection System							
Plans of Distribution System							
SOPs							
Data Management System							
Process Control							
Customer Billing							
Health & Safety Procedures							
Emergency Response Plans							
Incident Reporting System							
Training Needs							
Planned Maintenance							
Asset Management							
Personnel List							
Management Structure							
Orientation Program							
BMS							
Management Training							
Customer & Client Complaints System							
Employee Review							





**CITY OF WILLCOX  
REQUEST FOR COUNCIL ACTION**

Agenda Item: 17  
Tab Number: 11  
Date: 05-21-2012

<b>Date Submitted:</b> 5/16/2012
<b>Date Requested:</b> 5/21/2012

<b>Action:</b>
<input type="checkbox"/> Resolution
<input type="checkbox"/> Ordinance
<input checked="" type="checkbox"/> Formal
<input type="checkbox"/> Other

<b>Subject: Discussion / Decision to Approve the donation of Materials and Labor to Install a Scoreboard on Field #2 at Keiller Park</b>

**TO:           MAYOR AND COUNCIL**

**DISCUSSION:** The Willcox Little League and ASA Softball League boards have requested permission to install a scoreboard on Field #2 at Keiller Park. The Boards propose to install a scoreboard similar to the existing scoreboard on Field #1. The scoreboard would be mounted to the existing framework and hinged to provide maintenance access to the back of each unit.

The leagues utilize this field jointly and are proposing a joint project to provide materials and labor to install the new scoreboard. An existing electrical panel mounted on the Field #1 scoreboard would provide power to the new scoreboard.

**RECOMMENDATION:** Staff recommends that the Mayor and Council approve the donation of labor and materials to install the scoreboard on Field #2 at Keiller Park

**FISCAL IMPACT:** The current cost for the power to operate the current board is running \$14.79 per month or 177.48 annually. There would be a nominal increase for the additional energy consumed.

**Prepared by:**



\_\_\_\_\_  
**Dave Bonner, Public Services & Works Director**

**Approved by:**



\_\_\_\_\_  
**Pat McCourt, City Manager**

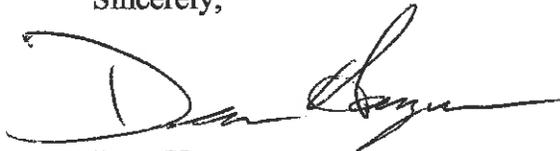
Willcox Little League 2012  
4401 W Circle Hills Dr  
Willcox AZ 85643

May 15, 2012

Dear: City of Willcox

On behalf of Willcox Little League 2012 and Willcox Girls Softball League, we would like to have permission to install a new Baseball/Softball scoreboard on field 2 at Keiller Park. The two leagues are paying for the scoreboard and the installation will be done by volunteers. The scoreboard is identical to the one facing field 1, and we plan to install it in a manner that it will hinge for access to the rear of both scoreboards. It is remote and there will be no need for extra wire. There is power already there to supply both scoreboards.

Sincerely,

A handwritten signature in black ink, appearing to read "Dean Harguess", with a long horizontal flourish extending to the right.

Dean Harguess

**CITY OF WILLCOX  
REQUEST FOR COUNCIL ACTION**

Agenda Item: 18  
Tab Number: 12  
Date: 05-21-2012

**Date Submitted:**  
May 3, 2012

**Date Requested:**  
May 21, 2012

**Action:**  
 Resolution  
 Ordinance  
 Formal  
 Other

**Subject: Request to authorize  
WDPS to submit grant  
proposal to the Tohono  
O'odham Nation 12% Gaming  
Distribution**

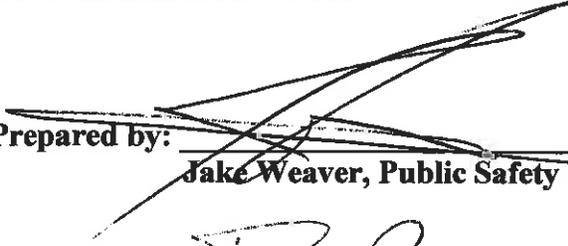
**TO: MAYOR AND COUNCIL**

**FROM: Jake Weaver, Willcox Department of Public Safety Director**

**DISCUSSION:** In 2002 Arizona eligible voters approved Proposition 202, which implemented a new requirement that Tribal/State Gaming Compacts must include a provision that the compacting tribe would contribute a portion of its annual net gaming revenues (the "Annual Contribution") for the benefit of the general public. Pursuant to Proposition 202, each tribe may determine the recipients of 12% of its total Annual Contribution (the "12% Payments"). The tribe has two options for directing the 12% Payments: 1) direct distribution from the tribe to cities, towns, and counties, or 2) deposits to the Arizona Commerce and Economic Development Commission, which are then given to the recipients of the tribe's choice. The Tohono O'odham Nation will be making selections and finalizing agreements with the recipients of the 12% payments no later November 12, 2010.

**RECOMMENDATION:** Authorize WDPS staff to submit grant proposal to Tohono O'odham Nation for participation in 12% Gaming Distribution.

**FISCAL IMPACT:** None

Prepared by:   
Jake Weaver, Public Safety Director

Approved by:   
Pat McCourt, City Manager



# Tohono O'odham Nation Office of the Chairman & Vice Chairwoman

COMPASSION FAITH TRADITION RESPECT  
T'IBDAG NA'VEE S'WOHOCUDA HINDAG PEK'ELID

Ned Norris, Jr.  
Chairman

Wavalene M. Romero  
Vice Chairwoman



April 27, 2012

Chief Jake Weaver  
Fire Chief  
Willcox Fire Department  
320 W. Rex Allen Dr.  
Willcox, AZ 85643

Dear Chief Weaver:

In 2002, Arizona voters passed Proposition 202 which allowed for the continuation of limited Indian gaming on tribal lands in Arizona. Passage of this ballot measure was of tremendous importance as it ensures that Arizona tribes can continue to address the desperate poverty and needs that exist on tribal lands. On the Tohono O'odham Nation, gaming revenues are being used to improve the health and well-being of tribal members, strengthen public safety, open up educational opportunities, and address a multitude of other infrastructure needs.

Under Proposition 202, Arizona tribes also agreed to share a portion of their revenues with the State of Arizona. Of the revenues shared, 12 percent is made available to cities, towns, or counties for a purpose benefiting the general public through either direct distribution to the local governments or in the form of a deposit to the State of Arizona's Commerce and Economic Development Commission's Local Community Fund.

For its 2012 revenue sharing, the Tohono O'odham Nation has chosen to contribute directly to local governments. In addition, quality non-profit organizations may work with local governments to qualify for the funding available from the Nation. As a result, the Tohono O'odham Nation is seeking to obtain Requests for Funding Proposals from Arizona cities, towns, counties, and non-profit organizations.

Attached are the specific criteria and timelines the Tohono O'odham Nation has set forth for identifying funding recipients. Proposals will be evaluated and awarded under the priorities established by the Tohono O'odham Nation.

Sincerely,

Dr. Ned Norris Jr.  
Chairman, Tohono O'odham Nation



# Tohono O'odham Nation Office of the Chairman & Vice Chairwoman

COMPASSION FAITH TRADITION RESPECT  
T-I:BDAG 'AMJED S-WOHOCUDA HIMDAG PI:K 'ELID

Ned Norris, Jr.  
Chairman

Wavalene M. Romero  
Vice Chairwoman



## REQUEST FOR PROPOSALS for the Arizona Revised Statute 5-601-02 12% Gaming Distribution Tohono O'odham Nation

### Background

In 2002 Arizona eligible voters approved Proposition 202, which implemented a new requirement that Tribal/State Gaming Compacts must include a provision that the compacting tribe would contribute a portion of its annual net gaming revenues (the "Annual Contribution") for the benefit of the general public. Pursuant to Proposition 202, each tribe may determine the recipients of 12% of its total Annual Contribution (the "12% Payments"). The tribe has two options for directing the 12% Payments: 1) direct distribution from the tribe to cities, towns, and counties, or 2) deposits to the Arizona Commerce and Economic Development Commission, which are then given to the recipients of the tribe's choice. The Tohono O'odham Nation will be making selections and finalizing agreements with recipients of the 12% payments no later than November 9, 2012.

### Distribution Priority Areas for Fiscal Year 2012

Proposals must address one or more of the following priority areas:

- a) Education
- b) Health Care
- c) Public Safety
- d) Child Advocacy
- e) Economic Development
- f) Cultural & Environmental Development and Protection

### Proposal

Proposals shall be limited to 4 pages in length, typewritten in 12 point font. If the proposal is more than 4 pages, only the first 4 pages will be considered. Budgets are required and therefore will be counted as part of the 4 pages. Attachments, such as photos, are not considered as one of the 4 pages. All proposals must be sent via certified mail and **must be postmarked no later than June 15, 2012**. Only one copy per proposal is needed. It is recommended that a copy of the proposal is sent via e-mail to [matts@simginc.com](mailto:matts@simginc.com). However, providing a copy of the proposal via e-mail alone will not be deemed to have applied properly and only proposals received via certified mail will be considered. Proposals must:

- a) Explain the perceived need and explain how the proposal will address that need.
- b) Describe the population who will benefit from the proposal if approved.
- c) Include a budget of the requested funds, with the total amount requested clearly notated.

- d) List any other funding requests that have been made for this or substantially related proposals and provide the status of those requests.
- e) Indicate whether the entity has already received a 12% distribution from the Tohono O'odham Nation or other Arizona tribes, along with the amount and date awarded.
- f) Identify a designated contact person and alternate contact person for follow-up, including e-mail address, phone number, mailing address, and fax number for these persons.
- g) Indicate which priority area (from the above list) the proposal falls under.
- h) If the proposal is from a non-profit organization, include the name of the city, town, or county an agreement will be made with if funds are granted. A letter from the governmental entity acknowledging its agreement to work with the non-profit is not necessary for the initial proposal. However, it is necessary for those non-profits selected to receive grant funding.

## Requirements

If you, the applicant, are a city, town or county located within the State of Arizona:

- 1) You will need to provide proof or cite some authority that you are authorized to seek and enter into a grant of this nature.
- 2) If selected, you will need to ensure that the government you represent is willing to negotiate and execute the Intergovernmental Agreement (IGA) with the Nation no later than September 28, 2012.

If you, the applicant, are any other non-governmental entity (not-for-profits, etc):

- 1) You will need to enter into an agreement with a city, town or county located within Arizona whereby that city, town, or county will agree to accept the grant funding from the Nation on your behalf. As a non-governmental entity, you bear the responsibility to find a municipality to flow the funding through and the Nation is not responsible for matching you with a government capable of receiving the funding.
- 2) The city, town, or county that has agreed to assist you to receive the grant will be required to enter into a Grant-in-Aid, Fiscal Agent agreement with the Nation in which the city, town, or county agrees to accept the funding on your behalf.

## Timeline

- a) All proposals to be considered must be postmarked no later than June 15, 2012.
- b) Notification of decision will be mailed by August 31, 2012.
- c) Negotiation of Grant-in-Aid Agreements will commence immediately after notification.
- d) Negotiations of the Grant-in-Aid Agreements must be concluded no later than September 28, 2012.
- e) Approval of all Grant-in-Aid Agreements by the Nation and distribution of monies will occur on or about November 16, 2012.

## Submitting Your Proposal / Contact Information

Address and mail all proposals via certified mail to:

Chairman Ned Norris Jr.  
 Tohono O'odham Nation  
 P.O. Box 837  
 Sells, Arizona 85634  
 ATTN: Lanez Valisto  
 (520) 383-2028 telephone  
 (520) 383-3379 fax

***Must be postmarked no later than June 15, 2012***  
***Proposals not in compliance with the above procedures will not be considered.***

**CITY OF WILLCOX, COCHISE COUNTY, ARIZONA  
RESOLUTION NO: 2012-38**

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**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA, APPROVING AND AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE TOHONO O'ODHOM NATION ("NATION") PURSUANT TO A.R.S. 5-601-02 --- 12% GAMING DISTRIBUTION, DIRECTING CITY OFFICIALS TO SUBMIT APPLICATION DOCUMENTS AND DECLARING AN EMERGENCY TO EXIST.**

**WHEREAS**, in 2002 Arizona voters approved Proposition 202 which implemented a new requirement that Tribal/State Gaming Compacts must include a provision that the compacting tribe would contribute a portion of its annual net gaming revenues (the "Annual Contribution") for the benefit of the general public; and

**WHEREAS**, pursuant to Proposition 202, each tribe may determine the recipients of 12% of its total Annual Contribution (the "12% Payments"); and

**WHEREAS**, the NATION has issued a Request for Proposals for the 12% Gaming Distribution pursuant to A.R.S. 5-601-02 to identify and select funding recipients; and

**WHEREAS**, the Willcox Department of Public Safety ("WDPS") requests Mayor and Council approval and authority to submit a grant proposal to the NATION for participation in the 12% Gaming Distribution funding process; and

**WHEREAS**, the Mayor and Council of the City of Willcox have determined that it is in the best interest of the City, the WDPS and its citizens to submit a proposal to the NATION for 12% Gaming Distribution funds; and

**WHEREAS**, the Mayor and Council desire to have this item presented on Monday, May 21<sup>st</sup>, 2012 at the Regular Council Meeting; and

**WHEREAS**, it is necessary for the preservation of the peace, health, and safety of the City of Willcox, Cochise County, Arizona, that an emergency be declared to exist to assure timely submission of the funding proposal, and that this Resolution be effective immediately upon its passage and adoption.

