

**CITY OF WILLCOX
MAYOR AND CITY COUNCIL AGENDA**

A REGULAR MEETING OF THE MAYOR AND CITY COUNCIL
OF WILLCOX, ARIZONA

February 5, 2015, AT 6:30 P.M.
AT THE CITY COUNCIL CHAMBERS,
300 W. REX ALLEN DRIVE, WILLCOX, ARIZONA

Resolution 2015-11
Ordinance NS322

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. Arizona Revised Statutes §1-602(A) (9)

AGENDA

The council may discuss, consider and take possible action pertaining to the following:

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. CALL TO THE PUBLIC

The Call to the Public is provided as a courtesy to allow citizens an opportunity to voice any concerns or opinions they may have regarding the City of Willcox or other matters properly addressed to the Mayor and City Council. Those wishing to address the City 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 presenter will be given approximately three (3) minutes. Organizations may be limited to one (1) speaker. In accordance with Arizona law, the City Council is not permitted to respond directly to the citizen speaking. Action will be limited to directing staff or rescheduling 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 either adopt the agenda as presented or may remove or table any of the 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. APPROVE THE JANUARY 15, 2015 COUNCIL MEETING MINUTES

Tab 1

8. CHAMBER OF COMMERCE UPDATE - ALAN BAKER

Tab 2

- 9. REAPPOINT CONNIE DUNHAM TO THE HISTORIC PRESERVATION ADVISORY COMMITTEE Tab 3
- 10. REAPPOINT BO DOWNEY TO THE HISTORIC PRESERVATION ADVISORY COMMITTEE Tab 4
- 11. ORDINANCE NS320 - AN ORDINANCE AMENDING THE "WILLCOX MUNICIPAL CODE",
TITLE 1 "ADMINISTRATION", CHAPTER 1.10 "ORDINANCES, RESOLUTIONS AND
CONTRACTS", SECTION 1.10.050 "EFFECTIVE DATE", AND SECTION 1.10.040 "CONTENTS
OF ORDINANCE" Tab 5
- 12. ORDINANCE NS321 - AN ORDINANCE AMENDING THE "WILLCOX MUNICIPAL CODE",
"ADMINISTRATION", CHAPTER 1.08 "MAGISTRATE'S COURT", SECTION 1.08.020
"PRESIDING OFFICER: MAGISTRATE DUTIES", AMENDING THE TERM OF APPOINTMENT
OF THE MAGISTRATE TO FOUR YEARS Tab 6
- 13. RESOLUTION 2015-10 - A RESOLUTION APPROVING THE REAPPOINTMENT OF TREVOR
J. WARD TO THE POSITION OF CITY MAGISTRATE AND JUVENILE HEARING OFFICER Tab 7
- 14. CITY MANAGER REPORT
- 15. COMMENTS NOT FOR DISCUSSION FROM MAYOR AND COUNCIL MEMBERS
- 16. ADJOURN

Virginia A. Mefford, City Clerk

Date

Time

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, Willcox, AZ; at the Elsie S. Hogan Community Library during regular business hours; and on the City's website www.cityofwillcox.org.

NOTE: The City Council Chambers are handicapped accessible. People with special accessibility needs 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.

THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ HELD ON THIS 15TH DAY OF JANUARY, 2015

CALL TO ORDER - Mayor Bob Irvin called the meeting to order at 6:30 p.m.

ROLL CALL - City Clerk Virginia A. Mefford called the roll.

PRESENT

Mayor Robert A. Irvin
Vice Mayor Earl Geelsby
Councilman Elwood A. Johnson
Councilman Gerald W. Lindsey
Councilman William "Bill" Nigh
Councilman Timothy A. Bowlby
Councilman Michael J. Laws

STAFF

City Manager Ted Soltis
City Clerk Virginia Mefford
City Attorney Ann P. Roberts
Police Chief Glenn Childers
Finance Director Crystal Hadfield
Library Director Tom Miner
Public Works Director Kevin Hagerich
Development Services Jeff Stoddard

PLEDGE OF ALLEGIANCE TO THE FLAG - Led by Mayor Irvin

CALL TO THE PUBLIC

Cindy Taylor gave a brief background of her past volunteerism with Wings Over Willcox (WOW). She outlined reasons for her dismay with how WOW is currently being managed.

DECLARATION ON CONFLICT OF INTEREST - Councilmember Bowlby declared a conflict of interest on item #17 - a contract approval between Valley Connections, L.L.C. and the City.

ADOPTION OF THE AGENDA

MOTION: Councilmember Johnson made a motion to adopt the agenda as presented.

SECONDED: Councilmember Bowlby seconded the motion.

MOTION CARRIED

APPROVAL OF MINUTES OF THE REGULAR MEETING OF DECEMBER 4, 2014.

MOTION: Councilmember Lindsey made a motion to approve the minutes.

SECONDED: Councilmember Laws seconded the motion.

MOTION CARRIED

ARIZONA MUNICIPAL RISK RETENTION POOL (AMRRP) RENEWAL - ED BANTEL

MOTION: Councilmember Lindsey made a motion to approve the Arizona Municipal Risk Retention Pool (AMRRP) renewal.

