

CITY OF WILLCOX, COCHISE COUNTY, ARIZONA
RESOLUTION NO: 2010-119

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA RATIFYING AND APPROVING THE TRANSFER OF RESPONSIBILITY FOR FORFEITURE PROCEEDINGS FROM THE COCHISE COUNTY ATTORNEY'S OFFICE [CCAO] TO THE CITY ATTORNEY'S OFFICE AND DECLARING AN EMERGENCY TO EXIST.

WHEREAS, the City of Willcox is empowered pursuant to A.R.S. § 9-240(12) to establish and regulate the police of the city and is vested with all powers of incorporated cities and towns as set forth in Title 9; and

WHEREAS, pursuant to Title 13, Chapter 39 [Forfeiture], the City of Willcox is empowered to assign all forfeiture proceedings to the Cochise County Attorney's Office or may designate said proceedings to be handled by the City Attorney's office; and

WHEREAS, the City of Willcox has previously assigned all forfeiture proceedings to be handled by the Cochise County Attorney's Office; and

WHEREAS, the City of Willcox and other municipalities were recently asked whether CCAO would continue to handle forfeiture proceedings on behalf of the county's municipalities or whether each municipality would assume responsibility for its own forfeiture proceedings; and

WHEREAS, the CCAO notified the municipalities that in order for it to continue to do forfeitures, the CCAO would have to receive sufficient payment from the proceeds to cover salaries of its employees who handle forfeitures; and

WHEREAS, the Director of the Willcox Department of Public Safety and the City Attorney's Office are willing and able to handle forfeiture proceedings; and

WHEREAS, Mayor and Council have considered the matter and directed Chief Weaver and Legal Counsel to begin the process of transferring the responsibility to our municipality; 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, the WDPS and its citizens to formally ratify and approve the transfer of responsibility to the City Attorney's Office from the CCAO for forfeiture proceedings; and

WHEREAS, the Mayor and Council desire to have this item presented at the next Council Meeting on November 15th, 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 approval of the transfer of responsibility, and that this Resolution be effective immediately upon its passage and adoption.

NOW, BE IT RESOLVED by the Mayor and Council of the City of Willcox, Cochise County, Arizona, that the City formally ratifies and approves the transfer of responsibility for forfeiture proceedings to the City Attorney's Office, authorizes the Mayor to execute this Resolution and directs and authorizes the City Staff and Legal Counsel 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 15th day of November, 2010

APPROVED/EXECUTED

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

ATTEST:

APPROVED AS TO FORM:

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

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

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