**BE IT RESOLVED** by the Mayor and Council of the City of Willcox, Cochise County, Arizona, that the City hereby formally approves and authorizes City Staff to act on the proposal and to proceed with the submission of same to the NATION.

**BE IT FURTHER RESOLVED** by the Mayor and Council that, due to an existing emergency declared herein, the immediate effectiveness of this Resolution is necessary to preserve the peace, health, and safety of the City of Willcox, Cochise County, Arizona, and this Resolution shall therefore be effective upon its passage and adoption.

**PASSED AND ADOPTED** by the Mayor and Council of the City of Willcox, Cochise County, Arizona this \_\_\_\_\_ day of May, 2012.

**APPROVED/EXECUTED:**

\_\_\_\_\_  
MAYOR, GERALD W. LINDSEY (or)  
VICE-MAYOR, MONICA S. CRONBERG

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Clerk, Cristina Garcia Whelan, CMC

\_\_\_\_\_  
City Attorney, Hector M. Figueroa

**RESOLUTION NO: 2012-38**

**CITY OF WILLCOX  
REQUEST FOR COUNCIL ACTION**

Agenda Item 19  
Tab Number 13  
Date: 05-21-2012

**Date Submitted:**  
May 14, 2012  
**Date Requested:**  
May 21, 2012

**Resolution**  
 **Ordinance**  
 **Formal**  
 **Other**

**Subject: Lease of City  
Billboard**

**TO:** MAYOR AND COUNCIL

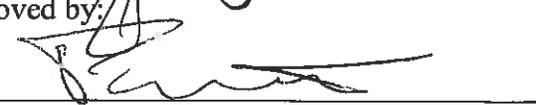
**FROM:** Jeff Stoddard, Supervisor of Development Services

**DISCUSSION:** The City of Willcox has acquired three (3) billboard permits along westbound I-10 located on east side of Quail Park, parcel #202-43-015B. Farmers Insurance (Leigha Burris) has asked the City of Willcox if they could rent all of lease area 1 (see attachment A & B). Lease area one consist of a 3 post billboard system set up for two (2) - four (4) foot by eight (8) foot Billboards. Lease area one is a back to back billboard system for advertising to the east and west bound traffic. Farmers Insurance (Leigha Burris) has agreed on a six (6) month lease with a possibility of extension. The agreement states that each billboard will cost fifty dollars (\$50.00) per month and with back to back billboards it will cost Farmers Insurance (Leigha Burris) a total of one hundred dollars (\$100.00) per month. Please see attachment Billboard Lease Agreement #2012-3.

**RECOMMENDATION:** It is the recommendation of this department to approve this rental agreement between the Farmers Insurance (Leigha Burris) and the City of Willcox.

**FISCAL IMPACT:** The rental of back to back billboards would go into our General Fund at total of six hundred dollars (\$600.00) over a six (6) month period.

Submitted by:   
Jeff Stoddard, Supervisor, Development Services

Approved by:   
Pat McCourt, City Manager



**CITY OF WILLCOX, COCHISE COUNTY, ARIZONA  
RESOLUTION NO: 2012-39**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA APPROVING AND ADOPTING THE BILLBOARD LEASE BETWEEN THE CITY OF WILLCOX [“LESSOR”] AND FARMERS INSURANCE GROUP, LEIGHA BURRIS [“LESSEE”] FOR BILLBOARD SPACE AT QUAIL PARK ON PARCEL #202-43-015B, AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.**

**WHEREAS**, the Mayor and Council of the City of Willcox shall have control of the finances and property of the corporation pursuant to A.R.S. Section 9-240(A) and Section 9-499.01 et seq.: and

**WHEREAS**, the LESSOR is authorized pursuant to A.R.S. § 9-241(A) to lease property necessary or proper to carry out the purposes of the corporation, within or without its limits; and

**WHEREAS**, LESSOR and LESSEE desire to enter into a Billboard Lease for specific space to place a Billboard display on Parcel #202-43-015B at Quail Park under a six month lease agreement beginning on June 1, 2012 and ending on December 1, 2012; and

**WHEREAS**, the Mayor and Council has determined that it is in the best interest of the City and its citizens to authorize and approve the Billboard Lease as presented; and

**WHEREAS**, Mayor and Council desire to have this item presented to the Willcox City Council at the next Council Meeting on May 21<sup>st</sup>, 2012; and

**WHEREAS**, it is necessary for the preservation of the peace, health, and safety of the City of Willcox, Cochise County, Arizona, that an emergency be declared to exist to assure timely approval of the Billboard Lease, and that this Resolution be effective immediately upon its passage and adoption.

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Council of the City of Willcox, Cochise County, Arizona, that the City hereby formally authorizes and approves the Billboard Lease with LESSEE on Parcel #202-43-015B as stated above and authorizes the Mayor to execute this Resolution.

**BE IT FURTHER RESOLVED** by the Mayor and Council that, due to an existing emergency declared herein, the immediate effectiveness of this Resolution is necessary to preserve the peace, health, and safety of the City of Willcox, Cochise County, Arizona, and this Resolution shall therefore be effective upon its passage and adoption.

**PASSED AND ADOPTED** by the Mayor and Council of the City of Willcox, Cochise County, Arizona this \_\_\_\_\_ day of May, 2012

**APPROVED/EXECUTED**

\_\_\_\_\_  
MAYOR, GERALD W. LINDSEY (or)  
VICE-MAYOR, MONIKA S. CRONBERG

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Clerk, Cristina Garcia Whelan, CMC

\_\_\_\_\_  
City Attorney, Hector M. Figueroa, Esq.

**RESOLUTION NO: 2012-39**

## **An Agreement to Lease a Billboard located on City land from the City of Willcox**

Lease #2012-3

This is an Agreement under which the **City of Willcox** (hereinafter "**LESSOR**") is agreeing to Lease billboard space and access to the billboard to **FARMERS INSURANCE GROUP LEIGHA BURRIS** (hereinafter "**LESSEE**") on City Property located at Quail Park for the sole purpose of having a Billboard which displays advertizing for goods and services sold to the Public.

### **Definitions:**

**"Billboard"** a structure on the Lessor's property on which messages or information is displayed to the Public.

**"Line of Sight" "(LOS)"** is defined by an imaginary triangular shaped plane. The starting point of the plane is the lowest and the most distant corner of the face of the billboard. Extend a line the shortest distance to the Right of Way (ROW) of I-10 with the altitude of the line ending at the surface of the pavement of the closest travel lane, this end point will constitute the second point of the triangle. Starting at the second point follow the ROW for 1,000 feet away from the face of the billboard maintaining the elevation of the driving surface of I-10, this end point is the third point of the triangle. From the third point extend a line to the stating point; the resulting triangular shaped plane is the lowest level of the LOS. If the LOS plane extends beyond the City owned Land, the LOS outside of City land is excluded from the LOS as described herein. The Tenant may maintain the area above the LOS and one (1) foot below the LOS free from obstructions.

**"Premises"** a defined area of land within the LESSOR'S Property upon which the LESSEE is given permission to erect and maintain a Billboard and its structure.

**"Property"** a piece of land owned by the LESSOR upon which a smaller Premise is being defined for erection and maintaining of a billboard.

**"Real Property"** is defined as anything tangible that is attached directly to Property. Real property not only includes buildings and other structures, but also rights and interests. Real property can be either rental or residential.

The term of the lease shall be for a six (6) month period commencing the **first day of June 2012 and ending on December 1, 2012**, subject to the conditions of Paragraph 9 hereof. At the end of the term it is the intention of the LESSEE and the LESSOR that ownership of the billboard and any supporting structures shall pass to the LESSOR at no additional cost to the LESSOR.

The LESSOR shall receive from the LESSEE (as compensation for the ability to use the Billboard) payments in monthly installments of One Hundred (\$100.00) Dollars per month due no later than the third day of each month. If that day falls on a weekend or legal holiday, the rent is due on the next business day. Payments shall be paid by personal check, money order or cashier's check only, to City of Willcox at, 101 S. Railroad Avenue, Willcox, Arizona 85643.

Full payment is due to the City on or before the third business day of each month: any payment received after the third business day of the month is considered delinquent and subject to a late charge of Fifty (\$50) dollars, until the entire outstanding balance is paid. Failure to receive full payment by the 15<sup>th</sup> day of a month for which it is due will be declared to be a default and reason for immediate termination of this agreement. Any payment received will be applied first to any penalties owed. The City Manager (or designee) is authorized to make payment arrangements if the outstanding balance does not exceed two (2) months owed.

1. **PREMISES.** LESSOR does hereby lease and demise to LESSEE space for outdoor advertising purposes a portion of the Property located on **Parcel # 202-43-015B; Parcel # 202-43-015B and located at Coordinate locations C, E, F, and H of Willcox, Arizona**, at a location mutually agreeable to the parties as shown on Attachment "A" (such designated area hereinafter being called the "Premises").

2. **RENEWAL OPTION.** LESSEE shall have the right to renew this Lease for one additional four (4) year term upon the same terms and conditions contained herein except for rental which shall be negotiated and agreed upon no less than thirty (30) days prior to the expiration of the original term. Failure of the parties to agree on a mutually acceptable rental shall result in the renewal option automatically terminating.

3. **USE.** The Premises is leased for the sole purpose of construction, operations and maintenance of outdoor advertising display(s). LESSEE is herewith, subject to the conditions contained herein, the sole and exclusive right to display advertising copy on the Premises unless otherwise specified in this lease agreement. The LESSEE shall have the right to erect, place and maintain advertising sign structures and equipment there for on the demised premises to post, paint, illuminate and maintain advertisements on such structures. The LESSEE will maintain area for line of sight (LOS). The LESSOR will provide a path for the LESSEE to access and maintain the outdoor billboard. All real property built upon the said Premises by the LESSEE shall become the property of the LESSOR and shall remain the property of LESSOR upon termination or extension of this lease, and may not be removed by the LESSEE, except as provided in paragraph 7 below.

4. **CONSTRUCTION.** Construction of the outdoor advertising structures (billboard) shall be approved by City of Willcox. The LESSOR will define all utility easements for outdoor advertising structures. All construction shall be performed by LESSEE or LESSEE's agents, at LESSEE's sole cost and expense, in strict conformity with all applicable federal, state and local laws, rules and regulations.

5. **INSURANCE and INDEMNIFICATION.** City written evidence that premiums on such policies are paid and that said policy is in full force and LESSEE shall maintain, at LESSEE's sole cost and expense, liability insurance for any and all damages resulting in personal injury or property damage in

connection with the erection, servicing, maintenance, removal, replacement of the billboard(s), equipment and other property placed on the Property by LESSEE and all other occurrences arising out of LESSEE's use of the Property. Such insurance shall name LESSOR as an additional insured/loss payee and shall be in an amount not less than \$1,000,000 and shall contain a provision that the policy shall not be terminated, amended or altered except upon 30 days prior written notice to LESSOR. LESSEE shall provide proof of such insurance no less frequently than annually.

LESSEE shall indemnify and hold LESSOR and all of LESSOR's affiliated companies, officers, directors and employees (all of such entities collectively being included in the term "LESSOR" for the purposes of this Paragraph) from and against any and all liability arising out of LESSEE's use of, or act or omission in connection with, the Premises. Such indemnification shall included but not be limited to reimbursing LESSOR for all damages, costs, fees (including attorneys' fees), expenses and claims made against LESSOR arising out of LESSEE's use of the Premises.

The obligation of LESSEE to indemnify LESSOR and hold LESSOR harmless shall survive the termination of this Lease Agreement.

Failure of the LESSEE to maintain insurance is grounds for termination of this Lease by the LESSOR.

