

**CITY OF WILLCOX , COCHISE COUNTY, ARIZONA  
RESOLUTION NO: 2011-23**

**A RESOLUTION OF THE CITY OF WILLCOX,  
COCHISE COUNTY, ARIZONA [“CITY”]  
RATIFYING AND APPROVING THE PURCHASE  
OF NATURAL GAS ON A FORWARD PRICING  
CONTRACT BASIS AND ON THE SPOT MARKET  
UNDER THE BASE CONTRACT BETWEEN THE  
CITY AND BP ENERGY COMPANY [“BP”],  
AUTHORIZING THE MAYOR TO EXECUTE THIS  
RESOLUTION AND DECLARING AN  
EMERGENCY TO EXIST**

**WHEREAS**, the CITY is authorized pursuant to A.R.S. §§ 9-240(B) (2) to appropriate money and provide for payment of its debts and expenses and is authorized pursuant to A.R.S. §9-514 to engage in utility business; and

**WHEREAS**, the Mayor and Council desire to ratify and approve the April 13, 2011 purchase of natural gas on a forward pricing contract basis and on the spot market under the Base Contract with BP Energy Company; and

**WHEREAS**, the CITY has had an on-going contractual relationship with Wasatch Energy, now known as BP Energy Company since 2001; and

**WHEREAS**, the CITY and BP have negotiated acceptable terms for sale/purchase transactions for the purchase of natural gas as necessary to meet the needs of the CITY and its customers; and

**WHEREAS**, the CITY currently purchases its natural gas requirements from BP Energy Company and desires to ratify, approve and confirm the delivery transaction period of May 1,2011 through April 30, 2012 to enable the CITY to purchase needed natural gas supplies; 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 effectiveness of continued natural gas purchases, 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 has determined 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 purchase of natural gas on a forward pricing contract basis and on the spot market under the Base Contract with BP Energy Company.

Section 2: The Mayor and Council formally ratify, approve and confirm the purchase of natural gas on a forward pricing contract basis and on the spot market under the Base Contract with BP Energy Company for the delivery period of May 1, 2011 through April 30, 2012.

Section 3: The Mayor is authorized and empowered to execute the Purchase Contract documents with such changes thereto as the parties may deem appropriate to implement the City's natural gas acquisition program.

Section 4: CITY Officials and Administrators are authorized and directed to take all action required to participate and perform under the City's Natural Gas Acquisition Program as presented.

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 Council of the City of Willcox, Cochise County, Arizona, this 3<sup>rd</sup> day of May, 2011.

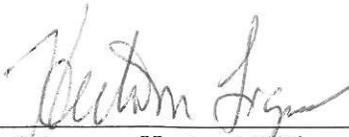
**APPROVED/EXECUTED:**

  
MAYOR, GERALD W. LINDSEY

ATTEST:

APPROVED AS TO FORM:

  
City Clerk, Cristina G. Whelan, CMC

  
City Attorney, Hector M. Figueroa

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