

**CITY OF WILLCOX, COCHISE COUNTY, ARIZONA
RESOLUTION NO. 2012-43**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF
WILLCOX, ARIZONA APPROVING AND ADOPTING THE
INCREASED RATES AND CHARGES FOR THE GAS UTILITY OF THE
CITY OF WILLCOX AND SETTING AN EFFECTIVE DATE.**

WHEREAS, the Mayor and Council of the City of Willcox make the following findings:

(a) The City of Willcox, Arizona (the "CITY") has the requisite statutory authority to engage in any business or enterprise which may be engaged in by persons by virtue of a franchise from the municipal corporation, and may construct, purchase, acquire, own and maintain within or without its corporate limits any such business or enterprise pursuant to the provision of A.R.S. § 9-511 et seq.

(b) The CITY has the requisite statutory authority to provide Gas, Water, Wastewater and Solid Waste Services for the benefit of the property owners and users within and without the City's corporate boundaries pursuant to the provision of A.R.S. § 9-511 et seq.

(c) The Mayor and Council are required to adopt a notice of intention to increase rates and charges for Gas, Water, Wastewater and Solid Waste Utilities, provide notification on the City's home page website and to set a date for a public hearing on the proposed increases in accordance with A.R.S. §§ 9-511.01 and 9-499.15

(d) The Mayor and Council adopted the required Notice of Intention pursuant to **Resolution 2012-28** and conducted the first Public Hearing on **May 7th, 2012** and the second Hearing on **May 21st, 2012** on the increased rates and charges at which time oral and written comments were received on the proposed increases.

(e) A copy of the proposed increased rates and charges was made available to the public by filing a copy in the office of the City Clerk at least 30 days prior to the hearing. The Notice of Intention was published one time in a newspaper of general circulation within the boundaries of the City not less than 20 days prior to said hearing.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF WILLCOX,
COCHISE COUNTY, ARIZONA, AS FOLLOWS:**

Section 1: That approval and adoption of the Gas Utility Increased Rates/Charges as described Exhibit "A" are in the best interests of the residents of the City of Willcox.

Section 2: That the City of Willcox formally approves and adopts the Gas Utility Increased Rates/Charges as presented and as outlined in Exhibit "A" attached hereto.

Section 3: That the City of Willcox Gas Utility Increased Rates/Charges shall be in full force and effect on July 1, 2012 after formal adoption and passage of this Resolution by Mayor and Council pursuant to A.R.S. § 9-511.01.

Section 4: The Mayor is authorized and empowered to execute this Resolution and City staff are authorized and directed to carry out the intent of **Resolution No. 2012-43**.

PASSED, ADOPTED AND APPROVED, by the Mayor and City Council of the City of Willcox, Cochise County, Arizona, on this 21st day of May, 2012.

APPROVED/EXECUTED

/s/ Gerald W. Lindsey
MAYOR, GERALD W. LINDSEY (or)
VICE MAYOR, MONIKA S. CRONBERG

ATTEST:

Cristina Garcia Whelan, CMC
City Clerk, Cristina Garcia Whelan, CMC

APPROVED AS TO FORM:

/s/ Hector M. Figueroa
City Attorney, Hector M. Figueroa, Esq.

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