**6. SUBLEASING.** LESSEE shall have the right to sublease the Premises under the terms and conditions contained herein subject to LESSOR's prior written consent, such consent not to be unreasonably withheld. In the event of such subleasing, LESSEE shall remain fully liable for all obligations under this Lease Agreement, such subleasing having no effect on LESSEE's obligations hereunder.

**7. TERMINATION.** LESSEE shall have the right to cancel this Lease upon thirty (30) days prior written notice to LESSOR if any of the following occur:

(a) LESSEE's billboard or structures on the Premises are or become entirely or substantially obscured or destroyed through no fault of LESSEE and LESSEE chooses not to repair said billboard, LESSEE to make such determination within thirty (30) days after the event causing the destruction or obscuration; failure to make such determination shall be deemed a waiver by LESSEE of such right to cancel.

(b) The Premises are or become unsafe for maintenance of LESSEE's billboard or structures, through no fault, act or omission of LESSEE;

(c) A permanent diversion of change of traffic occurs along the street or streets adjacent to, or leading past the Premises;

(d) LESSEE is prevented by a present or future law, regulation or ordinance from constructing or maintaining such billboard on the Premises.

(e) In the event a determination has been made to terminate this contract after thirty (30) days it will be the LESSEE's sole responsibility to remove the billboard and/or structures which have been damaged or obscured on the Premises.

(f) If LESSEE exercises their option to terminate under this provision; LESSEE has the full responsibility and duty to remove any billboard or structures erected on the premises: LESSOR, at LESSOR'S sole discretion may, in writing, within thirty (30) days of receiving notice from LESSOR of LESSOR'S decision to terminate, require any portion of the billboard and structures to remain.

**8. CONDITIONS PRECEDENT TO LEASE'S EFFECTIVENESS.** This Lease shall become effective and rental due hereunder only upon LESSEE's signing of this contract, which must be done within thirty (30) days of approval by the LESSOR. All necessary permits for the erection or maintenance of such signs and upon the erection of said signs as LESSEE may desire to construct or maintain on the Premises; provided however, if such permits are not obtained within sixty (60) days following the commencement of this lease, LESSOR shall have the unconditional right to terminate this Lease Agreement upon notice to LESSEE. Once such permits have been obtained, if they should subsequently be lost due to a failure of LESSEE or a desired change of use of the sign structures or Premises by LESSEE, rentals shall continue and shall not be abated.

**9. LESSOR'S COVENANTS.** LESSOR covenants to LESSEE that:

(a) It has the authority to make this Lease;

(b) It will not permit any other billboards to be erected on the Premises;

(c) LESSOR shall permit LESSEE reasonable access to the premises for the purpose of maintaining the billboard and the LOS.

(d) LESSOR shall process permits and request from the LESSOR in a prudent and timely manner.

(e) LESSOR shall grant to the LESSEE, when requested a right of way over LESSOR property for installation of electrical service. The right of way does not need to be the most direct path as the LESSOR may have other plans for use of the property.

**10. LESSEE'S COVENANTS.** LESSEE covenants to LESSOR that it will:

(a) Promptly pay rental as due pursuant to this Lease and abide by all of its terms and conditions;

(b) Keep all signs, structures, billboard, equipment and related property placed on the Premises and Property by LESSEE in good repair;

(c) Use reasonableness in its cutting and trimming of trees, bushes, brush or other vegetation upon the property;

(d) Use its best efforts to promptly attempt to procure all permits necessary for construction and maintenance of advertising structures on the Premises, all at LESSEE's sole cost and expense;

(e) Comply with all laws, regulations, ordinances and rules including but not limited to any and all environmental laws, rules and regulations, applicable to the construction, erection, maintenance, replacement and removal of billboards, sign structures and equipment used or placed on the Property.

(f) Not place in or on nor bring in or on to the Premises, any hazardous substance as such term is defined under state or federal law (whichever definition being more expansive).

(g) Not accept or place any advertising in or on any structure on the Property for any entity or activity which competes with LESSOR or any affiliated entity of LESSOR.

(h) Failure of the LESSEE to fulfill any of the above conditions is grounds for default.

**11. LESSOR'S RIGHT TO LEASE STRUCTURE(S).** LESSOR shall have the unconditional right, but not the obligation to lease the structure(s) which LESSEE is to place on the Premises on the same terms and conditions as any other licensee or tenant of LESSEE.

**12. CANCELLATION FOR CONFLICT OF INTEREST.** This CONTRACT may be cancelled pursuant to A.R.S. § 38-511, the pertinent provisions of which are fully incorporated herein by reference.

**13. STATUTORY REQUIREMENTS. E-verify requirements:** To the extent applicable under A.R.S. § 41-4401, LESSEE warrants compliance, on behalf of itself and any and all subcontractors, with all federal immigration laws and regulations that relate to their employees and compliance with the E-verify requirements under A.R.S. § 23-214(A). LESSEE'S breach of the above-mentioned warranty shall be deemed a material breach of the Agreement and the City may terminate the Agreement. The LESSOR retains the legal right to inspect the papers of CONTRACTOR who works on the Agreement to ensure that CONTRACTOR is complying with the above-mentioned warranty.

**Scrutinized Business Operations:** To the extent applicable under A.R.S. Title 35, Articles 7 through 9, LESSEE certifies that it does not have a scrutinized business operation in Sudan or Iran. For the purpose of this Section the term "scrutinized business operations" shall have the meanings set forth in LAWS 2008 CH. 1 or LAWS 2008 CH. 295, as applicable. If the City determines that any CONTRACTOR (working under the terms of this Agreement) submitted a false certification, the City may impose remedies as provided by law including terminating this Agreement.

**14. RIGHTS/OBLIGATIONS OF PARTIES ONLY.** The terms of this AGREEMENT are intended only to define the respective rights and obligations of the parties. Nothing expressed herein shall create any rights or duties in favor of any potential third party beneficiary or other person, agency or organization.

#### **15. MISCELLANEOUS PROVISIONS**

- a) The waiver by either party of a breach or violation of any provision of this Agreement shall not operate as or be construed to be a waiver of any subsequent breach hereof.
- b) No modification, amendment, addition to or termination of Agreement, nor waiver of any of its provisions, shall be valid or enforceable unless in writing and signed by all of the parties, except as herein otherwise provided.

- c) Agreement shall be binding on the parties, their distributees, legal representatives, successors and permitted assigns. Agreement is personal to each of the parties, and neither party may assign nor delegate any of its rights or obligations hereunder without first obtaining the written consent of the other party.
- d) Any and all notices required or permitted to be given under Agreement will be sufficient if furnished in writing, sent by registered mail to the address listed in this Agreement.
- e) In any action or proceeding brought by any party under this Agreement, the prevailing party shall be entitled to recover from the other party attorneys' fees, investigating costs, and other legal expenses and court costs incurred by such prevailing party in such action or proceeding as the court may find to be reasonable.
- f) The Agreement shall be interpreted, construed, and governed according to the laws of the State of Arizona with controlling jurisdiction in the Cochise County Superior Court.
- g) In the event that any one or more of the provisions contained in Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect other provisions hereof, and Agreement shall be construed as if such invalid, illegal or unenforceable provisions had never been contained herein.
- h) The paragraph or section headings contained in the Agreement are for convenience only and shall in no manner be construed as a part of Agreement.
- i) The Agreement constitutes the entire agreement between the parties and supersedes any prior understanding or written or oral agreements between the parties respecting the within subject matter of the scope of work contained herein.
- j) Each party which is a signatory to Agreement has full authority to enter into this Agreement.

**16. REVIEW BY LEGAL COUNSEL.** Legal counsel for the LESSOR shall review and approve this AGREEMENT as to form as required pursuant to A.R.S. § 11-952(D).

**17. NOTICE INFORMATION.**

Changes in the respective contact person, contact address, or other contact information to which such notices may be directed may be made from time to time by either party by written notice to the other party in accordance with the provisions of this section.

**IN WITNESS WHEREOF**, the CITY OF WILLCOX, COCHISE COUNTY, ARIZONA has formally approved this LEASE AGREEMENT and has authorized its execution pursuant to Resolution No. 2012-\_\_\_\_\_.

LANDLORD - CITY OF WILLCOX, COCHISE COUNTY, ARIZONA

By: \_\_\_\_\_

Its: \_\_\_\_\_

Printed Name of Landlord Signatory:

Address: \_\_\_\_\_

\_\_\_\_\_

Tel No: (    ) \_\_\_\_\_

SS or Tax ID No: \_\_\_\_\_

\_\_\_\_\_ Date

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Clerk, Cristina Garcia Whelan, CMC

\_\_\_\_\_  
City Attorney, Hector M. Figueroa

\_\_\_\_\_  
Leigha Burris, Farmers Insurance

Date

**IN WITNESS WHEREOF**, Farmers Insurance Group, Leigha Burris has formally approved this LEASE AGREEMENT and has authorized its execution.



**CITY OF WILLCOX  
Request for Council Action**

Agenda Item: 20  
Tab Number: 14  
Date: 05-21-2012

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**Date Submitted:**  
May 14, 2012  
**Date Requested:**  
May 21, 2012

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**Action:**  
 Resolution  
 Ordinance  
 Formal  
 Other

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**Subject:**  
Resolution to Rescind  
Resolution NO. 2011-  
77 with the State of  
Arizona for Side Walk  
Project

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**To: Honorable Mayor and City Council**

**From: Public Services & Works, Streets Section**

**Discussion:** On September 19, 2011 Resolution NO. 2011-077 was passed to enter an agreement for a side walk project with the State of Arizona. The City of Willcox would need to match the state funding with at least \$35,758.00. The project is not scheduled to be funded until the year 2016. By this time the funding from the State may have changed. From the current outlook it is tending to look worse. This in turn would mean the City would have to match more of the funding. The State is also recommending that municipalities plan for a 20% Contingency for State Projects. Staff has attended trainings for funding of State Funding Projects. Staff has concluded that the information, paperwork and requirements needed for these types of projects are not cost effective for our community.

**Recommendation:** At this time with the budget constraints as they are, we are recommending we rescind the agreement with the State of Arizona previously adopted Resolution NO. 2011-077.

**Fiscal Impact: \$0**

Prepared By: Gary A. Adams  
Gary Adams, Street's Supervisor

Approved By: Dave Bonner  
Dave Bonner, Public Services & Works Director

Approved By: Pat McCourt  
Pat McCourt, City Manager



**CITY OF WILLCOX, COCHISE COUNTY, ARIZONA**  
**RESOLUTION NO: 2012-40**

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**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA [“CITY”] RESCINDING RESOLUTION NO. 2011-77 RELATING TO THE INTERGOVERNMENTAL AGREEMENT (“IGA /JPA 11-042-I”) WITH THE STATE OF ARIZONA (“STATE”) THROUGH THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR THE SHARED USE PATH PROJECT, AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.**

**WHEREAS**, pursuant to A.R.S. §§ 9-240 and 11-952 through 11-954, the CITY and the STATE are empowered to enter into agreements with the county, the state and federal governments and agencies; and

**WHEREAS**, the Department of Transportation (“ADOT”) is duly authorized by A.R.S. § 28-401 to enter into this Agreement and has delegated to its signatory the authority to execute this Agreement on behalf of the State; and

**WHEREAS**, the CITY is duly authorized by A.R.S. § 48-572 to enter into IGA /JPA 11-042-I and has by Resolution No: 2011-77 approved and adopted the Agreement on behalf of the CITY on September 19, 2011; and

**WHEREAS**, pursuant to the terms of the IGA/JPA 11-042-I”, the CITY had agreed to designate the STATE/ADOT as authorized agent (“AGENT”) and would have to provide a \$35,758.00 match plus set-aside a 20% Contingency for State Projects; and

**WHEREAS**, the Mayor and Council have determined that it is in the best interest of the City and its citizens to **Rescind Resolution No: 2011-77** due to new funding requirements that render the project not to be cost effective considering the City’s budget constraints; and

**WHEREAS**, the Mayor and Council desire to have this item presented at the next Council Meeting on May 21<sup>st</sup>, 2012; and

**WHEREAS**, it is necessary for the preservation of the peace, health, and safety of the City of Willcox, Cochise County, Arizona, that an emergency be declared to exist to assure that Resolution No. 2011-77 is timely rescinded, and that this Resolution be effective immediately upon its passage and adoption.

**BE IT RESOLVED** by the Mayor and Council of the City of Willcox, Cochise County, Arizona, as follows:

Section 1: Based on the new circumstances outlined above, the CITY hereby **rescinds Resolution No. 2011-77** that approved and adopted **IGA/JPA 11-042-I**.