SECONDED: Councilmember Bowlby seconded the motion.

DISCUSSION: Mr. Bantel gave an overview of the renewal of the Arizona Municipal Risk Retention Pool (AMRRP) policies. Councilmembers asked various questions and Mr. Bantel answered them.

MOTION CARRIED

PUBLIC HEARING - CDBG PROJECT SELECTION - BONNIE WILLIAMS

OPEN: 6:50 p.m. **CLOSED:** 7:30 p.m.

DISCUSSION: Ms. Williams, SEAGO CDBG Program Manager, gave an overview of the project selection process.

Councilmembers asked several questions and Ms. Williams answered them. Mr. Stoddard provided pictures of the motel buildings that were going to be demolished. He explained he sent out letters to property owners on Haskell Avenue. One of the stipulations is the property had to be owned outright with no lien. City Attorney Roberts further explained the process to Council. Ms. Williams stated the Council need to choose a project tonight as the deadline is at the end of the month. The consensus of the Council was to choose several projects, in the following order of priority: demolition of blighted buildings located on Haskell Avenue, street improvements, and rehabilitation of commercial areas on Haskell Avenue.

RESOLUTION 2015-01 - A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR FY 2015 STATE COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS, CERTIFYING THAT SAID APPLICATION MEETS THE

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 15TH DAY OF JANUARY, 2015**

COMMUNITY'S PREVIOUSLY IDENTIFIED HOUSING AND COMMUNITY DEVELOPMENT NEEDS AND THE REQUIREMENTS OF THE STATE CDBG PROGRAM, AND AUTHORIZING ALL ACTIONS NECESSARY TO IMPLEMENT AND COMPLETE THE ACTIVITIES OUTLINED IN SAID APPLICATION

MOTION: Councilmember Bowlby made a motion to approve Resolution 2015-01.

SECONDED: Councilmember Johnson seconded the motion amending to include the order of selection, demolition of blighted buildings located on Haskell Avenue, street improvements, and rehabilitation of commercial areas on Haskell Avenue.

MOTION CARRIED

RESOLUTION 2015-02 - A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WILLCOX COMMITTING LOCAL FUNDS AS LEVERAGE FOR A FY15 COMMUNITY DEVELOPMENT BLOCK GRANT

MOTION: Councilmember Johnson made a motion to approve Resolution 2015-02 amending it to include the order of selection, demolition of blighted buildings located on Haskell Avenue, street improvements, and rehabilitation of commercial areas on Haskell Avenue.

SECONDED: Councilmember Laws seconded the motion.

MOTION CARRIED

RESOLUTION 2015-03 - A RESOLUTION ADOPTING A RESIDENTIAL ANTIDISPLACEMENT AND RELOCATION ASSISTANCE PLAN FOR FY 15, AS REQUIRED UNDER SECTION 104 (d) OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974 AS AMENDED

MOTION: Councilmember Johnson made a motion to approve Resolution 2015-03.

SECONDED: Councilmember Bowlby seconded the motion.

MOTION CARRIED

RESOLUTION 2015-04 - A RESOLUTION APPROVING AND ADOPTING THE INTERGOVERNMENTAL AGREEMENT (IGA) BETWEEN THE CITY OF WILLCOX AND ARIZONA DEPARTMENT OF REVENUE FOR THE COLLECTION AND ADMINISTRATION OF THE CITY TRANSACTION PRIVILEGE TAX

MOTION: Councilmember Johnson made a motion to approve Resolution 2015-04.

SECONDED: Councilmember Bowlby seconded the motion.

DISCUSSION: Councilmember Lindsey asked how this was going to affect the City. Ms. Hadfield stated this will be not affect the City. Councilmembers asked questions and Ms. Hadfield answered them.

MOTION CARRIED

RESOLUTION 2015-05 - A RESOLUTION APPROVING AND AUTHORIZING AN EASEMENT AGREEMENT WITH FAMILY DOLLAR FOR USE OF AN ALLEYWAY

MOTION: Councilmember Johnson made a motion to approve Resolution 2015-05.

SECONDED: Councilmember Bowlby seconded the motion.

DISCUSSION: Mr. Stoddard explained the process of this agreement.

AYE: Mayor Irvin, Councilmember Lindsey, Johnson, Bowlby, and Laws **NAY:** Councilmember Nigh

MOTION CARRIED

RESOLUTION 2015-06 - A RESOLUTION ACCEPTING A DEED OF DEDICATION GRANTING TO CITY A PUBLIC RIGHT- OF- WAY FROM COMMUNITY FOOD BANK, INC.

MOTION: Councilmember Johnson made a motion to approve Resolution 2015-06.

SECONDED: Councilmember Lindsey seconded the motion.

DISCUSSION: Mr. Stoddard explained the granting of the city public right-of-way. Councilmember Lindsey stated Northern Cochise County Hospital was not contacted. Mr. Stoddard indicated letters were sent.

