

THE STATEMENT OF LEGAL ACTIONS OF THE MAYOR AND CITY
COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 30TH DAY OF AUGUST 2010

CITY OF WILLCOX
MAYOR AND CITY COUNCIL MEETING
SPECIAL MEETING AGENDA
REVISED*!

Statement of Legal Actions

NOTE DATE: **Monday, August 30, 2010**

NOTE TIME: **6:00 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. 2010-92

Ordinance NS300

1. **CALL TO ORDER**-Mayor Gerald W. Lindsey called the special meeting to order on Monday, August 30, 2010 at 6:00 p.m.
2. **ROLL CALL** -City Clerk Cristina G. Whelan, CMC, 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 Figueroa
City Clerk Cristina G. Whelan, CMC
Finance Director Ruth Graham
Public Services & Works Director Dave Bonner

3. **PLEDGE OF ALLEGIANCE TO THE FLAG**-Mayor Lindsey.
4. **CALL TO THE PUBLIC**-There was no response from the public present.
5. **DECLARATION ON CONFLICT OF INTEREST**-There was no response from the Mayor, Council members or staff. +
6. **ADOPTION OF THE AGENDA**-It was moved and seconded to adopt the agenda as presented. It was moved and seconded to amend the motion to consider agenda items numbered 7, 8, 9 and 10 (relating to Executive Session) after agenda item numbered 14 (relating to Resolution NO. 2010-92). **AMENDED MOTION: CARRIED. ORIGINAL MOTION: CARRIED.**
- *7. **DISCUSSION/DECISION ENTER EXECUTIVE SESSION PURSUANT TO ARIZONA REVISED STATUTES § 38-431.03A(3) DISCUSSION OR CONSULTATION FOR LEGAL ADVICE WITH THE ATTORNEY OR ATTORNEYS OF THE PUBLIC BODY; AND**
***ARIZONA REVISED STATUTES § 38-431.03A(4) DISCUSSION OR CONSULTATION WITH THE ATTORNEYS OR THE PUBLIC BODY IN ORDER TO CONSIDER ITS POSITION AND INSTRUCT ITS ATTORNEYS REGARDING THE PUBLIC BODY'S POSITION REGARDING CONTRACTS THAT ARE SUBJECT OF NEGOTIATIONS, IN PENDING OR CONTEMPLATED LITIGATION OR IN SETTLEMENT DISCUSSIONS CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION. (After decision on Resolution NO. 2010-92 considered Agenda items numbered 7-8-9-10.**
It was moved and seconded to enter into an Executive Session pursuant to ARS § 38-431.03A(3), as stated, relating to consultation for legal advice with the attorney(s) of the public body; and ARS § 38-431.03A(4), as stated, relating to pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation. **CARRIED.**

