

**CITY OF WILLCOX, COCHISE COUNTY, ARIZONA**

**RESOLUTION 2012-46**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA, “CITY”, APPROVING AND AUTHORIZING THE BASE CONTRACT FOR THE SALE AND PURCHASE OF NATURAL GAS WITH SEMINOLE ENERGY COMPANY; DIRECTING AUTHORIZED CITY OFFICERS AND AGENTS TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION; AND, DECLARING AN EMERGENCY TO EXIST.**

**WHEREAS**, the CITY is empowered pursuant to Arizona Revised Statutes, Title 9, Section 9-240(B)(2) to appropriate money and provide for payment of its debts and expenses, and authorized pursuant to A.R.S. §9-514 to engage in business of the a public nature, specifically, gas distribution; and,

**WHEREAS**, the CITY desires to purchase natural gas to supply to the customers of the City’s gas utility from Seminole Energy; and,

**WHEREAS**, To purchase gas from Seminole Energy, CITY will be required to execute the Base Contract for Sale and Purchases of Natural Gas, Exhibit “A”, which is a standard North American Energy Standards Board (NAESB) contract, and the Seminole Energy Services, LLC., Amendment to NAESB Standard Contract Form, Exhibit “B”, both of which are being presented herewith and incorporated herein; and,

**WHEREAS**, further, to purchase gas from Seminole Energy, CITY will also be required to execute the Addendum to Gas Supply Contract, Exhibit “C”, and the Agency Agreement Authorization, Exhibit “D”, which allows for the transportation of natural gas over the El Paso Gas Pipeline, both of which are also being presented herewith and incorporated herein; and,

**WHEREAS**, the Mayor and City Council have determined that formal action on this Resolution is in the best interest of the CITY and its citizens; and,

**WHEREAS**, it is the desire of the Mayor and City Council that this item be presented for consideration at the regular City Council Meeting on June 17, 2013; and,

**WHEREAS**, it is necessary for the preservation of peace, health, and the safety of the City of Willcox, Cochise County, State of Arizona, that an emergency be declared to exist and directing that this Resolution shall become effective immediately upon its passage and adoption.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLCOX, ARIZONA,** as follows:

**SECTION 1:** The Mayor and City Council hereby authorize and approve the Base Contract for Sale and Purchases of Natural Gas, presented herewith as Exhibit “A”, to be entered into with Seminole Energy Services, LLC., for the purpose of purchasing and distributing natural gas; and,

**SECTION 2:** The Mayor and City Council hereby authorize and approve the Seminole Energy Services, LLC., Amendment to NAESB Standard Contract Form, presented herewith as Exhibit “B”, to be entered into with Seminole Energy Services, LLC., for the purpose of purchasing and distributing natural gas; and,

**SECTION 3:** The Mayor and City Council hereby authorize and approve the Addendum to Gas Supply Contract, presented herewith as Exhibit “C”, to be entered into with Seminole Energy Services, LLC., for the purpose of purchasing and distributing natural gas; and,

**SECTION 4:** The Mayor and City Council hereby authorize and approve the Agency Agreement Authorization, presented herewith as Exhibit “D”, to be entered into with Seminole Energy Services, LLC., for the purpose of purchasing and distributing natural gas; and,

**SECTION 5:** CITY Officials and Administrators are authorized and directed to take all action required to participate and perform under the terms and conditions of the foregoing approved Agreements; and,

**SECTION 6:** The Mayor is authorized and empowered to execute and deliver the foregoing approved Agreements and this Resolution as presented; and,

**SECTION 7:** 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.

**PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLCOX, ARIZONA,** this 17<sup>th</sup> day of June, 2013.

**APPROVED/EXECUTED:**

/s/ Robert A. Irvin  
**ROBERT A. IRVIN, MAYOR**

**ATTEST:**

/s/ Virginia A. Mefford  
**VIRGINIA A. MEFFORD**, City Clerk

**APPROVED AS TO FORM:**

/s/ Ann P. Roberts  
**ANN P. ROBERTS**, City Attorney

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