

CITY OF WILLCOX, COCHISE COUNTY, ARIZONA
RESOLUTION NO: 2010-78

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA, (“CITY”) TO FORMALLY APPROVE AND AUTHORIZE THE FRANCHISE TAX REFUND TO SULPHUR SPRINGS VALLEY ELECTRIC COOPERATIVE, INC. (“SSVEC”) AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST

WHEREAS, pursuant to A.R.S. § 9-240, the Mayor and Council shall have the control and power over the affairs, finances and property of the corporation and to appropriate money to provide for the payment of its debts and expenses; and

WHEREAS, pursuant to §3.08.560(a) of the City’s 2009 Tax Code, the period within which a claim may be filed or refund allowed shall be as provided by statute and pursuant to A.R.S. §§ 42-1104, 42-1106 and 42-1118 that statute of limitations is four (4) years; and

WHEREAS, SSVEC has paid franchise taxes to the CITY on the amount of electrical services provided to the Northern Cochise Community Hospital for the period of June 2006 through March 2010 and has made a request for a Franchise Tax Refund in the amount of \$16,398.83; and

WHEREAS, pursuant to A.R.S. § 42-5063(C) (3), the gross proceeds of sales to qualifying hospitals as defined in A.R.S. § 42-5001 shall be deducted from the tax base; and

WHEREAS, the Mayor and Council of the City of Willcox have determined that it is in the best interest of the City and its residents to approve and authorize the requested Franchise Tax Refund; 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 accounting of Franchise Tax revenues and adjustments, 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 gives formal approval and authorization for the Mayor to execute this Resolution and to direct City Staff to take whatever steps are necessary 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 6th day of July 2010.

APPROVED/EXECUTED:

/S/ GERALD W. LINDSEY
MAYOR, GERALD W. LINDSEY
Signed: July 7, 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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