

RESOLUTION NO: 2010-117

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA, RATIFYING, APPROVING AND AUTHORIZING THE SUBMISSION OF THE APPLICATION TO THE BORDER ENVIRONMENT COOPERATION COMMISSION [“BECC”] UNDER THE ENVIRONMENTAL PROTECTION AGENCY FOR FUNDS FOR THE REHABILITATION/RECONSTRUCTION OF THE WASTE WATER TREATMENT PLANT 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 **BECC** provides assistance to qualifying cities located within 100 kilometers of the United States/Mexico border for water and waste water projects and can fund 50% of the engineering costs and 40% of the construction costs; and

WHEREAS, the City of Willcox Mayor and Council, desire to ratify, approve and authorize the submittal of an application to the **BECC** that will provide funds for the Rehabilitation/Reconstruction of the Waste Water Treatment Plant; and

WHEREAS, the Public Services and Works Department [the “PS&W”], seeks Mayor and Council ratification and approval for the submitted application to the **BECC** in the amount of \$8,538,987.00; and

WHEREAS, the Mayor and Council of the City of Willcox have determined that it is in the best interest of the City and its citizens to ratify and approve the submitted application to the **BECC** and desire to have this item presented at its November 15th, 2010 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 approval and ratification of the submitted application, 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 ratifies and approves the submitted application to the **BECC**.

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 15th day of November, 2010.

APPROVED/EXECUTED:

/S/ GERALD W. LINDSEY
MAYOR, GERALD W. LINDSEY
Signed: 11-16-2010

ATTEST:

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

APPROVED AS TO FORM:

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

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