

RESOLUTION NO. 2010-48

A RESOLUTION OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA, (“CITY”) APPROVING AND AUTHORIZING THE PROPOSAL FROM BROWN & CALDWELL (“C&B”) TO CONDUCT FUEL TANK REMEDIATION SERVICES AND THE SUBMITTAL OF AN APPLICATION BY C&B TO THE ADEQ LEAKING UNDERGROUND STORAGE TANK (LUST), AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.

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

WHEREAS, the Arizona Department of Environmental Quality (“ADEQ”) and the Environmental Protection Agency (“EPA”) mandated that all underground fuel storage tanks be removed and soil remediation be done to prevent contamination of underground water; and

WHEREAS, the CITY removed the fuel tank located in the Public Services and Works yard monitoring wells were drilled to verify that no contamination of the ground water had occurred; and

WHEREAS, the CITY has been notified that the verification testing is incomplete and further testing is required; and

WHEREAS, the CITY has received a proposal from C & B to perform the required work and to submit a grant application to obtain 90% funding for the work to be performed with the CITY being responsible for the other 10% or \$2,140.00; and

WHEREAS, it is in the best interest of the City of Willcox, Cochise County, Arizona and its citizens to approve and adopt the C & B proposal and to authorize C & B to apply for Grant funds on behalf of the CITY for the 90% reimbursement; 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, 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 C & B Proposal is hereby approved and adopted as presented.

Section 2: The City Manager of the CITY is authorized to take such actions as are necessary to carry out the intent of this Resolution.

Section 3: C & B is authorized, on behalf of the CITY, to apply for grant funds to cover 90% of the cost of remediation activities and the CITY is authorized to pay the remaining 10% as presented.

Section 3: 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.

Section 4: The Mayor is authorized and empowered to execute this Resolution.

PASSED AND ADOPTED by Mayor and Council of the City of Willcox, Cochise County, Arizona, this ____ day of May, 2010.

APPROVED/EXECUTED:

MAYOR, GERALD W. LINDSEY

ATTEST:

City Clerk, Cristina G. Whelan, CMC

APPROVED AS TO FORM:

City Attorney, Hector M. Figueroa

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