

**CITY OF WILLCOX, COCHISE COUNTY, ARIZONA
RESOLUTION NO: 2011-89**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA APPROVING AND ADOPTING THE FOURTH AMENDMENT TO THE MUNICIPAL SOLID WASTE SERVICES AGREEMENT WITH COUNTY OF COCHISE [“COUNTY”] TO REDUCE WASTE DISPOSAL AND TO PROMOTE RECYCLING PROGRAMS URBAN TRANSFER STATION AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION 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 and the COUNTY have authority to enter into an Intergovernmental Agreement (“IGA”) with one another pursuant to A.R.S. §11-952 et seq.; and

WHEREAS, the CITY is authorized pursuant to A.R.S. § 9-240 (B) to exercise exclusive control over the streets, alleys, avenues and sidewalks of the city and to improve same; and

WHEREAS, the CITY is authorized pursuant to the adopted City of Willcox Procurement Policy to procure contracts for Solid Waste Services and to provide for the disposal of waste and recycling materials at the County operated facility; and

WHEREAS, CITY, all participating Cities (“CITIES”) and the COUNTY desire to approve and adopt the Fourth Amendment to the original IGA adopted in 1992; and

WHEREAS, the Mayor and Council of the City of Willcox, Cochise County, Arizona have determined that it is in the best interest of the CITY and its citizens to approve and adopt the Fourth Amendment as presented; and

WHEREAS, the Mayor and Council desire to have this item presented at the next Council Meeting on November 21st, 2011; 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 and immediate amendment to the IGA, and that this Resolution be effective immediately upon its passage and adoption.

BE IT RESOLVED by the Mayor and Council of the City of Willcox, Cochise County, Arizona, that the City hereby formally approves and adopts the IGA, authorizes the Mayor to execute this IGA and directs the City Manager 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 21st day of November, 2011

APPROVED/EXECUTED

/S/ GERALD W. LINDSEY
MAYOR, GERALD W. LINDSEY
Signed: 11-23-2011

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, Esq.

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