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8. **RECESS TO EXECUTIVE SESSION, IF APPROVED**-recessed regular meeting at 6:47 p.m.
9. **RECONVENE FROM EXECUTIVE SESSION**-Reconvened the regular meeting at 7:06 p.m. and Councilman Donahue had to leave at this time.
- *10. **DISCUSSION/DECISION AND/OR INSTRUCTION TO COUNSEL AND STAFF REGARDING ITEMS CONSIDERED IN EXECUTIVE SESSION**-City Attorney Figueroa explained that the Mayor can instruct Counsel and staff without a motion. Mayor Lindsey instructed Counsel and staff to proceed with the matter discussed and recommendation. City Attorney Figueroa stated he and staff accepts instruction and will proceed as instructed.
- *11. **PUBLIC HEARINGS, PETITIONS AND COMMUNICATIONS**-(Considered first after the adoption of the agenda per motion.)
- *Communications:** Mayor Lindsey read the First Reading of Ordinance NS299 Relating To Taxation: Levying Separate Amounts To Be Raised For Primary And Secondary Property Tax Levies Upon Each One Hundred Dollars (\$100.00) Of The Assessed Valuation Of Property Subject To Taxation Within The City Of Willcox For The Fiscal Year Ending June 30, 2011 And Declaring An Emergency To Exist.
- *Public Hearing:** The Mayor announced that the Mayor and Council will hold a public hearing on Tuesday, September 7, 2010, at 7:00 p.m., 300 W. Rex Allen Drive, Willcox, AZ regarding Ordinance NS299 Relating To Taxation: Levying Separate Amounts To Be Raised For Primary And Secondary Property Tax Levies Upon Each One Hundred Dollars (\$100.00) Of The Assessed Valuation Of Property Subject To Taxation Within The City Of Willcox For The Fiscal Year Ending June 30, 2011 And Declaring An Emergency To Exist.
- 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.
12. **INTRODUCTION AND/OR PRESENTATION BY MARK READER, MANAGING DIRECTOR, STONE & YOUNBERG, LLC AND INTRODUCE TIMOTHY PICKRELL**
- Mr. Mark Reader, Managing Director, Stone & Youngberg, LLC, handed out information to the Mayor and Council regarding graphs and information on the Short Term Loan. Mr. Reader has worked for the City of Willcox on Bond issues and with Mr. Holloway (while employed with the Willcox Unified School District). Recently has been working with the City on the WIFA Financing for \$1 Million for the engineering and design purposes for the wastewater system. Mr. Reader explained the loan and introduced Mr. Tim Pickrell.
- Mr. Tim Pickrell, Squires, Sanders & Dempsey, explained he is the Bond Counsel on the WIFA Loan and explained the process. This loan entails 2- actions: Resolution NO. 2010-91 WIFA (Water Infrastructure Finance Authority) wants loan to be secured by sewer system by 2001 Bonds sold to USDA to Rural.
- MOTION:** Councilman Donahue moved to adopt Resolution No. 2010-91, as stated. **POINT OF ORDER:** Councilman Johnson stated Point of Order need to read the next agenda item to consider and before making a motion.
- Mr. Pickrell also explained that Resolution NO. 2010-92 authorizes the City to enter into WIFA documents and loan agreement to be signed near final form and delivery of \$1M and delegating signing officers any changes.
13. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010- 91 AMENDING RESOLUTION NO: 2001-01, AUTHORIZING THE ISSUANCE AND SALE OF CITY OF WILLCOX, ARIZONA SEWER REVENUE BONDS, SERIES 2001A AND 2001B; AUTHORIZING, RATIFYING AND APPROVING ALL ACTIONS IN CONNECTION THEREWITH AND DECLARING AN EMERGENCY TO EXIST.**

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It was moved and seconded to approve Resolution No. 2010-91 Amending Resolution NO. 2001-01, as stated relating to the Issuance and Sale of City of Willcox, Arizona Sewer Revenue Bonds, Series 2001A and 2001B; Authorizing, Ratifying and Approving All Actions In Connection Therewith and Declaring An Emergency to Exist. **CARRIED.**

14. DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-92 PROVIDING FOR THE FINANCING OF CERTAIN SEWER SYSTEM IMPROVEMENTS AND FACILITIES THROUGH A LOAN AGREEMENT WITH THE WATER INFRASTRUCTURE FINANCE AUTHORITY OF ARIZONA; APPROVING AND DIRECTING THE EXECUTION AND DELIVERY OF SUCH LOAN AGREEMENT AND THE EXECUTION AND DELIVERY OF OTHER DOCUMENTS AND AGREEMENTS IN CONNECTION THEREWITH; PROVIDING FOR OTHER RELATED MATTERS; AND DECLARING AN EMERGENCY

It was moved and seconded to approve Resolution NO. 2010-92, as stated, relating to the Financing of Certain Sewer System Improvements and Facilities Through a Loan Agreement with Water Infrastructure Finance Authority and Directing the Execution and Delivery of Such Loan Agreement and the Execution and Delivery of Other Documents and Agreements In Connection Therewith. **CARRIED.**

At this point 6:45 p.m. go back to item #7 regarding to enter into Executive Session.

15. ADJOURN-7:07 p.m.

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 or the Elsie S. Hogan Community Library during regular business hours Monday-Saturday.

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.