

**CITY OF WILLCOX, COCHISE COUNTY, ARIZONA
RESOLUTION NO: 2012-71**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA (“CITY”) APPROVING FOR PLACEMENT BEFORE THE QUALIFIED ELECTORS OF THE CITY A NEW TWENTY-FIVE (25) YEAR FRANCHISE AGREEMENT FOR THE SULPHUR SPRINGS VALLEY ELECTRIC COOPERATIVE (“SSVEC”) TO CONTINUE TO USE CITY PUBLIC RIGHT-OF WAYS TO SUPPLY ELECTRICITY TO THE CITIZENS OF THE CITY; AUTHORIZING AND DIRECTING AUTHORIZED CITY OFFICERS AND AGENTS TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, pursuant to A.R.S. § 9-501(A), the CITY has the authority to grant a franchise for a public utility operated by a grantee only after being authorized by a majority vote of the qualified electors of the municipal corporation at a regular election or at a special election duly and regularly called by the governing of the municipal corporation for that purpose; and

WHEREAS, pursuant to A.R.S. § 9-502(A), a person desiring to obtain a franchise to operate a public utility from a municipal corporation shall present the franchise desired to the municipal governing body and it shall be filed among its records; and

WHEREAS, on March 10th, 1987, the CITY approved and adopted Ordinance NS130 granting, selling and renewing SSVEC a 25 year franchise agreement to continue to use the City public rights-of-ways to supply electricity to the citizens of the CITY; and

WHEREAS, upon expiration of the existing franchise agreement and pursuant to A.R.S. § 9-502, a new SSVEC franchise agreement must be negotiated and presented to Mayor and Council and ultimately to the Willcox citizenry for voter approval; and

WHEREAS, CITY has reviewed the proposed new franchise agreement attached hereto and desires to have this item presented to Mayor and Council at its next Council Meeting on August 6th, 2012; and

WHEREAS, if the governing body of the City of Willcox deems the granting of the franchise beneficial to the municipal corporation, it shall pass a resolution, to be spread upon its record, stating that fact, and shall submit the question to its qualified electors as to whether or not the franchise shall be granted at a regular or special election called for that purpose as required pursuant to A.R.S. § 9-502(B); and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLCOX, ARIZONA as follows:

SECTION 1: That City Council Policy, affirmed by Ordinance No: NS130, granting of a utility franchise for use of public rights-of-ways, be and is hereby affirmed; and

SECTION 2: That a new 25 year franchise agreement for SSVEC, attached hereto and made part of this Resolution as Exhibit "A", be approved and placed before the qualified electors of the City for voter approval.

SECTION 3: That the City Manager, City Clerk, Legal Counsel, Election Officials or their duly authorized officers and agents are hereby authorized and directed to take all necessary steps to carry out the purposes and intent of this Resolution.

PASSED AND ADOPTED by the Mayor and Council of the City of Willcox, Cochise County, Arizona this 6th day of August, 2012

APPROVED/EXECUTED

/s/ Robert A. Irvin
MAYOR, ROBERT A. IRVIN
Signed: 08-08-2012

ATTEST:

APPROVED AS TO FORM:

/s/ Virginia A. Mefford
City Clerk, Virginia A. Mefford

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

RESOLUTION NO: 2012-71