

RESOLUTION NO. 2010-51

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA [“ENTITY”] APPROVING AND ADOPTING THE SERVICE AGREEMENT WITH SMARTSCHOOLS, INC, AN ARIZONA CORPORATION D/B/A SMARTWORKSPUS [“PROVIDER”] FOR CONTRACT EMPLOYEE LEASING SERVICES AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION, THE AGREEMENT AND DECLARING AN EMERGENCY TO EXIST.

WHEREAS, the ENTITY, is authorized and empowered to have control of the finances, property and employees of the corporation and to have power within the limits of the City to oversee all phases of services to the citizens of the City pursuant to Title 9, A.R.S. §§ 9-240 and 9-499.01 et seq.; and

WHEREAS, pursuant to Ordinance NS 283, Mayor and Council adopted the Willcox City Code setting forth the city’s personnel policy to regulate all city personnel including contract employees and is empowered to regulate and enter into employment agreements pursuant to Title 1, Chapter 7, Section 1-7-1(B); and

WHEREAS, the ENTITY is empowered to permit employees to participate in the Arizona State Retirement System (ASRS); and

WHEREAS, the employees who have earned 80 points (80 points = Age plus Years of Service) can retire under the ASRS; and

WHEREAS, the ENTITY published a Request for Proposals (RFP) pursuant to the City of Willcox procurement policy and awarded the bid to Provider for contract employee leasing services; and

WHEREAS, the Mayor and Council desire to have this Resolution presented at its May 17th, 2010 Council Meeting for the purpose of approving and adopting the Service Agreement; and

WHEREAS, the Mayor and Council have determined that formal action on this Resolution is in the best interest of the ENTITY, its employees and its citizens; 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 implementation of the Service Agreement 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: Mayor and Council formally approve Resolution 2010-51 for the purpose of approving and adopting the Service Agreement with SMARTWORKSPLUS as presented.

Section 2: 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 3: 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 17th day of May 2010.

APPROVED/EXECUTED:

/S/ GERALD W. LINDSEY
MAYOR, GERALD W. LINDSEY
Signed: May 18, 2010

ATTEST:

APPROVED AS TO FORM:

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

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

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