

**CITY OF WILLCOX , COCHISE COUNTY, ARIZONA  
RESOLUTION NO: 2011-87**

**A RESOLUTION OF THE CITY OF WILLCOX,  
COCHISE COUNTY, ARIZONA [“CITY”]  
APPROVING AND RATIFYING THE FORWARD-  
PRICING CONTRACT AND EXTENSION OF THE  
CONTRACT WITH BP ENERGY COMPANY [“BP”]  
THROUGH OCTOBER 2012, 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 purchase of natural gas on a forward pricing contract basis and on the spot market under the Base Contract with BP Energy Company for a one or two year period within a range; 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 desires to ratify, approve and confirm the Forward-Pricing Contract and Contract Extension through October 2012 to enable the CITY to purchase needed natural gas supplies on a longer period of time and on better rates; 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 Forward-Pricing contract and the Contract Extension through October 2012 with BP as presented.

Section 2: The Mayor and Council formally ratify, approve and confirm the Forward-Pricing Contract and the Contract Extension through October 2012 with BP as presented.

Section 3: The Mayor is authorized and empowered to execute the 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 7<sup>th</sup> day of November, 2011.

**APPROVED/EXECUTED:**

/S/ GERALD W. LINDSEY \_\_\_\_\_  
MAYOR, GERALD W. LINDSEY  
Signed: 11-09-2011

ATTEST:

APPROVED AS TO FORM:

/s/ Cristina Garcia Whelan, CMC \_\_\_\_\_  
City Clerk, Cristina G. Whelan, CMC

/s/ Hector M. Figueroa \_\_\_\_\_  
City Attorney, Hector M. Figueroa

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