

**CITY OF WILLCOX, COCHISE COUNTY, ARIZONA  
RESOLUTION NO: 2010-84**

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**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA [“CITY”] APPROVING AND ADOPTING THE TITLE VI ASSURANCES RELATING TO FEDERAL CIVIL RIGHTS ASSURANCES UNDER THE INTERGOVERNMENTAL AGREEMENT (“IGA/JPA 09-198-I”) FOR THE FORT GRANT TRANSPORTATION ENHANCEMENT PROJECT AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.**

**WHEREAS**, the City of Willcox is empowered pursuant to A.R.S. §§ 9-240 and 11-952 et seq. to enter into agreements with the county, the state and federal governments and agencies and is vested with all powers of incorporated cities and towns as set forth in Title 9; and

**WHEREAS**, the Department of Transportation is duly authorized by A.R.S. § 28-401 to enter into this Agreement and has delegated to its signatory the authority to execute this Agreement on behalf of the State; and

**WHEREAS**, the CITY is duly authorized by A.R.S. § 48-572 to enter into IGA/JPA 09-198-I with the STATE/ADOT and has done so pursuant to Resolution number 2010-81; and

**WHEREAS**, the CITY has selected an eligible transportation enhancement project along the South side of Fort Grant Road between N. Quail Drive and N. Virginia Avenue covering 2,800-foot-long 10-foot-wide asphalt, concrete sidewalk shared use pedestrian pathway to include landscaping, irrigation, scenic beautifications and pedestrian lighting; and

**WHEREAS**, pursuant to the terms of the IGA, the CITY has agreed to designate the STATE/ADOT as authorized agent (“AGENT”) for the CITY; and

**WHEREAS**, the AGENT has informed the CITY that Title VI Assurances relating to Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 200d-4 and Title 49, the Civil Rights Restoration Act of 1987 (Public Law 100.259) are to be included in the construction contract as part of the bid package to be issued for soliciting prospective bidders; and

**WHEREAS**, the CITY will be publishing a Solicitation for Bids for this project and staff seeks Mayor and Council formal approval of the Title VI Assurances; 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 authorize the Title VI Assurances as presented: and

**WHEREAS**, the Mayor and Council desire to have this item presented at the next Council Meeting on August 2, 2010; 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 approval of the Title VI Assurances for inclusion in the bid package, 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, as follows:

Section 1: The CITY hereby approves and adopts the Title VI assurances as presented.

Section 2: City Staff are directed and authorized to take necessary action to carry out the intent of this Resolution.

Section 3: The Mayor is authorized to execute 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 2<sup>nd</sup> day of August, 2010

APPROVED/EXECUTED

/S/ GERALD W. LINDSEY  
MAYOR, GERALD W. LINDSEY  
Signed: 08-03-2010

ATTEST:

APPROVED AS TO FORM:

/s/ Cristina G. Whelan, CMC  
City Clerk, Cristina G. Whelan, CMC

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

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