

CITY OF WILLCOX, COCHISE COUNTY, ARIZONA
RESOLUTION NO: 2010-95

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA RATIFYING, APPROVING AND AUTHORIZING THE FILING OF A PETITION WITH THE U.S. COMMODITY FUTURES TRADITION COMMISSION (“CFTC”) TO TRANSACT CERTAIN TYPES OF “EXEMPT COMMODITIES” FOR NATURAL GAS AFTER THE JULY 16, 2011 EFFECTIVE DATE PURSUANT TO THE DODD-FRANK WALL STREET REFORM AND CONSUMER PROTECTION ACT (“ACT”) AND DECLARING AN EMERGENCY TO EXIST.

WHEREAS, the City of Willcox (“CITY”) is empowered pursuant to A.R.S. § 9-240(B)(2) to appropriate money and provide for payment of its debts and expenses and is vested with all powers of incorporated cities and towns as set forth in Title 9; and

WHEREAS, the CITY is authorized pursuant to A.R.S. §9-514 to engage in utility business including natural gas purchases on the “futures” market through our current provider, MuniGas; and

WHEREAS, Congress passed the Dodd-Frank Wall Street Reform and Consumer Protection Act (“ACT”) which was signed into law with an “Effective Date” of July 16, 2011; and

WHEREAS, the ACT may require changes on how the CITY makes purchases of natural gas in the upcoming years and provides for the filing of a petition for an extension of the effective date; and

WHEREAS, the ACT requires the Federal government to draft and implement regulations to carry out the intent of the ACT and, if a Petition is timely filed, the CITY can preserve the right for an extension of time when the regulations are finalized and implemented; and

WHEREAS, the Mayor and City Administrators recognized the importance of filing the Petition, completed same, and the Mayor executed it on behalf of the City and thereafter filed it with the CFTC; and

WHEREAS, the CITY desires to have this item presented to Mayor and Council at its next Council Meeting on Monday, September 20, 2010 to ratify, approve and authorize the filing of the Petition; and

WHEREAS, Mayor and Council have determined that it is in the best interests of the CITY, gas customers and its residents to ratify, approve and authorize the filing of the Petition to the CFTC to preserve its right to obtain an extension of time after the effective date of July 16, 2011; 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 ratification of the filing of the Petition to the CFTC, 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 determine that it is in the best interest of the CITY and the customers of the City's gas utility to: ratify, approve and authorize the filing of the Petition to the CFTC as presented.

Section 2: The Mayor and Council formally ratify, approve and authorize the filing of the Petition by the required deadline of September 17, 2010.

Section 3: CITY Officials and Administrators are authorized and directed to take all action required or necessary to carry out the intent of the Resolution.

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 Mayor and Council of the City of Willcox, Cochise County, Arizona this 20th day of September, 2010

APPROVED/EXECUTED

/S/ GERALD W. LINDSEY
MAYOR, GERALD W. LINDSEY
Signed: 09-21-2010.

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, Esq.

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