Section 2: City Staff are directed and authorized to take necessary action to carry out the intent of this Resolution.

Section 3: The Mayor is authorized to execute this Resolution.

**BE IT FURTHER RESOLVED** by the Mayor and Council that, due to an existing emergency declared herein, the immediate effectiveness of this Resolution is necessary to preserve the peace, health, and safety of the City of Willcox, Cochise County, Arizona, and this Resolution shall therefore be effective upon its passage and adoption.

**PASSED AND ADOPTED** by the Mayor and Council of the City of Willcox, Cochise County, Arizona this \_\_\_\_\_ day of May, 2012

APPROVED/EXECUTED

\_\_\_\_\_  
MAYOR, GERALD W. LINDSEY (or)  
VICE-MAYOR, MONIKA S. CRONBERG

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Clerk, Cristina Garcia Whelan, CMC

\_\_\_\_\_  
City Attorney, Hector M. Figueroa, Esq.

**RESOLUTION NO: 2012-40**

**CITY OF WILLCOX, COCHISE COUNTY, ARIZONA**  
**RESOLUTION NO: 2011-77**

---

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA [“CITY”] APPROVING AND ADOPTING THE INTERGOVERNMENTAL AGREEMENT (“IGA /JPA 11-042-I”) WITH THE STATE OF ARIZONA (“STATE”) THROUGH THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR THE SHARED USE PATH PROJECT, AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.**

**WHEREAS**, pursuant to A.R.S. §§ 9-240 and 11-952 through 11-954, the CITY and the STATE are empowered to enter into agreements with the county, the state and federal governments and agencies; and

**WHEREAS**, the Department of Transportation (“ADOT”) is duly authorized by A.R.S. § 28-401 to enter into this Agreement and has delegated to its signatory the authority to execute this Agreement on behalf of the State; and

**WHEREAS**, the CITY is duly authorized by A.R.S. § 48-572 to enter into this Agreement and has by Resolution, a copy of which is attached hereto and made part hereof, resolved to enter this Agreement on behalf of the CITY; and

**WHEREAS**, the CITY has selected an eligible project category of Transportation Enhancement within the boundary of the CITY (Arizona Ave. and Rex Allen Drive to Maley Street and South on Haskell Ave. in Willcox, Arizona); and

**WHEREAS**, the project consists of constructing concrete sidewalk on both sides of Arizona Ave. and ADA compliant ramps from Rex Allen Drive South on Haskell Ave.; and

**WHEREAS**, pursuant to the terms of the IGA/JPA 11-042-I”, the CITY has agreed to designate the STATE/ADOT as authorized agent (“AGENT”) for the CITY; and

**WHEREAS**, the Mayor and Council of the City of Willcox, Cochise County, Arizona have determined that it is in the best interest of the City and its citizens to approve and adopt the IGA/JPA 11-042-I: and

**WHEREAS**, the Mayor and Council desire to have this item presented at the next Council Meeting on September 19, 2011; and

**WHEREAS**, it is necessary for the preservation of the peace, health, and safety of the City of Willcox, Cochise County, Arizona, that an emergency be declared to exist to assure timely approval of the **IGA/JPA 11-042-I** and initiation of the bid process, and that this Resolution be effective immediately upon its passage and adoption.

**BE IT RESOLVED** by the Mayor and Council of the City of Willcox, Cochise County, Arizona, as follows:

Section 1: The CITY hereby approves and adopts the **IGA/JPA 11-042-I** as presented.

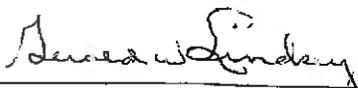
Section 2: City Staff are directed and authorized to take necessary action to carry out the intent of this Resolution.

Section 3: The Mayor is authorized to execute this Resolution.

**BE IT FURTHER RESOLVED** by the Mayor and Council that, due to an existing emergency declared herein, the immediate effectiveness of this Resolution is necessary to preserve the peace, health, and safety of the City of Willcox, Cochise County, Arizona, and this Resolution shall therefore be effective upon its passage and adoption.

**PASSED AND ADOPTED** by the Mayor and Council of the City of Willcox, Cochise County, Arizona this 19<sup>th</sup> day of September, 2011

APPROVED/EXECUTED

  
\_\_\_\_\_  
MAYOR, GERALD W. LINDSEY

ATTEST:

  
\_\_\_\_\_  
Acting City Clerk, Pat McCourt

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney, Hector M. Figueroa, Esq.

**RESOLUTION NO: 2011-77**

ADOT File No.: IGA/JPA 11-0421  
AG Contract No.: P001 2011 002813  
Project: Shared Use Path  
Section: Arizona Avenue from Haskell  
Avenue to Malley Street  
Project No.: TEA-WLX-0(203)A  
TRACS No.: SL719 01D/01C  
COG/MPO TIP Item No.: SEAGO TIP  
2011-14 Amendment 1  
Budget Source Item No.: TE/LOCAL

## INTERGOVERNMENTAL AGREEMENT

BETWEEN  
THE STATE OF ARIZONA  
AND  
THE CITY OF WILLCOX

**THIS AGREEMENT** is entered into this date PLEASE DO NOT ENTER, 2011, pursuant to the Arizona Revised Statutes § 11-951 through § 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the CITY OF WILLCOX, acting by and through its MAYOR and CITY COUNCIL (the "City"). The State and the City are collectively referred to as "Parties".

### I. RECITALS

1. The State is empowered by Arizona Revised Statutes § 28-401 to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of the State.
  2. The City is empowered by Arizona Revised Statutes § 48-572 to enter into this Agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the City.
  3. Congress has authorized appropriations for, but not limited to, twelve eligible categories of Transportation Enhancement (TE) activities and TE funds have been requested from the Federal Highway Administration (FHWA) through the State for a project within the boundary of the City.
  4. Such project lies within the boundary of the City and has been selected by the City. The plans, estimates and specifications will be prepared and, as required, submitted to the State and Federal Highway Administration (FHWA) for its approval.
  5. The City, in order to obtain Federal funds for the construction of the project, is willing to provide City funds to match Federal funds in the ratio required or as finally fixed and determined by the City and FHWA, including actual construction engineering and administration costs (CE).
  6. The interest of the State in this project is the acquisition of Federal funds for the use and benefit of the City and to authorize such Federal funds for the project pursuant to Federal law and regulations. The State shall be the designated agent for the City.
-

## II. SCOPE OF WORK

### 1. The State will:

a. Upon execution of this Agreement, and prior to performing or authorizing **any** work, invoice the City for State's design review fee, currently estimated at \$3,000.00. Once the Project costs have been finalized, the State will either invoice or reimburse the City for the difference between estimated and actual costs.

b. Upon receipt of the design review fee, submit all documentation required to the Federal Highway Administration (FHWA) containing the above-mentioned Project with the recommendation that funding be approved for scoping and design. The Project will be performed, completed, accepted and paid for in accordance with the requirements of the Project plans and specifications.

c. On behalf of the City, review and approve documents required by Federal Highway Administration (FHWA) to qualify certain projects for and to receive Federal funds. Such documents may consist of, but are not specifically limited to, environmental documents; the preparation of the analysis requirements for documentation of environmental categorical exclusion determinations; review of reports, design plans, maps, and specifications; geologic materials testing and analysis; right-of-way related activities and such other related tasks essential to the achievement of the objectives of this Agreement. Incorporate comments from the City as appropriate.

d. Upon execution of this agreement, authorization for the scoping and design of this Project, notify the City that they may proceed to advertise for, receive and open bids, enter into contracts(s) with a firm(s) to whom the award is made, using federal procurement procedures for the scoping and design of the Project. Should costs exceed the maximum Federal funds available, it is understood and agreed that the City will be responsible for any overage. Any expenditure incurred prior to the date of authorization by the FHWA is not eligible for reimbursement.

e. Within thirty (30) days of receipt of approved invoices, no more than monthly, reimburse the City for eligible costs incurred for scoping and design with Federal TEA funds at 94.3% of actual incurred and eligible costs. Actual costs are not to exceed the federal amounts shown above in Recital 7 of this Agreement, unless changed by amendment to this Agreement.

f. Upon acceptable completion of the scoping and design of this project, submit all documentation required to the Federal Highway Administration (FHWA) containing the above-mentioned Project with the recommendation that funding be approved for construction. The Project will be performed, completed, accepted and paid for in accordance with the requirements of the Project plans and specifications.

g. Upon approval and authorization by FHWA, and with the aid and consent of the City and the FHWA, notify the City that they may proceed to advertise for, receive and open bids, enter into contracts(s) with a firm(s) to whom the award is made, using federal procurement procedures for the construction of the Project. Should costs exceed the maximum Federal funds available, it is understood and agreed that the City will be responsible for any overage. Any expenditure incurred prior to the date of authorization by the FHWA is not eligible for reimbursement.

h. Not be obligated to maintain said Project, should the City fail to budget or provide for proper and perpetual maintenance as set forth in this Agreement.

### 2. The City will:

a. Upon execution of this Agreement designate the State as authorized agent for the City for scoping, design and construction of this Project.

j. Copy Arizona Department of Transportation's (ADOT) Transportation Enhancement Section on any addendums issued during bidding and change orders issued during construction. Addendums and change orders unrelated to the Transportation Enhancement Project and adding new work that is beyond the originally-approved Project scope requiring amendments to clearances (utility, right-of-way, or environmental) are subject to prior ADOT/FHWA approval.

k. Coordinate with the Contractor for collecting federal labor compliance documentation (including, but not limited to, DBE, EEO, Davis-Bacon, and OJT as applicable) and compliance with the Buy America Act. Ensure that documentation is being appropriately collected in accordance with the Federal Aid process and recorded and filed for potential auditing purposes. Ensure that the Contractor posts the required federal posters and performs DBE compliance reporting to ADOT's Civil Rights Office.

l. Be obligated to incur any expenditure should unforeseen conditions or circumstances increase the cost of said work required by a change in the extent of scope of the work requested by the City. Such changes require the prior approval of the State and FHWA. Be responsible for any contractor claims for additional compensation caused by Project delays attributable to the City. Payment for these costs shall be made within thirty (30) days of receipt of an invoice from the State.

m. Provide for cost and, as an annual item in the City's budget, proper maintenance of the all Project components, cited in Recital 7 of this Agreement, including, but not limited to, maintaining and repairing landscape surfaces.

n. Provide a letter from its project manager or other responsible engineering official, along with the final billing, that the work on the Project is complete and has been considered acceptable, and the Federal project is ready to be closed. Accept and maintain full responsibility of Project improvements.

o. Provide a set of as-built plans upon completion of the construction phase of the Project. An electronic version of the as-built plans shall be forwarded to Arizona Department of Transportation Enhancement Section.

p. Pursuant to 23 USC 102(b), repay all Federal funds reimbursements for preliminary engineering costs on the Project if it does not advance to right of way acquisition or construction within ten (10) years after Federal funds were first made available.

### **III. MISCELLANEOUS PROVISIONS**

1. The terms, conditions and provisions of this Agreement shall remain in full force and effect until completion of said project and related deposits or reimbursement, except any provisions for maintenance shall be perpetual, unless assumed by another competent entity. Further, this Agreement may be cancelled at any time prior to the award of the project construction contract, upon thirty days (30) written notice to the other party. It is understood and agreed that, in the event the City terminates this Agreement, the State shall in no way be obligated to maintain said Project.

2. The State assumes no financial obligation or liability under this Agreement, or for any resulting construction Project. The City, in regard to the City's relationship with the State only, assumes full responsibility for the design, plans, specifications, reports, the engineering in connection therewith and the construction of the improvements contemplated, cost over-runs and construction claims. It is understood and agreed that the State's participation is confined solely to securing federal aid on behalf of the City and the fulfillment of any other responsibilities of the State as specifically set forth herein; that any damages arising from carrying out, in any respect, the terms of this Agreement or any modification thereof shall be solely the liability of the City and that to the extent permitted by law, the City hereby agrees to save and hold harmless, defend and indemnify from loss the State, any of its departments, agencies, officers or employees from any and all costs and/or damage incurred by any of the above and from any other damage to any person or property whatsoever, which is caused by any activity, condition,

Arizona Department of Transportation  
Joint Project Administration  
205 S. 17<sup>th</sup> Avenue, Mail Drop 637E  
Phoenix, Arizona 85007  
(602) 712-7124  
(602) 712-3132 Fax

**City of Willcox**  
Attn: Gary Adams  
250 N. Railroad Avenue  
Willcox, Arizona 85643  
(520) 766-4216  
(520) 384-3993 Fax

ADOT Transportation Enhancement & Scenic  
Roads Section  
1615 W. Jackson St. MD EM10  
Phoenix, AZ 85007  
(602) 712-6258  
(602) 712-3347 Fax

**For City Financial Matters:**  
Vendor Number: 866000270  
Ruth Graham  
Director of Finance  
101 S. Railroad Avenue  
Willcox, Arizona 85643  
(520) 766-4202

14. Compliance requirements for Arizona Revised Statutes § 41-4401—immigration laws and E-Verify requirement.

a. The City warrants compliance with all Federal immigration laws and regulations relating to employees and warrants its compliance with Arizona Revised Statutes § 23-214(A).

b. A breach of a warranty regarding compliance with immigration laws and regulations shall be deemed a material breach of the contract, and the City may be subject to penalties up to and including termination of the Agreement.

c. The State retains the legal right to inspect the papers of any employee who works on the Project to ensure that the City or subcontractor is complying with the warranty under paragraph (a).

