

**RESOLUTION NO. 2011-16**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA [“CITY”] APPROVING AND ADOPTING REVISIONS TO SECTION 702, SUBSECTIONS 702.1 THROUGH 702.9.12 (DRUG AND ALCOHOL USE) OF THE WILLCOX EMPLOYEE HANDBOOK FOR THE PURPOSE OF REVISING THE USE, TESTING AND ADMINISTRATIVE PROCEDURES RELATED THERETO; REPEALING THE FORMER SECTION 702 IN ITS ENTIRETY; ADOPTING THE REVISED PERSONNEL POLICY; ESTABLISHING THE EFFECTIVE DATE AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.**

**WHEREAS**, the City of Willcox, is authorized and empowered pursuant to Title 9, A.R.S. §§ 9-240 and 9-499.01 et seq. to have control of the finances and property of the corporation and to have power to oversee all phases of services to the citizens of the City; and

**WHEREAS**, the current City of Willcox Employee Handbook was officially approved and adopted pursuant to Resolution 2007-10 on May 23, 2007 incorporating personnel policies setting forth the principles and procedures which will be followed by the City of Willcox in the administration of its personnel system; and

**WHEREAS**, the Mayor and City Council approved and adopted Revisions to Sections 503, 511, 512, 516, 303 and 517 of the Employee Handbook pursuant to Resolutions 2008-14, 2010-14, 2010-20; 2010-30 and 2010-106; and

**WHEREAS**, the Mayor and City Council have determined that approving and adopting a Revision to Section 702, Subsections 702.1 through 702.9.12 [DRUG AND ALCOHOL USE] of the Employee Handbook to address provisions the Arizona Medical Marijuana law [Title 36, Chapter 28.1] is in the best interest of the City, its employees and the citizens of this City; and

**WHEREAS**, the Mayor and Council of the City of Willcox desire to have this Resolution presented at its March 21<sup>st</sup>, 2011 Council Meeting

**WHEREAS**, it is necessary for the preservation of the peace, health, and safety of the City of Willcox, Arizona, that an emergency be declared to exist to assure timely implementation of the revised policy, and that this Resolution be effective immediately upon its passage and adoption.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and City Council of the City of Willcox, Cochise County, Arizona, that the Revised Section 702, subsections 702.1 through 702.9.12 of the Employee Handbook shall be the official statement of policies and procedures concerning employment with the City of Willcox, effective April 21, 2011.

**BE IT FURTHER RESOLVED:**

1. That this Resolution serves to approve and adopt the revisions to Section 702 and respective Subsections 702.1 through 702.9.12 and the repeal of former Section 702, in its entirety, of the Willcox Employee Handbook as presented and to authorize the Mayor to execute this Resolution.
2. That if any provision, section, subsection, sentence, clause, phrase or portion of this Resolution adopted herein or the application thereof to any person or circumstance is found to be invalid, the invalidity shall not affect other provisions or applications of this Resolution which can be given effect without the invalid provision or circumstance and to this end, the provisions of this Resolution are severable
3. That nothing in this Resolution shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of actions acquired or existing, under any act or Resolution(s) hereby repealed as cited in this Resolution; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Resolution.

**BE IT FURTHER RESOLVED** by the Mayor and Council of the City of Willcox, Cochise County, Arizona, 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.

**PASSED AND ADOPTED** by the Mayor and City Council of the City of Willcox, Cochise County, Arizona, this 21<sup>st</sup> day of March, 2011.

**APPROVED/EXECUTED**

/S/ GERALD W. LINDSEY  
MAYOR, GERALD W. LINDSEY  
Signed: 03-24-2011

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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