

**CITY OF WILLCOX, COCHISE COUNTY, ARIZONA
RESOLUTION NO: 2011-55**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA, APPROVING AND ACCEPTING FINANCIAL ASSISTANCE FROM THE BORDER ENVIRONMENT COOPERATION COMMISSION [“BECC”] UNDER THE ENVIRONMENTAL PROTECTION AGENCY FOR FUNDS FOR THE UPGRADES OF THE WASTE WATER TREATMENT PLANT (“WWTP”) 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 Mayor and Council, approved and passed Resolution 10-117 on November 15, 2010 authorizing the submittal of an application to the **BECC** to obtain funds for the Rehabilitation/Reconstruction of the Waste Water Treatment Plant; and

WHEREAS, the **BECC** provides assistance to qualifying cities located within 100 kilometers of the United States/Mexico border for water and waste water projects; and

WHEREAS, the **BECC** has prioritized the City’s WWTP as one of its top priorities and have offered financial assistance for that purpose; and

WHEREAS, the City of Willcox Mayor and Council desire to approve and accept financial assistance from the **BECC** that will provide funds for the WWTP upgrades in the form of funding for project development, preliminary engineering, environmental clearance, final design. To complement other funding sources; 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 accept grant funding for the WWTP upgrades from the **BECC** and desire to have this item presented at its July 18th, 2011 Council Meeting; 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 acceptance of **BECC** financial assistance, 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 accepts financial assistance from the **BECC** and directs City staff 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 18th day of July, 2011.

APPROVED/EXECUTED:

/S/ GERALD W. LINDSEY
MAYOR, GERALD W. LINDSEY
Signed: 07-20-2011

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

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