

TOWN OF PINETOP-LAKESIDE

RESOLUTION NO. 17-1424

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PINETOP-LAKESIDE, NAVAJO COUNTY, ARIZONA, FINDING AND DECLARING THE GRANT OF A WATER UTILITY FRANCHISE BENEFICIAL FOR THE TOWN OF PINETOP-LAKESIDE AND ORDERING THAT THE QUESTION AS TO WHETHER A FRANCHISE IS GRANTED TO ARIZONA WATER COMPANY IS SUBMITTED TO THE VOTERS OF THE TOWN OF PINETOP-LAKESIDE AT THE NOVEMBER 7, 2017 GENERAL ELECTION; PROVIDING FOR THE GIVING OF NOTICE OF THE ELECTION; PRESCRIBING THE FORM OF THE BALLOT TO BE USED AT THE ELECTION.

WHEREAS, Arizona Water Company wishes to have a Franchise Agreement with the Town of Pinetop-Lakeside and have the rights to utilize the Town of Pinetop-Lakeside's rights-of-way for water utility transmission and distribution; and

WHEREAS, the Mayor and Council of the Town of Pinetop-Lakeside have determined that it will be beneficial to the Town to grant a new franchise to Arizona Water Company, conferring the right to utilize the Town's rights-of-way for water utility transmission and distribution; and

WHEREAS, under applicable law a public utility franchise agreement must be approved by a majority of the qualified electors in a primary, general or special election; and

WHEREAS, the Mayor and Council of the Town of Pinetop-Lakeside desire to submit to the Pinetop-Lakeside qualified electors the approval of a franchise agreement with Arizona Water Company for water utility transmission and distribution facilities in the public rights-of-way.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Pinetop-Lakeside, Arizona, as follows.

Section 1. The Mayor and Town Council of the Town of Pinetop-Lakeside deem the grant of a franchise to Arizona Water Company beneficial for the Town.

Section 2. The general election scheduled for the 7th day of November 2017 will include on the ballot the question as to whether a franchise (as more specifically described in the agreement attached to this resolution as Exhibit "A") shall be granted to Arizona Water Company, and such question is submitted to the qualified electors of the Town. This question will share the ballot with national, state and other local political races.

Section 3. Polls will open at 6:00 a.m. and close at 7:00 p.m. on the day of the election at such locations as are determined by county, state and federal officials prior to the elections.

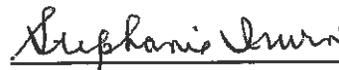
Section 4. The Pinetop-Lakeside Town Clerk will give notice of the election by causing a copy of this Resolution, including the proposed franchise, to be published in full in a daily newspaper of general circulation in Navajo County, no later than thirty (30) consecutive days prior to the election.

Section 5. The question posed to voters on election ballots will appear in substantially the following form:

SHALL A FRANCHISE BE GRANTED TO ARIZONA WATER COMPANY, ITS SUCCESSORS AND ASSIGNS, CONFERRING THE RIGHT, PRIVILEGE AND FRANCHISE TO CONSTRUCT, MAINTAIN AND OPERATE IN, OVER, UNDER AND ACROSS THOSE PORTIONS OF PUBLIC RIGHTS-OF-WAY IN THE TOWN OF PINETOP-LAKESIDE, ARIZONA, WATER TRANSMISSION AND DISTRIBUTION FACILITIES FOR THE PURPOSE OF PROVIDING WATER TRANSMISSION AND DISTRIBUTION SERVICES WITHIN THE TOWN OF PINETOP-LAKESIDE AND ITS FUTURE ADDITIONS?

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the Town of Pinetop-Lakeside, Arizona, by a majority of the members present and voting this 6th day of July, 2017.

TOWN OF PINETOP-LAKESIDE



Stephanie Irwin
Mayor

ATTEST:



Remilie S. Miller, MMC
Town Clerk



APPROVED AS TO FORM:



William J. Sims, III
Town Attorney

EXHIBIT "A"