

**CITY OF WILLCOX, COCHISE COUNTY, ARIZONA
RESOLUTION NO: 2010-44**

**A RESOLUTION OF THE CITY OF WILLCOX,
COCHISE COUNTY, ARIZONA [“CITY”]
APPROVING AND AUTHORIZING THE
PURCHASE OF NATURAL GAS ON A FORWARD
PRICING CONTRACT BASIS AND ON THE SPOT
MARKET UNDER THE BASE CONTRACT
BETWEEN THE CITY AND BP ENERGY
COMPANY [“BP”], 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(B) (2) to appropriate money and provide for payment of its debts and expenses and is authorized pursuant to A.R.S. §9-514 to engage in utility business; and

WHEREAS, the Mayor and Council desire to approve and authorize the purchase of natural gas on a forward pricing contract basis and on the spot market under the Base Contract with BP Energy Company; and

WHEREAS, the CITY has had an on-going contractual relationship with Wasatch Energy, now known as BP Energy Company since 2001; and

WHEREAS, the CITY and BP have negotiated acceptable terms for sale/purchase transactions for the purchase of natural gas as necessary to meet the needs of the CITY and its customers; and

WHEREAS, the CITY currently purchases its natural gas requirements from BP Energy Company and desires to approve and confirm the delivery transaction period of May 1, 2010 through April 30, 2011 to enable the CITY to purchase needed natural gas supplies; 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 effectiveness of continued natural gas purchases, and that this Resolution shall be effective immediately upon its passage and adoption.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF WILLCOX,
COCHISE COUNTY, ARIZONA, AS FOLLOWS:**

Section 1: The Mayor and Council has determined that it is in the best interest of the CITY and the customers of the City’s gas utility to approve and authorize the purchase of natural gas on a forward pricing contract basis and on the spot market under the Base Contract with BP Energy Company.

Section 2: The Mayor and Council formally approve and confirm the purchase of natural gas on a forward pricing contract basis and on the spot market under the Base Contract with BP Energy Company for the delivery period of May 1, 2010 through April 30, 2011.

Section 3: The Mayor is authorized and empowered to execute the Purchase Contract documents with such changes thereto as the parties may deem appropriate to implement the City's natural gas acquisition program.

Section 4: CITY Officials and Administrators are authorized and directed to take all action required to participate and perform under the City's Natural Gas Acquisition Program as presented.

Section 5: The immediate operation of the provisions of this Resolution is necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, and this Resolution shall be in full force and effect from and after its passage by the City of Willcox, Cochise County, Arizona.

PASSED AND ADOPTED by the Council of the City of Willcox, Cochise County, Arizona, this 3rd day of May, 2010.

APPROVED/EXECUTED:

/S/ GERALD W. LINDSEY
MAYOR, GERALD W. LINDSEY
Signed: May 4, 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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