

**RESOLUTION NO. 2018-06**

**AUTHORIZING RESOLUTION BY THE MAYOR AND COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA TO APPROVE THE PURCHASE OF A COOLING/HEATING SYSTEM FOR CITY HALL AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.**

**WHEREAS**, the CITY OF WILLCOX (the "CITY"), a body politic and corporate duly organized and existing as a political subdivision, municipal corporation of the State of Arizona (the "State"), is authorized by the laws of the State to purchase, acquire and lease personal property for the benefit of the CITY and its inhabitants and to enter into contract with respect thereto; and

**WHEREAS**, the CITY is empowered with the authority to appropriate money and provide for the payment of its debts and expenses and to exercise exclusive control over the streets pursuant to A.R.S. Section 9-240 et seq.; and

**WHEREAS**, the CITY is empowered with the authority to purchase, hold, lease property, real and personal, necessary or proper to carry out the purposes of the corporation, within and without its limits pursuant to A.R.S. Section 9-241 et seq.; and

**WHEREAS**, in order to acquire such equipment, the CITY desires to purchase a cooling/heating system for City Hall with GNS Heating and Cooling, the form of which has been presented to the governing body of the City of Willcox at this meeting.

**WHEREAS**, the Mayor and Council of the City of Willcox desire to have this Resolution presented at its May 24, 2018 Special Council Meeting for the purpose of approving, and authorizing the purchase of a cooling/heating system for City Hall; and

**WHEREAS**, the Mayor and Council have determined that formal action on this Resolution is in the best interest of the CITY and its citizens; 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 execution of Agreement documents, 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. Approval of Documents:** The form, terms and provisions of the Agreement and all other schedules and exhibits attached thereto are hereby approved in substantially the form presented at this meeting, with such insertions, omissions and changes as shall be approved by counsel for the CITY or other members of the governing body executing the same, the execution of such documents being conclusive evidence of such approval and the Mayor and City Clerk shall have the power and authority to execute and acknowledge, attest and affix the seal of the CITY, countersign and deliver the Agreement and exhibits attached thereto.

**Section 2. Other Actions Authorized:** The officers and employees of the CITY shall take all action necessary or reasonably required by the parties to the Agreement to carry out, give effect to and consummate the transactions contemplated thereby and to take all action necessary therewith in connection with the Agreement.

**Section 3. No General Liability:** Nothing contained in this Resolution, the Agreement, or any other instrument shall be construed with respect to the CITY as incurring a pecuniary liability or charge upon the general credit of the CITY or against its taxing power, nor shall any breach of any agreement contained in this Resolution, the Agreement, or any other instrument or document executed in connection therewith impose any pecuniary liability upon the CITY or any charge upon its general credit or against its taxing authority, except to the extent that the payments payable under the Agreement are special obligations of the CITY as provided in the Agreement.

**Section 4. Declaration of Emergency:** 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 and adoption by the City of Willcox, Cochise County, Arizona.

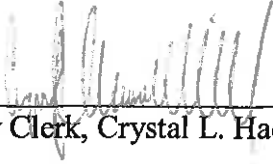
**Section 3. Authorized Signatories:** Below are the true names, correct titles and specimen signatures of the incumbent elected and appointed officials authorized to affix their signatures by this Resolution.

**PASSED AND ADOPTED BY MAYOR AND COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA this 24th day of May 2018.**

**APPROVED/EXECUTED:**

  
MAYOR, MICHAEL J. LAWS

**ATTEST:** This Resolution shall be effective immediately upon its approval and adoption. This Resolution was passed, adopted and approved on May 24, 2018.



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City Clerk, Crystal L. Hadfield

**APPROVED AS TO FORM:**



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City Attorney, Ann P. Roberts, Esq.

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