

CITY OF WILLCOX, COCHISE COUNTY, ARIZONA

RESOLUTION NO: 2012-74

A RESOLUTION OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA, APPROVING AND ADOPTING THE ASSIGNMENT OF THE CITY ATTORNEY LEGAL SERVICES CONTRACT TO ANN P ROBERTS, ESQ. OF THE LAW FIRM OF BATTAGLIA & ROBERTS, P.C. AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION, THE CONTRACT ASSIGNMENT AND DECLARING AN EMERGENCY TO EXIST

WHEREAS, the CITY is empowered pursuant to Title 9, A.R.S. § 9-499.01, et seq. and the Willcox City Code, Title 1, Chapter 7, Article C, Section 1-7C-1 to appoint/retain CONTRACTOR to provide Municipal Legal Services as the City Attorney; and

WHEREAS, the CITY and the Hector M. Figueroa, Esq. (“CONTRACTOR”) entered into the Legal Services Contract and Amendments thereto for legal services from May 27, 2007 up to the present date with a Contract clause authorizing assignment of the contract; and

WHEREAS, the Legal Services Contract assignment clause requires CITY approval that may be withheld at the sole discretion of the CITY provided that such approval shall not be unreasonably withheld; and

WHEREAS, the CONTRACTOR has provided notice of his intent to resign the position of City Attorney and his desire to assign the Legal Services Contract to Ann P Roberts, Esq. from date of approved assignment to June 30, 2013; and

WHEREAS, the CITY desires to approve the Legal Services Contract Assignment to Ann P Roberts, Esq. for all legal services required to be provided to the CITY; and

WHEREAS, the City of Willcox, Cochise County, Arizona desires to have this Resolution presented at the Regular Council Meeting on August 20th, 2012 and has determined that approval of Legal Services Contract Assignment is in the best interest of the CITY and its residents; 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, 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: That the City of Willcox formally approves the Legal Services Contract Assignment from the CONTRACTOR to Ann P Roberts, Esq. as presented to Mayor and Council.

Section 2: That 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.

Section 3: That the Mayor is authorized and empowered to execute this Resolution approving the Legal Services Contract Assignment as presented.

PASSED AND ADOPTED by the Council of the City of Willcox, Cochise County, Arizona, this 20th day of August 2012.

APPROVED/EXECUTED:

/s/ Robert A. Irvin
MAYOR ROBERT A IRVIN
Signed: 08-22-2012

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. 2012-74