

**CITY OF WILLCOX, COCHISE COUNTY, ARIZONA  
RESOLUTION NO: 2010-08**

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**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA TO APPROVE AND ADOPT GRANT FUNDS FROM THE BORDER ENVIRONMENTAL COOPERATION COMMISSION [“BECC”] FOR THE PURPOSE OF PERFORMING A PRELIMINARY ENGINEERING REPORT AT THE WILLCOX WASTEWATER TREATMENT PLANT [ “WWTP”], AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.**

**WHEREAS**, the Common Council shall have control of the finances and property of the corporation pursuant to A.R.S. § 9-240(A); and

**WHEREAS**, the Common Council shall have power to construct and maintain sewers and drains pursuant to A.R.S. § 9-240(B) (5); and

**WHEREAS**, the Common Council shall have power to build and repair sewers, tunnels and drains pursuant to A.R.S. § 9-276(A) (3); and

**WHEREAS**, the Mayor and Council, acting on behalf of the domestic corporation, shall have power to furnish their inhabitants with a sewer system by erecting and establishing sewer plants pursuant to A.R.S. § 9-276(B); and

**WHEREAS**, the Arizona Department of Environmental Quality [“ADEQ”] shall adopt and enforce rules to classify sewage collection systems and treatment plants and to certify personnel to operate those facilities pursuant A.R.S. § 49-361; and

**WHEREAS**, the Mayor and Council of the City of Willcox, Cochise County, Arizona have determined that the current WWTP must meet specific ADEQ requirements now and in the coming years which make it necessary to perform a Preliminary Engineering Report to be prepared to comply with those requirements; and

**WHEREAS**, the Mayor and Council of the City of Willcox, Cochise County, Arizona have determined that acceptance of BECC grant funds are necessary to perform a Preliminary Environmental Report to renovate the existing WWTP; 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 accept BECC grant funds to accomplish the first step of the WWTP renovation plan; and

**WHEREAS**, the Mayor and Council desire to have this item presented at the next Council Meeting on January 19<sup>th</sup>, 2010; 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 and immediate acceptance of the BECC grant funds, 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 the acceptance of BECC grant funds, authorizes the Mayor to execute this Resolution and directs and authorizes the City Staff to take necessary action to carry out the intent of 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 January, 2010

APPROVED/EXECUTED

/S/ GERALD W. LINDSEY.  
MAYOR, GERALD W. LINDSEY  
Signed: January 20, 2010

ATTEST:

APPROVED AS TO FORM:

/s/ Cristina G. Whelan, CMC.  
City Clerk, Cristina G. Whelan, CMC

/s/ Hector M. Figueora.  
City Attorney, Hector M. Figueroa

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