MOTION CARRIED

RESOLUTION 2015-07 - A RESOLUTION DECLARING A CERTAIN PORTION OF COCHISE AVENUE AND TWO UNNAMED DEDICATED ROADWAYS AS UNNECESSARY ROADWAYS, APPROVING AND AUTHORIZING THE ABANDONMENT OF THAT CERTAIN PORTION OF COCHISE AVENUE AND THE TWO UNNAMED DEDICATED

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
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**ROADWAYS AND FURTHER ABANDONING THE CITY SEWER LINE LYING WITHIN THOSE AREAS OF
ABANDONMENT**

MOTION: Councilmember Johnson made a motion to approve Resolution 2015-07.

SECONDED: Councilmember Bowlby seconded the motion.

DISCUSSION: City Attorney Roberts explained the abandonment in more detail.

MOTION CARRIED

**RESOLUTION 2015-08 - A RESOLUTION APPROVING AND ADOPTING THE CONTRACT BETWEEN THE CITY OF
WILLCOX ["CITY"] AND VALLEY CONNECTIONS, L.L.C., TO PERFORM TECHNICAL SERVICES RELATED TO THE
COMPUTER NETWORK AND THE TELEPHONE SYSTEM**

MOTION: Councilmember Johnson made a motion to approve Resolution 2015-08.

SECONDED: Councilmember Lindsey seconded the motion.

DISCUSSION: The City Manager explained the City is going with VTC as the contract was renegotiated and was agreed upon. The Willcox Schools did a fantastic job with their services to the City, but at this time they are not able to accommodate the City.

MOTION CARRIED 5-0-1 ABSTAIN: Councilmember Bowlby

RESOLUTION 2015-09 - A RESOLUTION ADOPTING THE EMPLOYEE HANDBOOK

MOTION: Councilmember Johnson made a motion to approve Resolution 2015-09.

SECONDED: Councilmember Bowlby seconded the motion.

DISCUSSION: Councilmember Johnson asked when the City last updated the handbook. Ms. Van Allen answered it was in 2007. She explained that Southwest Risk had directed the City to HRSentry which provided a sample handbook that is used throughout the country. Councilmember Lindsey said the Handbook was very thorough, addressing every possible scenario that he could think of. Ms. Roberts stated she had not yet reviewed it, but if Southwest Risk was recommending it, she was okay with it. Mr. Bantel explained that Southwest Risk contracted with HRSentry, a third party vendor that specializes in employee handbooks. He added, it is as updated as it can be.

MOTION CARRIED

CITY MANAGER'S REPORT

- Police Chief Childers updated the Council on the new dispatch system. He explained it was in collaboration with the Cochise County Sheriff Department. Having one system with the Cochise County will allow the City and County to work better together. He explained this will allow the City to see what has been dispatched by all the agencies responding in Cochise County. He is hopeful that by next month the conversion to one system will be complete. He will provide another update once it has been fully implemented.
- Mr. Soltis thanked the staff expressing his appreciations for the good job they do and how well everyone is working together.
- He attended an Arizona Department of Housing (ADOH) public meeting regarding: Consolidation Plan, Annual Action Plan and Fair Housing. Input was taken for setting goals and objectives and the method of distribution of funds. Concerns were expressed on the timing of the application process and future funding of CDBG.
- He reminded Council that Financial Disclosures are due to the City Clerk by January 30, 2015.
- He noted that Wings Over Willcox is in progress. Saturday is the banquet at 6:30 p.m. at the Elks Club. He asked that Council please let the City Clerk know if you are going to attend as she will RSVP for them.
- He completed an initial draft of Title 17 and provided the attorney with a hard copy of it. He added that the Sign Code was removed to allow for further review.

COMMENTS NOT FOR DISCUSSION FROM MAYOR AND COUNCIL MEMBERS

Councilmember Lindsey thanked everyone who was concerned with his recent stroke and hopes City Manager Soltis results come in favorably tomorrow.

Councilmember Bowlby stated he attended the New Councilmember Seminar and it was very well put together and presented. He learned a lot from the seminar.

Councilmember Laws stated he had a good time at tonight's meeting and feels like the City is going in the right direction.

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 15TH DAY OF JANUARY, 2015**

ADJOURN

With no further business before the Mayor and Council, the meeting was adjourned at 8:29 p.m. by Mayor Irvin.

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 15th day of January, 2015. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 15th day of January 2015

City Clerk Virginia Mefford

PASSED, APPROVED AND ADOPTED this 5th day of February, 2015.

Mayor Robert A. Irvin

ATTEST:

City Clerk Virginia A. Mefford

CITY OF WILLCOX
Request for Council Action

Agenda Item: 8
Tab Number: 2

Meeting Date:

February 05, 2015

Action:

Resolution
 Ordinance
 Other

Subject: Presentation by
Chamber of Commerce
Director Alan Baker

To: Mayor and City Council

From: Ted Soltis

Discussion: Per the "Use, Maintenance, and Stipend Agreement - Cochise Visitors Center," Number 3. "Duties and Requirements of Chamber," Subsection k, the Chamber is "to present a quarterly report with financials to the Mayor and Council updating that body about Chamber and Visitor Center activities."

Handouts will be presented at the Council meeting.