15. Pursuant to Arizona Revised Statutes § 35-391.06 and § 35-393.06, each Party certifies that it does not have a scrutinized business operation in Sudan or Iran. For the purpose of this Section the term "scrutinized business operations" shall have the meanings set forth in Arizona Revised Statutes § 35-391 and/or § 35-393, as applicable. If any Party determines that another Party submitted a false certification, that Party may impose remedies as provided by law including terminating this Agreement.

16. The Parties hereto shall comply with all applicable laws, rules, regulations and ordinances, as may be amended.

17. In accordance with Arizona Revised Statutes § 11-952 (D) attached hereto and incorporated herein is the written determination of each party's legal counsel and that the parties are authorized under the laws of this State to enter into this Agreement and that the Agreement is in proper form.

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**CITY OF WILLCOX, COCHISE COUNTY, ARIZONA**

**RESOLUTION NO: 2012-41**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE  
CITY OF WILLCOX, COCHISE COUNTY, ARIZONA, DECLARING  
AND ADOPTING THE RESULTS OF THE GENERAL ELECTION HELD  
ON MAY 15, 2012**

**WHEREAS**, the City of Willcox, Cochise County, Arizona did hold a General Election on the 15<sup>th</sup> day of May 2012 for the election of one (1) Council member; and

**WHEREAS**, the election returns have been presented to and canvassed by the Willcox City Council.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the City of Willcox, Cochise County, Arizona, as follows:

**SECTION 1:** That the total number of ballots cast at said General Election, as shown by the poll lists, was 263.

**SECTION 2:** That the number of ballots to be verified (Provisional Ballots) was 5 and that voters found to be ineligible was 1.

**SECTION 3:** That the votes cast for the candidates for council member were as follows:

<u>Name</u>	<u>Vote Totals</u>
<u>Linda Sue Ball</u>	<u>34</u>
<u>Richard Bennett</u>	<u>02</u>
<u>William "Bill" Nigh</u>	<u>118</u>
<u>Wm. Kelly Rowden</u>	<u>105</u>

**SECTION 4:** That it is hereby found, determined and declared of record that the following candidates did receive the highest total number of valid votes cast and is hereby issued a certificate of election:

William "Bill" Nigh

**SECTION 5:** This resolution shall be in full force and effect immediately upon its adoption.

**PASSED AND ADOPTED BY** the Mayor and Council of the City of Willcox, Arizona,  
this \_\_\_\_\_ day of May, 2012.

**APPROVED/EXECUTED:**

\_\_\_\_\_  
MAYOR, GERALD W. LINDSEY (or)  
VICE MAYOR, MONIKA S. CRONBERG

ATTEST:

\_\_\_\_\_  
City Clerk, Cristina Garcia Whelan, CMC

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney, Hector M. Figueroa, Esq.

**RESOLUTION NO. 2012-41**



# COCHISE COUNTY ELECTIONS / SPECIAL DISTRICTS

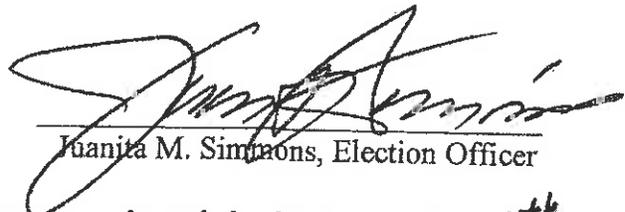
P.O. Box 223 Bisbee, Arizona 85603 FAX: (520) 432-8995

## CERTIFICATION OF CANVASS MAY 15, 2012 CONSOLIDATED ELECTION CITY OF WILLCOX

I, the undersigned, being an Election Officer of Cochise County, do hereby certify, that attached hereto is a true and correct copy of the Official Results for the May 15, 2012 City of Willcox Election that has been filed in the records of the Cochise County Elections/Special Districts Office.

	<b>Voter Registration:</b>	<b>Ballots Processed:</b>	<b>Ballots Rejected: Early &amp; Precinct</b>
City of Willcox	1692	263	0

State of Arizona  
County of Cochise

  
Juanita M. Simmons, Election Officer



This instrument was acknowledged before me this 16<sup>th</sup> day  
of MAY, 2012 by Juanita M. Simmons

  
Notary Public

My commission will expire: OCT. 14, 2014



Cochise County  
Consolidated Election  
May 15, 2012  
Provisional Ballot Report

<u>Number/Name</u>	<u># Of Provisional Ballots</u>	<u># Rejected</u>	<u>Verified for Tally</u>
CITY OF WILLCOX	5	1	4
REJECTED BALLOT-1			



**Cochise County  
Consolidated Election  
May 15, 2012  
Early Ballot Report**

<u>Number/Name</u>	<u># Of Early Ballots</u>	<u># Rejected</u>	<u>Verified for Tally</u>
CITY OF WILLCOX	171	0	171

**CONSOLIDATED ELECTION**  
**Elección Consolidada**  
**May 15, 2012/día 15 de mayo, 2012**  
**Official Write-in Candidate Results**  
**Resultados Oficiales de Votación Por Escrito del Candidato**

**CITY OF WILCOX**

**COUNCIL MEMBER – MIEMBRO DEL CONCEJO**

(Vote for not more than 1)  
 (Vote por no más de 1)

	TOTAL VOTES	PRECINCT	PROVISIONAL	EARLY
<b>BALL, LINDA SUE</b>	34	21	0	13
<b>BENNETT, RICHARD</b>	02	0	0	02
<b>ROWDEN, WM. KELLY</b>	105	54	4	47

OFFICIAL RESULTS

COCHISE COUNTY  
CONSOLIDATED ELECTION  
MAY 15, 2012

PREC/PROV/EARLY

RUN DATE:05/16/12 03:12 PM

REPORT-EL30A PAGE 001

0002 City of Willcox

	TOTAL VOTES	%	PRECINCT	PROVISIONAL	EARLY
REGISTERED VOTERS - TOTAL	1,692				
BALLOTS CAST - TOTAL	263		88	4	171
VOTER TURNOUT - TOTAL		15.54			

Council-City of Willcox CITY OF WILLCOX COUNCIL MEMBER

Vote for not more than 1

NIGH, WILLIAM BILL.	118	45.21	13	0	105
WRITE-IN.	143	54.79	75	4	64
Over Votes	0		0	0	0
Under Votes	2		0	0	2

JURISDICTIONAL CANVASS  
RUN DATE:05/16/12 03:15 PM

VOTES PERCENT

VOTES PERC

01 \*\* BALLOTS CAST

263

Council-City of Willcox CITY OF WILLCOX COUNCIL MEMBER

Vote for not more than 1

02 = NIGH, WILLIAM BILL

118 45.21

03 = WRITE-IN

143 54.

-----  
01 02 03  
-----

0002 City of Willcox

263 118 143

CITY OF WILLCOX  
REQUEST FOR COUNCIL ACTION

Agenda Item   22    
Tab Number   16    
Date:   5/16/2012  

<u>Date Submitted:</u>  May 16, 2012	<u>Action:</u>  <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Formal <input type="checkbox"/> Consideration	<u>Subject:</u>  FY13 RATES FOR THE WASTE WATER UTILITY
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TO:           MAYOR AND COUNCIL  
FROM:        Finance Director Ruth Graham

DISCUSSION:

The City of Willcox operates a Waste Water Utility. As a part of its ongoing responsibility to operate the utilities in a business-like manner and to maintain a reserve balance for operations and capital investment needs, the City is reviewing its rates for services for the upcoming Fiscal Year 2012-2013 (FY13).

The Waste Water Utility operations are maintained as an Enterprise Fund; what this means is that the cost of operation is supported by user fees. Annual rate reviews consider the revenues, expenses and capital needs for each utility and make recommendations for utility rates for the upcoming year. The expenses consist of the amounts required for operation, maintenance, system updates, renewals and replacement of properties, and payments of principal and interest on indebtedness, if any. It is also necessary to establish and maintain reserves. There are normal increases in costs due to the cost of labor, equipment, etc. These are usually referred to as cost of living increases. Under our rate structure, in the absence of Council action on the rates, an annual cost of living adjustment will automatically be applied. The FY13 proposed rates do not include an automatic CPI adjustment.

Staff has prepared an analysis of the revenues and expenses for the Waste Water Utility. The rates include two components: a fixed cost and a variable (usage) cost. On the customer's bill the fixed and variable charges are lumped together into one amount. The fixed portion of the cost is the base rate; the variable portion is determined by the customer's winter water use.

The public has had notice of the proposed Waste Water Utility rates and charges as presented. On March 13, 2012, notice was posted on the City website of the annual rate review for the City utilities. The Council adopted the Notice of Intention to Increase Rates or Charges on April 2<sup>nd</sup>. Work sessions have been held with the Council. Public hearings were held May 7<sup>th</sup> and May 21<sup>st</sup> to solicit public comment.

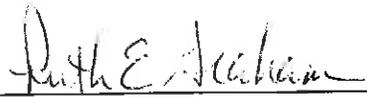
Staff is recommending that the City Council adopt the Rates and Charges of the Waste Water Utility of the City of Willcox as shown on Exhibit A attached to the Resolution. If the recommendation is adopted by the Council the FY13 rates shown in Exhibit A will be effective on July 1, 2012.

**RECOMMENDATION:**

Motion to Approve Resolution No. 2012-\_\_\_\_ to adopt the FY13 Waste Water System Rates and Charges (as shown on Exhibit A) Effective July 1, 2012.

Submitted by:

Approved by:



Ruth Graham, Finance Director



Pat McCourt, City Manager

**CITY OF WILLCOX, COCHISE COUNTY, ARIZONA  
RESOLUTION NO. 2012-42**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF  
WILLCOX, ARIZONA APPROVING AND ADOPTING THE  
INCREASED RATES AND CHARGES FOR THE WASTE WATER  
UTILITY OF THE CITY OF WILLCOX AND SETTING AN EFFECTIVE  
DATE.**

**WHEREAS**, the Mayor and Council of the City of Willcox make the following findings:

(a) The City of Willcox, Arizona (the "CITY") has the requisite statutory authority to engage in any business or enterprise which may be engaged in by persons by virtue of a franchise from the municipal corporation, and may construct, purchase, acquire, own and maintain within or without its corporate limits any such business or enterprise pursuant to the provision of A.R.S. § 9-511 et seq.

(b) The CITY has the requisite statutory authority to provide Gas, Water, Wastewater and Solid Waste Services for the benefit of the property owners and users within and without the City's corporate boundaries pursuant to the provision of A.R.S. § 9-511 et seq.

(c) The Mayor and Council are required to adopt a notice of intention to increase rates and charges for Gas, Water, Wastewater and Solid Waste Utilities, provide notification on the City's home page website and to set a date for a public hearing on the proposed increases in accordance with A.R.S. §§ 9-511.01 and 9-499.15

(d) The Mayor and Council adopted the required Notice of Intention pursuant to **Resolution 2012-28** and conducted the first Public Hearing on **May 7<sup>th</sup>, 2012** and the second Hearing on **May 21<sup>st</sup>, 2012** on the increased rates and charges at which time oral and written comments were received on the proposed increases.

(e) A copy of the proposed increased rates and charges was made available to the public by filing a copy in the office of the City Clerk at least 30 days prior to the hearing. The Notice of Intention was published one time in a newspaper of general circulation within the boundaries of the City not less than 20 days prior to said hearing.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF WILLCOX,  
COCHISE COUNTY, ARIZONA, AS FOLLOWS:**

Section 1: That approval and adoption of the Waste Water Increased Rates/Charges as described Exhibit "A" are in the best interests of the residents of the City of Willcox.

