

RESOLUTION NO: 2010-13

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA (“CITY”), APPROVING AND ACCEPTING THE DELEGATION AGREEMENT #06-082 (“DA”) BETWEEN THE CITY AND THE ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY (“ADEQ”) FOR THE PURPOSE OF DELEGATING A LOCAL ENVIRONMENTAL AGENCY (“LA”), AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.

WHEREAS, the **CITY** is authorized pursuant to A.R.S. ' 9-240, et seq. to provide regulations for the prevention and extinguishment of fires, for the preservation of public health, and protection of the environment; and

WHEREAS, the **CITY** is authorized to enter into Intergovernmental Agreements with other governmental agencies pursuant to A.R.S. 11-952 *et seq.*; and

WHEREAS, the **CITY** is vested with all powers of incorporated towns as set forth in Title 9 or other provisions of law relating to cities and towns pursuant to A.R.S. ' 9-499.01, et seq.; and

WHEREAS, A.R.S. § 49-107 authorizes the Director of ADEQ (“Director”) to delegate to a local environmental agency, county health department, public health services district or municipality any functions, powers or duties which the Director believes can be competently, efficiently, and properly performed by the local agency; and

WHEREAS, A.R.S. § 49-501 specifically permits the Director to delegate authority for the issuance of open burn permits to a county, town, fire district, or its assigned private fire protection service provider; and

WHEREAS, the **LA** is required by A.R.S. § 49-106 to enforce and observe rules adopted by ADEQ and the laws of the State of Arizona pertaining to the preservation of public health and protection of the environment; and

WHEREAS, the Director believes the **LA** will competently, efficiently, and properly perform the Functions and Duties covered under the DA and the **LA** deems that it is in its best interests to accept such Functions and Duties; and

WHEREAS, the **LA** agrees to accept the delegation of authority to abide by the terms of the DA and A.A.C. R18-2-602 and perform those Functions and Duties on behalf of ADEQ in accordance with the terms and conditions contained therein; and

WHEREAS, the Mayor and Council of the City of Willcox have determined that it is in the best interest of the City, the Fire Department and its citizens to accept the delegated authority and to enter into the DA as presented; and

WHEREAS, the Mayor and Council desire to have this item presented on February 1st, 2010 at the 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 timely acceptance of the delegated authority, 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 accepts the delegated authority and approves and adopts Delegation Agreement #06-082; and

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 1st day of February, 2010.

APPROVED/EXECUTED:

/S/ GERALD W. LINDSEY
MAYOR, GERALD W. LINDSEY
Signed: February 3, 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

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