Submitted by:



Ted Soltis, City Manager

CITY OF WILLCOX
Request for Council Action

Agenda Item: 9
Tab Number: 3

Meeting Date:
02/05/2015

Action:
 Resolution
 Ordinance
 Other

Subject:
Historic Preservation
Advisory Committee
Appointment -
Connie Dunham

To: Mayor and City Council

From: Sherry Lynn Van Allen, Human Resources

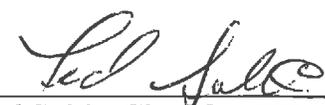
Discussion: In accordance with Willcox Municipal Code 2.03.030, vacancies shall be filled by appointment by the Mayor and City Council.

Connie Dunham meets all of the requirements to continue serving on this Committee. The new term is for four years effective immediately through December 31, 2018.

Recommendation: Appoint Connie Dunham to the Historic Preservation Advisory Committee to fill the expired term.

Fiscal Impact: -0 -

Submitted by: 
Sherry Lynn Van Allen, Human Resources

Approved by: 
Ted Soltis, City Manager

Willcox City Council :

1/13/2015

My term as the Chairman of the Historic Preservation Committee has terminated . I would like to continue serving on the committee. I like being involved in our community and serving where I am needed . Our community means a lot to me. So I am asking if you will consider letting me to continue serving on the Historic Preservation Committee . I am not interested being Chairman just would like to be on the committee .

Thank You

Connie Dunham

CITY OF WILLCOX
Request for Council Action

Agenda Item: 10
Tab Number: 4

Meeting Date:
02/05/2015

Action:
 Resolution
 Ordinance
 Other

Subject:
Historic Preservation
Advisory Committee
Appointment -
Bo Downey

To: Mayor and City Council

From: Sherry Lynn Van Allen, Human Resources

Discussion: In accordance with Willcox Municipal Code 2.03.030, vacancies shall be filled by appointment by the Mayor and City Council.

Bo Downey meets all of the requirements to continue serving on this Committee. The new term is for four years effective immediately through December 31, 2018.

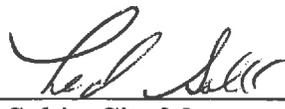
Recommendation: Appoint Bo Downey to the Historic Preservation Advisory Committee to fill the expired term.

Fiscal Impact: -0 -

Submitted by:


Sherry Lynn Van Allen, Human Resources

Approved by:


Ted Soltis, City Manager

Historic Preservation Committee
January 29, 2015

To The Mayor and City Council,

It is my intent to remain on the Historic Preservation Committee.
I understand my term has expired and would appreciate being reappointed.
I appreciate this opportunity.
Thank You.

Sincerely,

Bo Downey

Bo Downey
Willcox, AZ

CITY OF WILLCOX
Request for Council Action

Agenda Item: 11
Tab Number: 5

Meeting Date:

February 5, 2015

Action:

Resolution
 Ordinance
 Other

Subject: Ordinance NS320 -
Effective Date of Resolutions

To: Mayor and City Council

From: Ted Soltis

Discussion: Presently Willcox Municipal Code 1.10.050 - "Effective date" states that resolutions "shall [not] become operative until 30 days after its passage by the council." Understanding that this presented an unnecessary delay, past practice was to use the available "emergency measure" to eliminate the 30 day waiting period. Resolutions, as used historically in the City of Willcox, generally approve routine matters that could be approved by Council solely with a motion and affirmative vote. However, because we routinely use resolutions to approve matters that require immediate effectiveness, this section of the City Code needs to be amended.

A better option than the over use of the emergency clause is to remove the 30 day period.

Recommendation: Remove 30 day waiting period for resolutions.

Fiscal Impact: N/A

Submitted by:



Ted Soltis, City Manager

CITY OF WILLCOX, COCHISE COUNTY, ARIZONA

ORDINANCE NS320

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLCOX, ARIZONA, AMENDING THE “WILLCOX MUNICIPAL CODE”, TITLE 1 “ADMINISTRATION”, CHAPTER 1.10 “ORDINANCES, RESOLUTIONS AND CONTRACTS”, SECTION 1.10.050 “EFFECTIVE DATE”, AND SECTION 1.10.040 “CONTENTS OF ORDINANCE”

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF WILLCOX, ARIZONA:

SECTION 1: The Willcox Municipal Code, Title 1, “Administration”, Chapter 1.10 “Ordinances, Resolutions and Contracts”, Section 1.10.050 “Effective Date”, shall hereby be amended to read as follows:

1.10.050 Effective date of ordinances.

- A. A city ordinance shall not become operative until 30 days after its passage by the council and approval by the mayor, unless it is passed over the mayor's veto, and then it shall not become operative until 30 days after final approval and until certification by the clerk of the city of the minutes of the meeting at which the action was taken, except emergency measures necessary for the immediate preservation of the peace, health or safety of the city.
- B. An emergency measure shall not become immediately operative unless it states in a separate section the reason why it is necessary that it should become immediately operative, and unless it is approved by the affirmative vote of three-fourths of all the members elected to the city council, taken by ayes and nays, and also approved by the mayor.

SECTION 2: The Willcox Municipal Code, Title 1, “Administration”, Chapter 1.10 “Ordinances, Resolutions and Contracts”, Section 1.10.040 “Contents of Ordinances”, Subsection C. shall hereby be amended to read as follows:

C. A penalty clause contained in a code or public record shall be set forth in full in the adopting ordinance.

SECTION 3: All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the public record adopted by reference are hereby repealed.

