

**CITY OF WILLCOX, COCHISE COUNTY, ARIZONA
RESOLUTION NO: 2011-03**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA [“CITY”] APPROVING AND ADOPTING THE NEW INTERGOVERNMENTAL AGREEMENT [IGA] WITH THE ARIZONA DEPARTMENT OF REVENUE [“ADOR”] FOR THE PURPOSE OF AMENDING THE STATUS TO A NON-PROGRAM CITY TO ALLOW FOR SELF COLLECTION OF TRANSACTION PRIVILEGE TAXES AND AUTHORIZING THE MAYOR TO EXECUTE THE IGA AND DECLARING AN EMERGENCY TO EXIST.

WHEREAS, the CITY and the ADOR have the authority to enter into agreements for services pursuant to A.R.S. Section 11-952 [Intergovernmental Agreements], if authorized by their legislative or governing bodies; and

WHEREAS, A.R.S. Section 42-6001 et seq. provides that the ADOR may collect and administer any transaction privilege license tax or use tax imposed by any city or town and provides for uniform audit functions including joint audits of a taxpayer by the ADOR and the CITY where the taxpayer conducts business. The statute further provides that the ADOR and the CITY may enter into an IGA to carry out the services in accordance with A.R.S. Section 42-6001; and

WHEREAS, the CITY has decided to terminate the previous IGA with ADOR by providing Notice to ADOR and ADOR has provided notification of its acceptance to change from a Program City to a Non-Program City status; and

WHEREAS, the CITY and ADOR must now enter into another IGA to redefine the roles and responsibilities of the parties pursuant to such a status change; and

WHEREAS, it is the mutual desire of the parties to enter into an IGA to provide a uniform method of administration, collection, audit and licensing of transaction privilege tax, use tax, severance tax, jet fuel excise tax and rental occupancy taxes imposed by the State or Cities or Towns in accordance with the Model City Tax Code and A.R.S. Section 42-6001; and

WHEREAS, the IGA provides for Disclosure of Information by the CITY and the ADOR in accordance with Model City Tax Code, Section 510(h) and A.R.S. Sections 42-2001, 42-2003 and 42-2004 et seq.; and

WHEREAS, the IGA provides for the Storage and Destruction of Confidential Information by the CITY and the ADOR in accordance with A.R.S. Sections 42-2001, 42-2003 and 42-2004 et seq. and 26 USC Section 6103(p)(4)(F) (Internal Revenue Code Section 6103(p)(4)(F)); and

WHEREAS, the IGA provides for Multi-Jurisdictional Audits pursuant to taxpayer's request and A.R.S. Section 42-6005; and

WHEREAS, the IGA provides for an initial term of this Agreement through June 30th of each year following the date of execution and shall automatically be renewed for successive one (1) year terms unless either party shall terminate this IGA by notice, in writing, to the other not later than ninety (90) days prior to the expiration of the term then in effect;

WHEREAS, in order for this IGA to become effective, it must be executed by the appropriate authorized signatory pursuant to an official act of the governing body authorizing such act and it must be executed by the Director of the ADOR pursuant to an official act of the ADOR authorizing the Director to execute this IGA; and

WHEREAS, the Mayor and Council of the City of Willcox desire to have this Resolution presented at its January 18th, 2011 Special Council Meeting for the purpose of approving and adopting the IGA; and

WHEREAS, the Mayor and Council have determined that formal action on this Resolution is in the best interest of the CITY, its citizens and its affected taxpayers; and,

WHEREAS, it is necessary for the preservation of the peace, health, and safety of the City of Willcox, Arizona, that an emergency be declared to exist to assure timely implementation of this IGA, 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: That the CITY formally approves Resolution 2011-03 for the purpose of approving and adopting the IGA with the ADOR for services as presented.

Section 2: That 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, Arizona.

Section 3: That the Mayor and/or the City Manager are authorized and empowered to execute this Resolution and the Intergovernmental Agreement Document as presented.

PASSED AND ADOPTED by the Mayor and Council of the City of Willcox, Cochise County, Arizona this __18th __ day of January, 2011

APPROVED/EXECUTED

/S/ GERALD W. LINDSEY
MAYOR, GERALD W. LINDSEY
Signed: 01-19-2011

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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