

RESOLUTION NO: 2010-87

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA, APPROVING AND AUTHORIZING THE ACCEPTANCE AND EXECUTION OF A SETTLEMENT AGREEMENT BETWEEN THE CITY AND THE ARIZONA DEPARTMENT OF HEALTH SERVICES (“ADHS”) RELATING TO THE LAB AT THE WASTEWATER TREATMENT PLANT (“WWTP”), AUTHORIZING AND DIRECTING CITY STAFF TO PAY THE SETTLEMENT AMOUNT AND DECLARING AN EMERGENCY TO EXIST.

WHEREAS, the CITY is empowered pursuant to A.R.S. § 9-240 (A) and (B) to control the finances and property of the corporation; and

WHEREAS, the CITY is authorized pursuant to A.R.S. § 9-240 (B) to construct and maintain sewers and drains; and

WHEREAS, the CITY is authorized pursuant to A.R.S. § 9-276 (A) to build, construct, maintain and repair sewers, tunnels and drains; and

WHEREAS, pursuant to A.R.S. § 9-499.01, the CITY is vested with all the powers of incorporated towns as set forth in Title 9; and

WHEREAS, the City of Willcox and ADHS have reached a settlement relating to the Lab at the WWTP and desire to enter into a formal settlement agreement to resolve pending matters; and

WHEREAS, the Mayor and Council of the City of Willcox have determined that it is in the best interest of the City and its citizens to approve, adopt and enter into the Settlement Agreement as presented; and

WHEREAS, the Mayor and Council desire to have this item presented at its August 16, 2010 Council Meeting; 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 the Settlement Agreement, 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, that the City hereby gives formal approval and authorization to enter into the Settlement Agreement, the Mayor is authorize to execute the Agreement and City Staff are authorized to carry out the terms of the Agreement as presented.

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 16th day of August 2010.

APPROVED/EXECUTED:

/S/ GERALD W. LINDSEY
MAYOR, GERALD W. LINDSEY
Signed: 08-18-2010

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

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