

RESOLUTION 2024-016

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO TAKE SUCH ACTIONS, INCLUDING THE RETENTION OF OUTSIDE COUNSEL, TO SET ASIDE THE LIENS RECORDED AGAINST THE CITY OF SIERRA VISTA BY EDWIN GROOVER; AND AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, On January 8, 2024, Edwin Groover recorded two liens against the City of Sierra Vista, Arizona; and

WHEREAS, under Arizona law, the liens are groundless and invalid; and

WHEREAS, absent a voluntary retraction of the liens by Mr. Groover, the City's recourse is to file a special action against Mr. Groover pursuant to A.R.S. 33-420; and

WHEREAS, before the City Attorney may pursue legal action, the Mayor and Council must direct him to do so; and

WHEREAS, it is in the best interest of the citizens of Sierra Vista that such legal action be taken.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

SECTION 1

That the settled policy, which directs the City Attorney to initiate litigation by specific action of the Mayor and City Council be, and hereby is reaffirmed.


SECTION 2

That the City Attorney is hereby authorized and directed to take such action(s) as may be required, including retaining outside counsel, to set aside those certain liens recorded by Edwin Groover against the CITY OF SIERRA VISTA as Document Nos. 2024-00312 and 2024-00311.

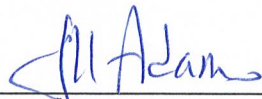
SECTION 3

The City Manager, City Clerk, City Attorney, or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this Resolution.

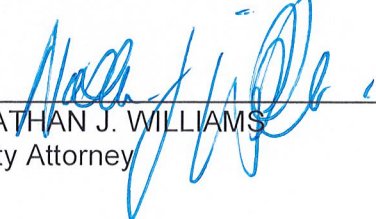
PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, THIS 28<sup>TH</sup> DAY OF MARCH 2024.

  
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CLEA MCCAA, II  
Mayor

ATTEST:

  
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JILL ADAMS  
City Clerk

APPROVED AS TO FORM:

  
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NATHAN J. WILLIAMS  
City Attorney

PREPARED BY:  
Nathan J. Williams, City Attorney