

**RESOLUTION NO: 2011-01**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA, APPROVING AND AUTHORIZING THE ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY [“AZDEQ”] CONSENT ORDER RELATED TO THE CITY’S WASTE WATER TREATMENT PLANT AND DECLARING AN EMERGENCY TO EXIST.**

**WHEREAS**, the CITY is empowered pursuant to A.R.S. § 9-240 (A) and (B) to control the finances and property of the corporation; and

**WHEREAS**, the CITY is empowered pursuant to A.R.S. §§ 9-240 and 9-276 to establish and define sewer districts and construct sewers therein; to regulate, build and repair sewers, tunnels and drains; and

**WHEREAS**, the CITY is empowered pursuant to A.R.S. § 9-511 to engage in any business or enterprise which may be engaged in by persons by virtue of a franchise from a municipal corporation, and may construct, purchase, acquire, own and maintain within and without its corporate limits any such business or enterprise, including plants and pipelines for sewage; and

**WHEREAS**, the CITY and AZDEQ have reached an agreement pursuant to an AZDEQ Consent Order to perform certain steps to assure actions are taken to come into compliance with State and Federal laws related to the City’s Waste Water Treatment Plant; and

**WHEREAS**, the City of Willcox Mayor and Council, desire to approve and authorize the Consent Order related to the Waste Water Treatment Plant to be effective as of January 17, 2011; 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 citizens to approve and authorize the AZDEQ Consent Order as presented; 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 approval and authorization of the Consent Order, and that this Resolution be effective immediately upon its passage and adoption.

**THEREFORE, BE IT RESOLVED** by the Mayor and Council of the City of Willcox, Cochise County, Arizona, that the City hereby formally approves and authorizes the AZDEQ Consent Order.

**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 \_\_3<sup>rd</sup>\_\_ day of January, 2011.

**APPROVED/EXECUTED:**

/S/ MONIKA S. CRONBERG \_\_\_\_\_.  
~~MAYOR, GERALD W. LINDSEY~~  
VICE MAYOR MONIKA S. CRONBERG

**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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