Section 2: That the City of Willcox formally approves and adopts the Waste Water System Increased Rates/Charges as presented and as outlined in Exhibit "A" attached hereto.

Section 3: That the City of Willcox Waste Water Increased Rates/Charges shall be in full force and effect on July 1, 2012 after formal adoption and passage of this Resolution by Mayor and Council pursuant to A.R.S. § 9-511.01.

Section 4: The Mayor is authorized and empowered to execute this Resolution and City staff are authorized and directed to carry out the intent of **Resolution No. 2012-42**.

**PASSED, ADOPTED AND APPROVED**, by the Mayor and City Council of the City of Willcox, Cochise County, Arizona, on this \_\_\_\_\_ day of May, 2012.

**APPROVED/EXECUTED**

\_\_\_\_\_  
MAYOR, GERALD W. LINDSEY (or)  
VICE MAYOR, MONIKA S. CRONBERG

ATTEST:

\_\_\_\_\_  
City Clerk, Cristina Garcia Whelan, CMC

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney, Hector M. Figueroa, Esq.

**RESOLUTION NO. 2012-42**

EXHIBIT A  
CITY OF WILLCOX, ARIZONA  
WASTE WATER SYSTEM  
RATES AND CHARGES EFFECTIVE JULY 1, 2012

Section 1. Monthly Availability Meter Charge based upon size of Water Service:				
Customer Type	Meter Size	Rate Code	FY12 Meter Charge	FY13 Meter Charge
Residential	3/4" or less	501	\$ 18.99	\$ 19.94
Residential	1"	502	\$ 25.82	\$ 27.11
Commercial	3/4" or less	520	\$ 27.61	\$ 28.99
Commercial	1"	521	\$ 34.46	\$ 36.18
Commercial	1 1/2"	522	\$ 51.68	\$ 54.26
Commercial	2"	523	\$ 72.31	\$ 75.93
Commercial	3"	524	\$ 137.77	\$ 144.66
Commercial	4"	525	\$ 224.00	\$ 235.20

Section 2. Unit Usage Charge based on Thousand Gallon Units (MG):	
All Customers	\$ 2.724830

**Section 3. Annual Usage Rate Adjustment based on three month Winter Average:**

The Current Usage Rate shall be based upon the volume of water usage during the billing cycles for December, January, and February each year. Water usage will be totaled and divided by three (3) to provide an average usage for computing the Sewer usage rate for each customer. This new average usage will remain unchanged throughout the ensuing year. Documentation of unusual circumstances (i.e. leaks) may be used by City Manager to adjust annual usage. The adjustment for Annual Usage shall be effective as of April 1st. New customers or sewer locations, or customers whose water is provided by a well, will be charged the average base rate and usage for that class of customers.

**Section 4. Annual Adjustment based on the Change in the Consumer Price Index:**

Unless acted upon by the City Council, the rates listed in Section 1, 2 and 3 of this Resolution shall be adjusted effective July 1st of each year, with July 1, 2012 being the date of the first adjustment. The rates shall be adjusted by taking the monthly Meter Charge Availability charges and the per unit Usage Charges for the most recent period and multiplying those rates by the annual change in the Consumer Price Index - All Urban Consumers - U.S. City Average (CPI) as published by the Bureau of Labor Statistics for the period from January 1st of the preceding year to January 1st of the current year.

**RESOLUTION NO. 2012-\_\_\_\_\_**



CITY OF WILLCOX  
REQUEST FOR COUNCIL ACTION

Agenda Item 23  
Tab Number 17  
Date: 5/21/2012

<u>Date Submitted:</u>	<u>Action:</u>	<u>Subject:</u>
May 16, 2012	<input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Formal <input type="checkbox"/> Consideration	FY13 RATES FOR THE GAS UTILITY

TO: MAYOR AND COUNCIL  
FROM: Finance Director Ruth Graham

DISCUSSION:

The City of Willcox operates a Gas Utility. As a part of its ongoing responsibility to operate the utilities in a business-like manner and to maintain a reserve balance for operations and capital investment needs, the City is reviewing its rates for services for the upcoming Fiscal Year 2012-2013 (FY13).

The Gas Utility operations are maintained as an Enterprise Fund; what this means is that the cost of operation is supported by user fees. Annual rate reviews consider the revenues, expenses and capital needs for each utility and make recommendations for utility rates for the upcoming year. The expenses consist of the amounts required for operation, maintenance, system updates, renewals and replacement of properties, and payments of principal and interest on indebtedness, if any. It is also necessary to establish and maintain reserves. There are normal increases in costs due to the cost of labor, equipment, etc. These are usually referred to as cost of living increases. Under our rate structure, in the absence of Council action on the rates an annual cost of living adjustment will automatically be applied.

Staff has prepared an analysis of the revenues and expenses for the gas utility. The rates include three components: a fixed cost, a variable (usage) cost, and a fuel rate. On the customer's bill the charges are lumped together into one amount.

The fixed portion of the cost is the base rate. When a new gas meter is installed at a new site, the customer pays for the cost of the new meter. The meter then becomes the property and responsibility of the City for maintenance and replacement. Meters wear out, and the City maintains a schedule for meter replacements at the City's expense. The Fuel Rate is a variable fee which changes each month. This fee is designed to reflect the cost of natural gas and delivery charges of natural gas to the City that is passed through to the customers. Therefore the amount paid by a customer from one month to the next month may change even if they use the exact same amount of gas. A variable fee

is charged per thousand cubic feet (MCF) of gas used. This component has one price for in town customers and a second price (an additional \$0.644/MCF) for out of town customers.

The gas meter charge is a fixed or base fee that is currently \$11.01 per month regardless of the meter size. That is an unusual system; normally meter rates are graduated based on the size and cost of the meter. The current gas system revenues generated by the fixed and variable fees are less than the fixed costs of the operation. There is a shortage of approximately \$70,000 per year. The current fixed fee charged to the largest meter is not sufficient to pay the replacement cost of the largest meter (changed every ten years). To address that shortage, the proposed FY13 gas rates apply a graduated base rate that increases as the size of the gas meter increases. The current base rate of \$11.01 will increase to \$12.01 for residential meters. For those commercial customers with larger gas meters, the base rate will range from \$21.01 to \$126.01. The cost of the gas will continue to be passed through to customers directly with a fixed service fee per unit, and the cost of gas on customers' bill will continue to be adjusted monthly to reflect the price paid by the City.

The public has had notice of the proposed rates and charges. On March 13, 2012, notice was posted on the City website of the annual rate review for the City utilities. The Council adopted the Notice of Intention to Increase Rates or Charges on April 2<sup>nd</sup>. Work sessions have been held with the Council. Public hearings were held May 7<sup>th</sup> and May 21<sup>st</sup> to solicit public comment.

Staff is recommending that the City Council adopt the Rates and Charges of the Gas Utility of the City of Willcox as shown on Exhibit A attached to the Resolution. If the recommendation is adopted by the Council the FY13 rates shown in Exhibit A will be effective on July 1, 2012.

**RECOMMENDATION:**

Motion to Approve Resolution No. 2012-\_\_\_\_\_ to adopt the FY13 Gas System Rates and Charges (as shown on Exhibit A) Effective July 1, 2012.

Submitted by:



Ruth Graham, Finance Director

Approved by:



Pat McCourt, City Manager

**CITY OF WILLCOX, COCHISE COUNTY, ARIZONA  
RESOLUTION NO. 2012-43**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF  
WILLCOX, ARIZONA APPROVING AND ADOPTING THE  
INCREASED RATES AND CHARGES FOR THE GAS UTILITY OF THE  
CITY OF WILLCOX AND SETTING AN EFFECTIVE DATE.**

**WHEREAS**, the Mayor and Council of the City of Willcox make the following findings:

(a) The City of Willcox, Arizona (the "CITY") has the requisite statutory authority to engage in any business or enterprise which may be engaged in by persons by virtue of a franchise from the municipal corporation, and may construct, purchase, acquire, own and maintain within or without its corporate limits any such business or enterprise pursuant to the provision of A.R.S. § 9-511 et seq.

(b) The CITY has the requisite statutory authority to provide Gas, Water, Wastewater and Solid Waste Services for the benefit of the property owners and users within and without the City's corporate boundaries pursuant to the provision of A.R.S. § 9-511 et seq.

(c) The Mayor and Council are required to adopt a notice of intention to increase rates and charges for Gas, Water, Wastewater and Solid Waste Utilities, provide notification on the City's home page website and to set a date for a public hearing on the proposed increases in accordance with A.R.S. §§ 9-511.01 and 9-499.15

(d) The Mayor and Council adopted the required Notice of Intention pursuant to **Resolution 2012-28** and conducted the first Public Hearing on **May 7<sup>th</sup>, 2012** and the second Hearing on **May 21<sup>st</sup>, 2012** on the increased rates and charges at which time oral and written comments were received on the proposed increases.

(e) A copy of the proposed increased rates and charges was made available to the public by filing a copy in the office of the City Clerk at least 30 days prior to the hearing. The Notice of Intention was published one time in a newspaper of general circulation within the boundaries of the City not less than 20 days prior to said hearing.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF WILLCOX,  
COCHISE COUNTY, ARIZONA, AS FOLLOWS:**

Section 1: That approval and adoption of the Gas Utility Increased Rates/Charges as described Exhibit "A" are in the best interests of the residents of the City of Willcox.

Section 2: That the City of Willcox formally approves and adopts the Gas Utility Increased Rates/Charges as presented and as outlined in Exhibit "A" attached hereto.

Section 3: That the City of Willcox Gas Utility Increased Rates/Charges shall be in full force and effect on July 1, 2012 after formal adoption and passage of this Resolution by Mayor and Council pursuant to A.R.S. § 9-511.01.

Section 4: The Mayor is authorized and empowered to execute this Resolution and City staff are authorized and directed to carry out the intent of **Resolution No. 2012-43**.

**PASSED, ADOPTED AND APPROVED**, by the Mayor and City Council of the City of Willcox, Cochise County, Arizona, on this \_\_\_\_\_ day of May, 2012.

**APPROVED/EXECUTED**

\_\_\_\_\_  
MAYOR, GERALD W. LINDSEY (or)  
VICE MAYOR, MONIKA S. CRONBERG

ATTEST:

\_\_\_\_\_  
City Clerk, Cristina Garcia Whelan, CMC

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney, Hector M. Figueroa, Esq.

**RESOLUTION NO. 2012-43**

EXHIBIT A  
CITY OF WILLCOX, ARIZONA  
GAS SYSTEM  
RATES AND CHARGES EFFECTIVE JULY 1, 2012

Section 1. Monthly Availability Meter Charge based upon size of Gas Service:				
Customer Type	Meter Size	Rate Code	FY12 Meter Charge	FY13 Meter Charge
Residential In Town	175/200/250/275	101	\$ 11.01	\$ 12.01
Residential Out of Town	175/200/250/275	102	\$ 11.01	\$ 12.01
Commercial	175/200/250/275	110	\$ 11.01	\$ 12.01
Commercial	315/325 415/425	111	\$ 11.01	\$ 21.01
Commercial	750/800	112	\$ 11.01	\$ 31.01
Commercial	1000/1500 2000	113	\$ 11.01	\$ 61.01
Commercial	3000/4000	114	\$ 11.01	\$ 91.01
Commercial	5000/6000	115	\$ 11.01	\$ 101.01
Commercial	7000/8000	116	\$ 11.01	\$ 131.01

Section 2. Usage Charge based upon Units of Thousand cubic feet (Mcf):	
In Town Customers	\$ 3.280
Out of Town Customers	\$ 3.924

The Usage Charges reflect the overhead rate charged on each unit of gas (Mcf). The Usage Charge is in addition to the monthly cost of gas purchases and transportation costs described in Section 3. below. The Usage Charge is subject to the annual cost of living adjustment.

**Section 3. Monthly Adjustment based on Gas Wholesale Price and Carrying Charges:**

The City's cost for the supply of natural gas and the transportation of the gas to the City's gate changes on a monthly basis. The wholesale natural gas price to customers is adjusted monthly to pass through the City's cost for the natural gas.

**Section 4. Annual Adjustment based on the Change in the Consumer Price Index:**

Unless acted upon by the City Council, the rates listed in Section 1. and Section 2. of this Resolution shall be adjusted effective July 1st of each year, with July 1, 2012 being the date of the first adjustment. The rates shall be adjusted by taking the monthly Meter Charge Availability charges and the per unit Usage Charges for the most recent period and multiplying those rates by the annual change in the Consumer Price Index - All Urban Consumers - U.S. City Average (CPI) as published by the Bureau of Labor Statistics for the period from January 1st of the preceding year to January 1st of the current year.