SECTION 4: If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the public record adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion thereof.

SECTION 5: Whereas, as it is necessary for the preservation of the peace, health and safety of the citizens of the City of Willcox, Arizona, an emergency is hereby declared to exist and this ordinance shall become effective immediately upon its passage and adoption.

SECTION 6: Pursuant to A.R.S. §9-812, the City Clerk is directed to publish the text of this Ordinance for two (2) consecutive weeks in a newspaper of general circulation, and further, to post a copy of this Ordinance in three (3) or more public places within the City.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLCOX, ARIZONA, this 5th day of February, 2015.

APPROVED/EXECUTED:

ROBERT A. IRVIN, Mayor

ATTEST:

APPROVED AS TO FORM:

VIRGINIA A. MEFFORD, City Clerk

ANN P. ROBERTS, City Attorney

ORDINANCE NS320
Published in the Range News on February 11th and 18th
Passed and adopted by ____ Councilmembers
Posted on February 6, 2015
Clerk's Initials VAM

CITY OF WILLCOX, COCHISE COUNTY, ARIZONA

ORDINANCE NS320

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLCOX, ARIZONA, AMENDING THE "WILLCOX MUNICIPAL CODE", TITLE 1 "ADMINISTRATION", CHAPTER 1.10 "ORDINANCES, RESOLUTIONS AND CONTRACTS", SECTION 1.10.050 "EFFECTIVE DATE", AND SECTION 1.10.040 "CONTENTS OF ORDINANCE"

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF WILLCOX, ARIZONA:

SECTION 1: The Willcox Municipal Code, Title 1, "Administration", Chapter 1.10 "Ordinances, Resolutions and Contracts", Section 1.10.050 "Effective Date", shall hereby be amended to read as follows:

1.10.050 Effective date OF ORDINANCES.

- ~~A. No ordinance or resolution shall become operative until 30 days after its passage by the council and approval by the mayor, except measures necessary for the immediate preservation of the peace, health or safety of the city, but such an emergency measure shall not become immediately operative unless it states in a separate section the reason why it is necessary that it become immediately operative, and unless it is approved by the affirmative vote of three-fourths of all the members elected to the council, taken by ayes and nays. A CITY ORDINANCE SHALL NOT BECOME OPERATIVE UNTIL 30 DAYS AFTER ITS PASSAGE BY THE COUNCIL AND APPROVAL BY THE MAYOR, UNLESS IT IS PASSED OVER THE MAYOR'S VETO, AND THEN IT SHALL NOT BECOME OPERATIVE UNTIL 30 DAYS AFTER FINAL APPROVAL AND UNTIL CERTIFICATION BY THE CLERK OF THE CITY OF THE MINUTES OF THE MEETING AT WHICH THE ACTION WAS TAKEN, EXCEPT EMERGENCY MEASURES NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE PEACE, HEALTH OR SAFETY OF THE CITY.~~
- ~~B. In addition to the provisions of subsection (A) of this section, the city clerk shall certify the minutes of any council meeting at which an ordinance or resolution, except an emergency measure, is passed. The 30-day period specified in subsection (A) shall be calculated from the date of passage by the council. AN EMERGENCY MEASURE SHALL NOT BECOME IMMEDIATELY OPERATIVE UNLESS IT STATES IN A SEPARATE SECTION THE REASON WHY IT IS NECESSARY THAT IT SHOULD BECOME IMMEDIATELY OPERATIVE, AND UNLESS IT IS APPROVED BY THE AFFIRMATIVE VOTE OF THREE-FOURTHS OF ALL THE MEMBERS ELECTED TO THE CITY COUNCIL, TAKEN BY AYES AND NAYS, AND ALSO APPROVED BY THE MAYOR.~~

~~C. In addition to the provisions of subsections (A) and (B) of this section, where a person or organization provides notice of filing a referendum petition against an ordinance, the provisions of A.R.S. 19-142 shall apply and a city ordinance or resolution shall not become operative until 30 days after its passage by the council and approval by the mayor, unless it is passed over the mayor's veto, and then it shall not become operative until 30 days after final approval and until certification by the city clerk of the minutes of the meeting at which the action was taken, except emergency measures necessary for the immediate preservation of the peace, health or safety of the city. An emergency measure shall not become immediately operative unless it states in a separate section the reason why it is necessary that it should become immediately operative, and unless it is approved by the affirmative vote of three-fourths of all the members elected to the city council, taken by ayes and nays, and also approved by the mayor.~~

SECTION 2: The Willcox Municipal Code, Title 1, "Administration", Chapter 1.10 "Ordinances, Resolutions and Contracts", Section 1.10.040 "Contents of Ordinances", Subsection C. shall hereby be amended to read as follows:

~~C. An ordinance containing a penalty clause shall not be adopted by reference thereto. A penalty clause contained in a code or public record shall be set forth in full in the adopting ordinance.~~

SECTION 3: All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the public record adopted by reference are hereby repealed.