CITY OF WILLCOX  
REQUEST FOR COUNCIL ACTION

Agenda Item 24  
Tab Number 18  
Date: 5/16/2012

<u>Date Submitted:</u>	<u>Action:</u>	<u>Subject:</u>
May 16, 2012	<input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Formal <input type="checkbox"/> Consideration	FY13 RATES FOR THE WATER UTILITY

TO: MAYOR AND COUNCIL  
FROM: Finance Director Ruth Graham

**DISCUSSION:**

The City of Willcox operates a Water Utility. As a part of its ongoing responsibility to operate the utilities in a business-like manner and to maintain a reserve balance for operations and capital investment needs, the City is reviewing its rates for services for the upcoming Fiscal Year 2012-2013 (FY13).

The Water Utility operations are maintained as an Enterprise Fund; what this means is that the cost of operation is supported by user fees. Annual rate reviews consider the revenues, expenses and capital needs for each utility and make recommendations for utility rates for the upcoming year. The expenses consist of the amounts required for operation, maintenance, system updates, renewals and replacement of properties, and payments of principal and interest on indebtedness, if any. It is also necessary to establish and maintain reserves. There are normal increases in costs due to the cost of labor, equipment, etc. These are usually referred to as cost of living increases. Under our rate structure, in the absence of Council action on the rates, an annual cost of living adjustment will automatically be applied. The FY13 proposed rates do not include an automatic CPI adjustment.

Staff has prepared an analysis of the revenues and expenses for the Water Utility. The rates include two components: a fixed cost and a variable (usage) cost. On the customer's bill the fixed and variable charges are lumped together into one amount. The fixed portion of the cost is the base rate. When a new water meter is installed at a new site, the customer pays for the cost of the new meter. The meter then becomes the property and responsibility of the City for maintenance and replacement. Meters wear out, and the City maintains a schedule for meter replacements at the City's expense.

The public has had notice of the proposed Water Utility rates and charges as presented. On March 13, 2012, notice was posted on the City website of the annual rate review for the City utilities. The Council adopted the Notice of Intention to Increase Rates or Charges on April 2<sup>nd</sup>. Work sessions

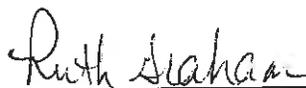
have been held with the Council. Public hearings were held May 7<sup>th</sup> and May 21<sup>st</sup> to solicit public comment.

Staff is recommending that the City Council adopt the Rates and Charges of the Water Utility of the City of Willcox as shown on Exhibit A attached to the Resolution. If the recommendation is adopted by the Council the FY13 rates shown in Exhibit A will be effective on July 1, 2012.

**RECOMMENDATION:**

Motion to Approve Resolution No. 2012-\_\_\_\_ to adopt the FY13 Water System Rates and Charges (as shown on Exhibit A) Effective July 1, 2012.

Submitted by:



Ruth Graham, Finance Director

Approved by:



Pat McCourt, City Manager

**CITY OF WILLCOX, COCHISE COUNTY, ARIZONA  
RESOLUTION NO. 2012-44**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF  
WILLCOX, ARIZONA APPROVING AND ADOPTING THE  
INCREASED RATES AND CHARGES FOR THE WATER UTILITY OF  
THE CITY OF WILLCOX AND SETTING AN EFFECTIVE DATE.**

**WHEREAS**, the Mayor and Council of the City of Willcox make the following findings:

(a) The City of Willcox, Arizona (the "CITY") has the requisite statutory authority to engage in any business or enterprise which may be engaged in by persons by virtue of a franchise from the municipal corporation, and may construct, purchase, acquire, own and maintain within or without its corporate limits any such business or enterprise pursuant to the provision of A.R.S. § 9-511 et seq.

(b) The CITY has the requisite statutory authority to provide Gas, Water, Wastewater and Solid Waste Services for the benefit of the property owners and users within and without the City's corporate boundaries pursuant to the provision of A.R.S. § 9-511 et seq.

(c) The Mayor and Council are required to adopt a notice of intention to increase rates and charges for Gas, Water, Wastewater and Solid Waste Utilities, provide notification on the City's home page website and to set a date for a public hearing on the proposed increases in accordance with A.R.S. §§ 9-511.01 and 9-499.15

(d) The Mayor and Council adopted the required Notice of Intention pursuant to **Resolution 2012-28** and conducted the first Public Hearing on **May 7<sup>th</sup>, 2012** and the second Hearing on **May 21<sup>st</sup>, 2012** on the increased rates and charges at which time oral and written comments were received on the proposed increases.

(e) A copy of the proposed increased rates and charges was made available to the public by filing a copy in the office of the City Clerk at least 30 days prior to the hearing. The Notice of Intention was published one time in a newspaper of general circulation within the boundaries of the City not less than 20 days prior to said hearing.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF WILLCOX,  
COCHISE COUNTY, ARIZONA, AS FOLLOWS:**

Section 1: That approval and adoption of the Water Utility Increased Rates/Charges as described Exhibit "A" are in the best interests of the residents of the City of Willcox.

Section 2: That the City of Willcox formally approves and adopts the Water Utility Increased Rates/Charges as presented and as outlined in Exhibit "A" attached hereto.

Section 3: That the City of Willcox Water Utility Increased Rates/Charges shall be in full force and effect on July 1, 2012 after formal adoption and passage of this Resolution by Mayor and Council pursuant to A.R.S. § 9-511.01.

Section 4: The Mayor is authorized and empowered to execute this Resolution and City staff are authorized and directed to carry out the intent of **Resolution No. 2012-44**.

**PASSED, ADOPTED AND APPROVED**, by the Mayor and City Council of the City of Willcox, Cochise County, Arizona, on this \_\_\_\_\_ day of May, 2012.

**APPROVED/EXECUTED**

\_\_\_\_\_  
MAYOR, GERALD W. LINDSEY (or)  
VICE MAYOR, MONIKA S. CRONBERG

ATTEST:

\_\_\_\_\_  
City Clerk, Cristina Garcia Whelan, CMC

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney, Hector M. Figueroa, Esq.

**RESOLUTION NO. 2012-44**

EXHIBIT A  
CITY OF WILLCOX, ARIZONA  
WATER SYSTEM  
RATES AND CHARGES EFFECTIVE JULY 1, 2012

Section 1. Monthly Availability Meter Charge based upon size of Water Service:				
Customer Type	Meter Size	Rate Code	FY12 Meter Charge	FY13 Meter Charge
Residential	3/4"	301	\$ 17.55	\$ 14.55
Residential	1"	302	\$ 27.21	\$ 19.21
Commercial	3/4"	310	\$ 17.55	\$ 14.55
Commercial	1"	311	\$ 27.21	\$ 19.21
Commercial	1 1/2"	312	\$ 46.52	\$ 26.52
Commercial	2"	313	\$ 85.16	\$ 35.16
Commercial	3"	314	\$ 152.80	\$ 72.80
Commercial	4"	315	\$ 297.61	\$ 182.61

Section 2. Unit Usage Charge based on Thousand Gallon Units (MG):	
0-2,000 Gallons	Included in base
2,001 - 6,000 Gallons	\$1.63
6,001 - 10,000 Gallons	\$1.82
10,001 - 15,000 Gallons	\$2.03
15,001 and above, No Limit	\$2.16

Section 3. Bulk Water Rates.	
Cost per Thousand	\$9.89

**Section 4. Annual Adjustment based on the Change in the Consumer Price Index:**

Unless acted upon by the City Council, the rates listed in Section 1. and Section 2. of this Resolution shall be adjusted effective July 1st of each year, with July 1, 2012 being the date of the first adjustment. The rates shall be adjusted by taking the monthly Meter Charge Availability charges and the per unit Usage Charges for the most recent period and multiplying those rates by the annual change in the Consumer Price Index - All Urban Consumers-U.S. City Average (CPI) as published by the Bureau of Labor Statistics for the period from January 1st of the preceding year to January 1st of the current year. All water sales are subject to Transaction Privilege (Sales) Tax.

**RESOLUTION NO. 2012-\_\_\_\_\_**



**CITY OF WILLCOX  
REQUEST FOR COUNCIL ACTION**

Agenda Item 25  
Tab Number 79  
Date: 05/16/2012

<b>Date Submitted:</b>	<b>Action:</b>	<b>Subject:</b>
May 16, 2012	<input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Formal <input checked="" type="checkbox"/> Consideration	FY13 RATES FOR THE SOLID WASTE UTILITY

TO: MAYOR AND COUNCIL  
FROM: Finance Director Ruth Graham

**DISCUSSION:**

The City of Willcox operates a Solid Waste (Trash Service) Utility. As a part of its ongoing responsibility to operate the utilities in a business-like manner and to maintain a reserve balance for operations and capital investment needs, the City is reviewing its rates for services for the upcoming Fiscal Year 2012-2013 (FY13).

The Solid Waste Utility operations are maintained as an Enterprise Fund; what this means is that the cost of operation is supported by user fees. Annual rate reviews consider the revenues, expenses and capital needs for each utility and make recommendations for utility rates for the upcoming year. The expenses consist of the amounts required for operation, maintenance, system updates, renewals and replacement of properties, and payments of principal and interest on indebtedness, if any. It is also necessary to establish and maintain reserves. There are normal increases in costs due to the cost of labor, equipment, etc. These are usually referred to as cost of living increases. Under our rate structure, in the absence of Council action on the rates, an annual cost of living adjustment will automatically be applied. The FY13 proposed rates do not include an automatic CPI adjustment.

Staff has prepared an analysis of the revenues and expenses for the Solid Waste Utility. The residential rate for a 96 gallon container includes two pickups per week. Commercial customers with low volume can select a 96 gallon container with two pickups per week. Commercial customers with more volume can select a 1.5 cubic yard container or a 3 cubic yard container, and any number of containers, including a mix of 1.5 and 3 yard cans with the desired number of pickups per can per week. The rates are based on number of pickups and a fixed base rate per customer. Exhibit A and its attachment outline the fees.

The public has had notice of the proposed Solid Waste Utility rates and charges as presented. On March 13, 2012, notice was posted on the City website of the annual rate review for the City utilities. The Council adopted the Notice of Intention to Increase Rates or Charges on April 2<sup>nd</sup>. Work

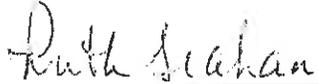
sessions have been held with the Council. Public hearings were held May 7<sup>th</sup> and May 21<sup>st</sup> to solicit public comment.

Staff is recommending that the City Council adopt the Rates and Charges of the Solid Waste Utility of the City of Willcox as shown on Exhibit A attached to the Resolution. If the recommendation is adopted by the Council the FY13 rates shown in Exhibit A will be effective on July 1, 2012.

**RECOMMENDATION:**

Motion to Approve Resolution No. 2012-\_\_\_\_ to adopt the FY13 Waste Water System Rates and Charges (as shown on Exhibit A) Effective July 1, 2012.

Submitted by:

  
\_\_\_\_\_  
Ruth Graham, Finance Director

Approved by:

  
\_\_\_\_\_  
Pat McCourt, City Manager

**CITY OF WILLCOX, COCHISE COUNTY, ARIZONA  
RESOLUTION NO. 2012-45**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WILLCOX, ARIZONA APPROVING AND ADOPTING THE INCREASED RATES AND CHARGES FOR THE SOLID WASTE (TRASH SERVICE) UTILITY OF THE CITY OF WILLCOX AND SETTING AN EFFECTIVE DATE.**

**WHEREAS**, the Mayor and Council of the City of Willcox make the following findings:

(a) The City of Willcox, Arizona (the "CITY") has the requisite statutory authority to engage in any business or enterprise which may be engaged in by persons by virtue of a franchise from the municipal corporation, and may construct, purchase, acquire, own and maintain within or without its corporate limits any such business or enterprise pursuant to the provision of A.R.S. § 9-511 et seq.

(b) The CITY has the requisite statutory authority to provide Gas, Water, Wastewater and Solid Waste Services for the benefit of the property owners and users within and without the City's corporate boundaries pursuant to the provision of A.R.S. § 9-511 et seq.

(c) The Mayor and Council are required to adopt a notice of intention to increase rates and charges for Gas, Water, Wastewater and Solid Waste Utilities, provide notification on the City's home page website and to set a date for a public hearing on the proposed increases in accordance with A.R.S. §§ 9-511.01 and 9-499.15

(d) The Mayor and Council adopted the required Notice of Intention pursuant to **Resolution 2012-28** and conducted the first Public Hearing on **May 7<sup>th</sup>, 2012** and the second Hearing on **May 21<sup>st</sup>, 2012** on the increased rates and charges at which time oral and written comments were received on the proposed increases.