SECTION 4: If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the public record adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion thereof.

SECTION 5: Whereas, as it is necessary for the preservation of the peace, health and safety of the citizens of the City of Willcox, Arizona, an emergency is hereby declared to exist and this ordinance shall become effective immediately upon its passage and adoption.

SECTION 6: Pursuant to A.R.S. §9-812, the City Clerk is directed to publish the text of this Ordinance for two (2) consecutive weeks in a newspaper of general circulation, and further, to post a copy of this Ordinance in three (3) or more public places within the City.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLCOX, ARIZONA, this 5th day of February, 2015.

APPROVED/EXECUTED:

ROBERT A. IRVIN, Mayor

ATTEST:

APPROVED AS TO FORM:

VIRGINIA A. MEFFORD, City Clerk

ANN P. ROBERTS, City Attorney

ORDINANCE NS320
Published in the Range News on February 11th and 18th
Passed and adopted by Councilmembers
Posted on February 6, 2015
Clerk's Initials VAM

CITY OF WILLCOX
Request for Council Action

Agenda Item: 12
Tab Number: 6

Meeting Date:
February 05, 2015

Action:
 Resolution
 Ordinance
 Other

Subject: Ordinance NS321 -
Magistrate term extension

To: Mayor and City Council

From: Ted Soltis

Discussion: Presently Willcox Municipal Code 1.08.020.A "Presiding Officer" states that the magistrate "shall serve for a term of two years." The two year term does not correspond with the four year election term.

Recommendation: Realign the Municipal Code book with the election cycle by extending the term the magistrate serves to four years.

Fiscal Impact: 0

Submitted by: 
Ted Soltis, City Manager

CITY OF WILLCOX, COCHISE COUNTY, ARIZONA

ORDINANCE NS321

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLCOX, ARIZONA, AMENDING THE “WILLCOX MUNICIPAL CODE”, TITLE 1 “ADMINISTRATION”, CHAPTER 1.08 “MAGISTRATE’S COURT”, SECTION 1.08.020 “PRESIDING OFFICER: MAGISTRATE DUTIES”, AMENDING THE TERM OF APPOINTMENT OF THE MAGISTRATE TO FOUR YEARS

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF WILLCOX, ARIZONA:

SECTION 1: The Willcox Municipal Code, Title 1, “Administration”, Chapter 1.08 “Magistrate’s Court”, Section 1.08.020 “Presiding officer, magistrate duties”, Subsection A. “Presiding Officer”, shall hereby be amended to read as follows:

A. Presiding Officer. The presiding officer of the magistrate's court shall be the city magistrate, who shall be appointed by the council. A magistrate shall serve for a term of ~~two~~ four years with the beginning and end of the term of appointment to correspond with his or her elected service to the office of Justice of the Peace for Precinct Number Four (4), Cochise County, State of Arizona. A magistrate shall be appointed to serve as a juvenile hearing officer as provided by statute. Otherwise, the magistrate shall be appointed to serve as Juvenile Hearing Officer as provided by statute and the magistrate serves at the pleasure of the appointing governing body. The magistrate shall receive such compensation as the council may from time to time determine.

SECTION 2: All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the public record adopted by reference are hereby repealed.

SECTION 3: If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the public record adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion thereof.

SECTION 4: Whereas, as it is necessary for the preservation of the peace, health and safety of the citizens of the City of Willcox, Arizona, an emergency is hereby declared to exist and this ordinance shall become effective immediately upon its passage and adoption.

SECTION 5: Pursuant to A.R.S. §9-812, the City Clerk is directed to publish the text of this Ordinance for two (2) consecutive weeks in a newspaper of general circulation, and further, to post a copy of this Ordinance in three (3) or more public places within the City.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLCOX, ARIZONA, this 5th day of February, 2015.

APPROVED/EXECUTED:

ROBERT A. IRVIN, Mayor

ATTEST:

APPROVED AS TO FORM:

VIRGINIA A. MEFFORD, City Clerk

ANN P. ROBERTS, City Attorney

ORDINANCE NS321
Published in the Range News on February 11th and 18th
Passed and adopted by ____ Councilmembers
Posted on February 6, 2015
Clerk's Initials VAM

CITY OF WILLCOX, COCHISE COUNTY, ARIZONA

ORDINANCE NS321

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLCOX, ARIZONA, AMENDING THE "WILLCOX MUNICIPAL CODE", TITLE 1 "ADMINISTRATION", CHAPTER 1.08 "MAGISTRATE'S COURT", SECTION 1.08.020 "PRESIDING OFFICER: MAGISTRATE DUTIES", AMENDING THE TERM OF APPOINTMENT OF THE MAGISTRATE TO FOUR YEARS

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF WILLCOX, ARIZONA:

SECTION 1: The Willcox Municipal Code, Title 1, "Administration", Chapter 1.08 "Magistrate's Court", Section 1.08.020 "Presiding officer, magistrate duties", Subsection A. "Presiding Officer", shall hereby be amended to read as follows:

A. Presiding Officer. The presiding officer of the magistrate's court shall be the city magistrate, who shall be appointed by the council. A magistrate shall serve for a term of ~~two~~ **FOUR** years with the beginning and end of the term ~~to be specified at the time of appointment~~ **TO CORRESPOND WITH HIS OR HER ELECTED SERVICE TO THE OFFICE OF JUSTICE OF THE PEACE FOR PRECINCT NUMBER FOUR (4), COCHISE COUNTY, STATE OF ARIZONA. ~~During such term, the magistrate may be removed only for cause.~~** A magistrate shall be appointed to serve as a juvenile hearing officer as provided by statute. ~~During such term(s), the magistrate may be removed only for cause.~~ Otherwise, the magistrate **SHALL BE APPOINTED TO SERVE AS JUVENILE HEARING OFFICER AS PROVIDED BY STATUE AND THE MAGISTRATE serves at the pleasure of the appointing governing body.** The magistrate shall receive such compensation as the council may from time to time determine.

SECTION 2: All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the public record adopted by reference are hereby repealed.

SECTION 3: If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the public record adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion thereof.

SECTION 4: Whereas, as it is necessary for the preservation of the peace, health and safety of the citizens of the City of Willcox, Arizona, an emergency is hereby declared to exist and this ordinance shall become effective immediately upon its passage and adoption.

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PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLCOX, ARIZONA, this 5th day of February, 2015.

APPROVED/EXECUTED:

ROBERT A. IRVIN, Mayor

ATTEST:

APPROVED AS TO FORM:

VIRGINIA A. MEFFORD, City Clerk

ANN P. ROBERTS, City Attorney

ORDINANCE NS321
Published in the Range News on February 11th and 18th
Passed and adopted by ___ Councilmembers
Posted on February 6, 2015
Clerk's Initials VAM

CITY OF WILLCOX
Request for Council Action

Agenda Item: 13
Tab Number: 7

Meeting Date:

February 05, 2015

Action:

Resolution
 Ordinance
 Other

Subject: Resolution 2015-10
Trevor J. Ward to serve as
City Magistrate and Juvenile
Hearing Officer

To: Mayor and City Council

From: Ted Soltis

Discussion: In accordance with Resolution 2015-10, the City proposes the Mayor and City Council reappoint Trevor J. Ward to serve as City Magistrate and Juvenile Hearing Officer.

Recommendation: Reappoint Trevor J. Ward to serve as City Magistrate and Juvenile Hearing Officer for a term corresponding with his election to office - January 01, 2015 - December 31, 2019.

Fiscal Impact: 0

Submitted by: _____


Ted Soltis, City Manager

RESOLUTION 2015-10

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA ["CITY"] APPROVING THE REAPPOINTMENT OF TREVOR J. WARD TO THE POSITION OF CITY MAGISTRATE AND JUVENILE HEARING OFFICER

WHEREAS, the CITY is empowered to appoint a person of suitable experience to serve as City Magistrate and Juvenile Hearing Officer pursuant to Willcox Municipal Code 1.08.020.A; and

WHEREAS, the Mayor and Council have determined this Resolution is in the best interest of the CITY, its citizens and its municipal judicial system.

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

SECTION 1: The CITY reappoints Trevor J. Ward to serve as City Magistrate and Juvenile Hearing Officer from January 1, 2015 to December 31, 2019.

SECTION 2: The Mayor is authorized and empowered to execute this Resolution and the Judicial Services Contract, Exhibit "A," as presented.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLCOX, ARIZONA, this 5th day of February, 2015.

APPROVED/EXECUTED:

ROBERT A. IRVIN, Mayor

ATTEST:

APPROVED AS TO FORM:

VIRGINIA A. MEFFORD, City Clerk

ANN P. ROBERTS, City Attorney

**Exhibit
"A"**

CITY OF WILLCOX	
CONTRACT: City Magistrate and Juvenile Hearing Officer	
APPOINTEE: Trevor J. Ward	
AMOUNT: \$29,770	
CONTRACT PERIOD: 1/1/15 - 12/31/17	(STAMP HERE)

JUDICIAL SERVICES CONTRACT

THIS CONTRACT entered into between the **CITY OF WILLCOX**, hereinafter "**CITY**," and **TREVOR J. WARD**, hereinafter "**APPOINTEE**."

WITNESSETH:

WHEREAS, the **CITY** is empowered pursuant to the Willcox Municipal Code, 1.08.020 to appoint a person of suitable experience to serve as City Magistrate and City Juvenile Hearing Officer and to compensate such appointee for the services provided by the **APPOINTEE**.

WHEREAS, the **CITY** requires the services of a Magistrate and Juvenile Hearing Officer to act as the Judicial Officer to handle City of Willcox judicial matters and **APPOINTEE** is appointed to serve as Magistrate and Juvenile Hearing Officer under the Consolidated Court pursuant to the Intergovernmental Agreement with Cochise County, hereinafter "**COUNTY**."

NOW, THEREFORE, the parties hereto agree as follows:

ARTICLE I — TERM AND EXTENSION/RENEWAL/CHANGES

This Contract, as approved by the Mayor and Council of the City of Willcox, shall commence on **January 1, 2015** and shall terminate on **December 31, 2019** in accordance with the appointment of **Trevor J. Ward** to serve as Magistrate and Juvenile Hearing Officer or unless sooner terminated or further extended pursuant to the provisions of this Contract. The parties may renew this Contract upon mutual consent or may terminate the Contract upon completion of the Contract or termination of the Agreement with the **COUNTY**.