(e) A copy of the proposed increased rates and charges was made available to the public by filing a copy in the office of the City Clerk at least 30 days prior to the hearing. The Notice of Intention was published one time in a newspaper of general circulation within the boundaries of the City not less than 20 days prior to said hearing.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA, AS FOLLOWS:**

Section 1: That approval and adoption of the Solid Waste (Trash Service) Utility Increased Rates/Charges as described Exhibit "A" are in the best interests of the residents of the City of Willcox.

Section 2: That the City of Willcox formally approves and adopts the Solid Waste (Trash Service) Utility Increased Rates/Charges as presented and as outlined in Exhibit "A" attached hereto.

Section 3: That the City of Willcox Solid Waste (Trash Service) Utility Increased Rates/Charges shall be in full force and effect on July 1, 2012 after formal adoption and passage of this Resolution by Mayor and Council pursuant to A.R.S. § 9-511.01.

Section 4: The Mayor is authorized and empowered to execute this Resolution and City staff are authorized and directed to carry out the intent of **Resolution No. 2012-45**.

**PASSED, ADOPTED AND APPROVED**, by the Mayor and City Council of the City of Willcox, Cochise County, Arizona, on this \_\_\_\_\_ day of May, 2012.

**APPROVED/EXECUTED**

\_\_\_\_\_  
MAYOR, GERALD W. LINDSEY (or)  
VICE MAYOR, MONIKA S. CRONBERG

ATTEST:

\_\_\_\_\_  
City Clerk, Cristina Garcia Whelan, CMC

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney, Hector M. Figueroa, Esq.

**RESOLUTION NO. 2012-45**

EXHIBIT A  
 CITY OF WILLCOX, ARIZONA  
 SOLID WASTE (TRASH REMOVAL) SYSTEM  
 RATES AND CHARGES EFFECTIVE JULY 1, 2012

Section 1. Solid Waste Charges for Residential Service:				
Customer Type	Container Size	Rate Code	FY12 Charge	FY13 Charge
Single Family	96 gallon	701	\$ 23.49	\$ 23.72
Senior Citizen /Side Yard	96 gallon	702	\$ 19.85	\$ 20.40
Commercial	SEE ATTACHED FISCAL YEAR 13 RATE SCHEDULE			

**Section 2. Annual Adjustment based on the Change in the Consumer Price Index:**

Unless acted upon by the City Council, the rates listed in Section 1 and as enumerated on the attached rate schedule shall be adjusted by the cost of living effective July 1st of each year, with July 1, 2012 being the date of the first adjustment. The rates from the most recent period will be multiplied by the annual rate of change in the Consumer Price Index - All Urban Consumers - U.S. City Average (CPI) as published by the Bureau of Labor Statistics for the period from January 1st of the preceding year to January 1st of the current year.

Attachment to Schedule A, Resolution No. 2012-\_\_\_\_\_

**City of Willcox  
Commercial Solid Waste Rates FY 13**

Single Rate for 96 Gallon Can Customers: 96 gallon - one container per account maximum	<b>\$24.98</b>
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Customer can have any combination of 1.5 yd & 3 yd containers and any combination of Pickups per week. The formula for computing the rates is:									
	Rate/ Pickup	Times	No. of Containers	Times	No. of pickups/wk	Plus	Base Rate	Equals	Monthly rate
1.5 yd Container	\$28.07	X	( )	X	( )	+	\$27.38	=	
3 yd container	\$53.04	X	( )	X	( )	+	\$27.38	=	

Monthly Charges for common combinations of 1.5 Yd. and 3 Yd. Container Services:  
If a customer wishes to have additional pickups, the cost will be computed by the formula.

1.5 Yd. Container						
No. of Pickups per Week	1 Can	2 Cans	3 Cans	4 Cans	5 Cans	6 Cans
1	55.45	83.52	111.59	139.66	167.73	195.80
2	83.52	139.66	195.80	251.94	308.08	364.22
3	111.59	195.80	280.01	364.22	448.43	532.64
4	139.66	251.94	364.22	476.50	588.78	701.06
5	167.73	308.08	448.43	588.78	729.13	869.48
6	195.80	364.22	532.64	701.06	869.48	1,037.90

3 Yd. Container						
No. of Pickups per Week	1 Can	2 Cans	3 Cans	4 Cans	5 Cans	6 Cans
1	80.42	133.46	186.50	239.54	292.58	345.62
2	133.46	239.54	345.62	451.70	557.78	663.86
3	186.50	345.62	504.74	663.86	822.98	982.10
4	239.54	451.70	663.86	876.02	1,088.18	1,300.34
5	292.58	557.78	822.98	1,088.18	1,353.38	1,618.58
6	345.62	663.86	982.10	1,300.34	1,618.58	1,936.82

**CITY OF WILLCOX**  
**Request for Council Action**

Agenda Item: 26  
Tab Number: 20  
Date: 05-21-2012

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**Date Submitted:**  
05/10/2012  
**Date Requested:**  
05/26/2012

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**Action:**  
 Resolution  
 Ordinance  
 Formal  
 Other

---

**Subject:**  
Michelle Mullins  
requests street  
closure from  
Railroad Ave from  
Stewart to Maley  
including Stewart  
intersection

---

**To: Honorable Mayor and City Council**

**From: Dave Bonner, Director Public Services & Works**

**Discussion:** Michelle Mullins is requesting a street closure on Railroad Ave from Stewart to Maley, including Stewart intersection. Michelle Mullins would like to hold the 6<sup>th</sup> annual Willcox Rod and Classic Car Show. This event is scheduled to be held on May 26, 2012 from 6am until 5:00 pm.

**Recommendation:** Staff recommends that the Mayor and Council consider a closure for this event from Stewart to Maley but to leave the intersection open.

**Fiscal Impact:**

Prepared By: Kate Schwartz  
Kate Schwartz, Public Services and Works

Approved By: Dave Bonner  
Dave Bonner, Public Services and Works Director

Approved By: Pat McCourt  
Pat McCourt, City Manager

### Street Closure Request Form

Name of Applicant

Michelle Mullin

Date of Request

May 9 2012

Address

6066 N. Hamilton Rd.

Phone Number

507 8330

Event or Event Sponsor for Street Closure

John Willcox Rod + Classic Car Show

Date(s) Requested for Street Closure

May 2012

Times for Street Closure

6:00 am / 5 pm

Street(s) to be closed Beginning and ending points.

Railroad Ave. from Stewart to Mahey.  
including Stewart intersection.

The applicant understands that a certificate of liability insurance for \$1,000,000 naming the City of Willcox as additionally insured must be supplied with this application in order for the request to be fully executed and processed. Additionally, the City of Willcox requests that all adjacent property owners be notified of the intent to close the street and offered an opportunity to make comments to the Mayor and City Council. Comments may be submitted to the City Clerk prior to the council meeting or may be stated in the public meeting.

[Signature]  
Applicant Signature

May 9 2012  
Date

[Signature]  
Received By

5/10/12  
Date

Jake Weaver Chief

5/10/12  
Date

[Signature]  
Gary Adams Street Supervisor

3-10-12  
Date

PETITION TO CLOSE RAILROAD AVENUE, BETWEEN

MALEY STREET AND STEWART STREET TO VEHICULAR TRAFFIC

ON May 26th 2012  
DATE(S)

FROM 6:00 AM TO 4:00 pm  
START TIME END TIME

FOR THE PURPOSE OF Annual Car Show  
EVENT

Willcox Commercial, ok to close \_\_\_\_\_

Rex Allen Museum, ok to close Jerry Bowden

Rex Allen Theater, ok to close closed

Rodney's, ok to close closed

Palace Saloon, ok to close closed

Desert Moon Gifts, ok to close \_\_\_\_\_

Old West Mercantile, ok to close \_\_\_\_\_

Friends of Marty Robbins, ok to close Juanita Buckner

\_\_\_\_\_, ok to close \_\_\_\_\_



**CITY OF WILLCOX  
EXECUTIVE SESSION**

TAB 21

**AGENDA**

**MONDAY, MAY 21, 2012**

**7:00 p.m.**

**300 W. REX ALLEN DRIVE**

**Willcox, Arizona**

1. CALL TO ORDER

2. ROLL CALL

3. CONSIDERATION PURSUANT TO ARIZONA REVISED STATUTES §38-431.03A(1) DISCUSSION OR CONSIDERATION OF EMPLOYMENT, ASSIGNMENT, APPOINTMENT, PROMOTION, DEMOTION, DISMISSAL, SALARIES, DISCIPLINING OR RESIGNATION OF A PUBLIC OFFICER, APPOINTEE OR EMPLOYEE OF ANY PUBLIC BODY, EXCEPT THAT, WITH THE EXCEPTION OF SALARY DISCUSSIONS, AN OFFICER, APPOINTEE OR EMPLOYEE MAY DEMAND THAT THE DISCUSSION OR CONSIDERATION OCCUR AT A PUBLIC MEETING. THE PUBLIC BODY SHALL PROVIDE THE OFFICER, APPOINTEE OR EMPLOYEE WITH WRITTEN NOTICE OF THE EXECUTIVE SESSION AS IS APPROPRIATE BUT NOT LESS THAN TWENTY-FOUR HOURS FOR THE OFFICER, APPOINTEE OR EMPLOYEE TO DETERMINE WHETHER THE DISCUSSION OR CONSIDERATION SHOULD OCCUR AT A PUBLIC MEETING; AND

PURSUANT TO ARIZONA REVISED STATUTES §38-431.03A(3) DISCUSSION OR CONSULTATION FOR LEGAL ADVICE WITH THE ATTORNEY OR ATTORNEYS OF THE PUBLIC BODY

Consideration and/or discussion pursuant to Arizona Revised Statutes §38-431.03(A)(1) AND (3), as stated relating to relating to consideration of employee and consultation for legal advice with the attorney(s) of the public body.

4. ADJOURN

*"Mine, Yours, Ours"*



## NOTICE OF EXECUTIVE SESSION

### CITY COUNCIL

In accordance with Resolution No. 370 of the City of Willcox, and Section 38-431.01 of the Arizona Revised Statutes **NOTICE IS HEREBY GIVEN** that the **MAYOR AND COUNCIL** of the City of Willcox, County of Cochise, Arizona, will hold an **EXECUTIVE SESSION**, if approved, during the **REGULAR** meeting on **MONDAY**, the **21<sup>ST</sup>** day of **MAY 2012** at **7:00 p.m.**, in the **CITY COUNCIL CHAMBERS, 300 W. REX ALLEN DRIVE, Willcox, AZ**

CONSIDERATION PURSUANT TO ARIZONA REVISED STATUTES §38-431.03A(1) DISCUSSION OR CONSIDERATION OF EMPLOYMENT, ASSIGNMENT, APPOINTMENT, PROMOTION, DEMOTION, DISMISSAL, SALARIES, DISCIPLINING OR RESIGNATION OF A PUBLIC OFFICER, APPOINTEE OR EMPLOYEE OF ANY PUBLIC BODY, EXCEPT THAT, WITH THE EXCEPTION OF SALARY DISCUSSIONS, AN OFFICER, APPOINTEE OR EMPLOYEE MAY DEMAND THAT THE DISCUSSION OR CONSIDERATION OCCUR AT A PUBLIC MEETING. THE PUBLIC BODY SHALL PROVIDE THE OFFICER, APPOINTEE OR EMPLOYEE WITH WRITTEN NOTICE OF THE EXECUTIVE SESSION AS IS APPROPRIATE BUT NOT LESS THAN TWENTY-FOUR HOURS FOR THE OFFICER, APPOINTEE OR EMPLOYEE TO DETERMINE WHETHER THE DISCUSSION OR CONSIDERATION SHOULD OCCUR AT A PUBLIC MEETING; AND

PURSUANT TO ARIZONA REVISED STATUTES §38-431.03A(3) DISCUSSION OR CONSULTATION FOR LEGAL ADVICE WITH THE ATTORNEY OR ATTORNEYS OF THE PUBLIC BODY

Consideration, discussion and/or decision to enter into an Executive Session pursuant to ARS §38-431.03A(1) and (3), as stated, relating to consideration of employee and consultation for legal advice with the attorney(s) of the public body.

**DATED AND POSTED this 17<sup>TH</sup> day of MAY 2012, at 3:00 P.M.**

CITY OF WILLCOX, ARIZONA

/s/ Cristina Garcia Whelan, CMC  
City Clerk Cristina Garcia Whelan, CMC