Any modification, or extension of the contract and/or renewal, shall be with formal approval of Mayor and Council and upon written amendment executed by the parties hereto.

ARTICLE II — SCOPE OF WORK

This Contract establishes the agreement under which the **APPOINTEE** will provide the **CITY** with Judicial Services in accordance with the mutually agreed Scope of Services.

APPOINTEE shall serve as the Magistrate and the Juvenile Hearing Officer as provided in the Consolidation Agreement establishing the Consolidated Court in accordance with the duties obligations contained therein and agreed upon by the **CITY** and **COUNTY**.

ARTICLE III — COMPENSATION AND PAYMENT

In consideration for the Judicial Services specified in this Contract and in the Consolidation Agreement, the CITY agrees to pay APPOINTEE, as an employee of the CITY, (\$29,770/year). The CITY shall also pay the cost of providing required employer benefits of Unemployment, F.I.C.A. and Medicare, each month for the duration of the contract.

If the CITY, as part of the annual budget, approves a pay increase for all city employees, such as a Cost of Living Adjustment), then the compensation set forth in this article shall be adjusted by the same percentage (%) of adjustment given to all CITY employees.

APPOINTEE shall be paid once per month.

ARTICLE IV — INSURANCE

APPOINTEE will not be provided with health insurance through the CITY as APPOINTEE is covered by the COUNTY system.

CITY shall obtain and maintain liability insurance coverage through the Arizona Municipal Risk Retention Pool (AMRRP) or another carrier to cover CITY officials in litigation arising out of carrying out the contracted scope of work that is related to the performance of the Judicial Services or the performance of the Consolidation Agreement.

ARTICLE V — INDEMNIFICATION

APPOINTEE shall indemnify, defend, and hold harmless CITY, its officers, employees and agents from and against any and all actions, legal administrative proceedings, claims and costs attended thereto, arising out of any act, omission, fault or negligence by the APPOINTEE, its agents, employees or anyone under its direction or control on its behalf in connection with performance of this Contract.

CITY shall indemnify, defend, and hold harmless APPOINTEE, its officers, employees and agents from and against any and all suits, actions, legal administrative proceedings, claims and costs attended thereto, arising out of any act, omission, fault or negligence by the CITY, its agents, employees or anyone under its direction or control on its behalf in connection with performance of this Contract.

ARTICLE VI — CONTRACTOR STATUS

The status of the APPOINTEE shall be that of a contract employee. APPOINTEE shall be entitled to receive employment-related fringe benefits such as the CITY match for the costs of Social Security, Medicare, Worker's Compensation and Unemployment insurance coverage.

ARTICLE VII — ASSIGNMENT

APPOINTEE shall not assign his rights to this Contract, in whole or in part.

ARTICLE VIII — AUTHORITY TO CONTRACT

APPOINTEE warrants his right and power to enter into this Contract. If any Court or Administrative Agency determines that CITY does not have authority to enter into this Contract, CITY shall not be liable to APPOINTEE or any third party by reason of such determination or by reason of Contract.

ARTICLE IX— TERMINATION

CITY reserves the right to terminate this Contract for cause when APPOINTEE is found to be in default of any provision of this Contract upon a sixty (60) day advance written notice of such intent to terminate. In the event of such action, the APPOINTEE shall provide the necessary best effort to transfer records/historical data to the CITY and/or succeeding APPOINTEE.

ARTICLE X — NOTICE

Any Notice required or permitted to be given under this Contract shall be in writing and shall be served by personal delivery or by certified mail upon the other party as follows:

CITY:
Willcox City Clerk
101 S. Railroad Avenue, Suite B
Willcox, Arizona 85643

APPOINTEE:
Trevor J. Ward
450 S. Haskell
Willcox, Arizona 85643

ARTICLE XI — REMEDIES

Either party may pursue any remedies provided by law for breach of this Contract. No right or remedy is intended to be exclusive of any other right or remedy and each shall be cumulative and in addition to any other right or remedy existing at law or at equity or by virtue of this Contract.

ARTICLE XII — SEVERABILITY

Each provision of this Contract stands alone, and if any provision of this Contract is held, in whole or in part, to be unenforceable for any reason, the remainder of the provision and of the entire Contract will be severable and remain in effect.

ARTICLE XIII — ENTIRE AGREEMENT

This document constitutes the entire Contract between the parties pertaining to the subject matter hereof, and all prior or contemporaneous agreements and understandings, oral or written, are hereby superseded and merged herein. This Contract may be modified, amended or extended only by a written amendment approved by Mayor and Council and executed thereby.

IN WITNESS THEREOF, the parties have affixed their signatures to this Contract on this 5th day of February, 2015

CITY OF WILLCOX:

APPOINTEE:

Robert A. Irvin, Mayor

Trevor J. Ward

ATTESTED:

APPROVED AS TO FORM:

Virginia A. Mefford, City Clerk

Ann P. Roberts, City Attorney

