



# TOWN OF HUACHUCA CITY

The Sunset City

**HUACHUCA CITY TOWN COUNCIL  
PUBLIC MEETING NOTICE  
THURSDAY, APRIL 8, 2021, AT 7:00 PM  
VIA IN-PERSON ATTENDANCE AND REMOTE ACCESS  
COUNCIL CHAMBERS  
500 N. GONZALES BLVD.  
HUACHUCA CITY, AZ 85616**

**SPECIAL NOTICE:** BY NEW PROCLAMATION OF THE MAYOR, DUE TO SIGNIFICANT PROGRESS IN THE BATTLE AGAINST THE COVID-19 PANDEMIC, THE MAYOR AND COUNCIL WILL RESUME IN-PERSON PUBLIC MEETINGS, BUT WILL CONTINUE TO OFFER A REMOTE ACCESS FORMAT. MEMBERS OF THE PUBLIC MAY COME TO TOWN HALL TO ATTEND THESE MEETINGS OR THEY MAY ATTEND BY GOING TO [OR CALLING TO]: <https://www.facebook.com/HuachucaCityAZ> or 520-844-2096. IN ADDITION, THE MAYOR HAS RESUMED IN-PERSON CALLS TO THE PUBLIC AT THESE MEETINGS. HOWEVER, MEMBERS OF THE PUBLIC MAY STILL CHOOSE TO SUBMIT WRITTEN COMMENTS TO THE TOWN CLERK TWENTY-FOUR HOURS IN ADVANCE OF THESE MEETINGS.

**ADVANCE NOTICE OF ALL MEETINGS CAN BE FOUND AT THE TOWN'S USUAL AGENDA POSTING LOCATIONS, INCLUDING THE TOWN'S WEBSITE <https://huachucacityaz.gov/>**

## **AGENDA**

### **A. Call to Order – Mayor**

- a. Pledge of Allegiance
- b. Roll Call and Ascertain Quorum
- c. Invocation

*Any prayer/invocation that may be offered before the start of regular Council business shall be the voluntary offering of a private citizen, for the benefit of the Council and the citizens present. The views or beliefs expressed by the prayer/invocation speaker have not been previously reviewed or approved by the Council, and the Council does not endorse the religious beliefs or views of this, or any other speaker. A list of volunteers is maintained by the Town Clerk's Office and interested persons should contact the Town Clerk's Office for further information.*

### **B. Call to the Public – Mayor**

*A.R.S. 38-431.01 states the Public Body may make an open call to the public during a public meeting, subject to reasonable time, place and manner restrictions, to allow individuals to address the public body on any issue within the jurisdiction of the Public Body. At the conclusion of an open call to the public, individual members of the Public Body may respond to criticism*

made by those who have addressed the Public Body, may ask staff to review a matter or may ask that a matter be put on a future agenda. However, members of the Public Body shall not discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action.

### **C. Consent Agenda - Mayor**

All items listed in the Consent Agenda are considered routine matters and will be enacted by one motion of the Council. There will be no separate discussion of these items unless a Member of the Town Council requests that an item or items be removed for discussion. Council Members may ask questions without removal of the item from the Consent Agenda. Items removed from the Consent Agenda are considered in their normal sequence as listed on the agenda, unless called out of sequence.

- C.1** Consider approval of the minutes, including the executive sessions minutes, of the Regular Council meeting held on March 25, 2021.
- C.2** Consider approval of the Payment Approval Report.

### **D. Unfinished Business before the Council – Mayor**

Public comment will be taken at the beginning of each agenda item, after the subject has been announced by the Mayor and explained by staff. Any citizen, who wishes, may speak one time for five minutes on each agenda item before or after Council discussion. Questions from Council Members, however, may be directed to staff or a member of the public through the Mayor at any time.

### **E. New Business Before Council - Mayor**

Public comment will be taken at the beginning of each agenda item, after the subject has been announced by the Mayor and explained by staff. Any citizen, who wishes, may speak one time for five minutes on each agenda item before or after Council discussion. Questions from Council Members, however, may be directed to staff or a member of the public through the Mayor at any time.

**E.1 Discussion and/or Action [Suzanne Harvey]:** Presentation of the results of the financial audit conducted by Hinton Burdick for fiscal year 2020.

**E.2 Discussion and/or Action [Suzanne Harvey]:** Memorandum of Understanding with Family Healthcare Amigos which operates a community lending shed ["Lending Shed"] for distributing free durable medical equipment and incontinence supplies to seniors and low-income households in Huachuca City and surrounding communities.

**E.3 Discussion and/or Action [ Mayor Wallace]:** **Resolution 2021-06, A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, ADOPTING A FAIR HOUSING POLICY, MAKING KNOWN ITS COMMITMENT TO THE PRINCIPLE OF FAIR HOUSING, AND DESCRIBING ACTIONS IT SHALL UNDERTAKE TO AFFIRMATIVELY FURTHER FAIR HOUSING.**

E.4 Discussion and/or Action [Mayor Wallace]: Proclamation 2021-04 recognizing April as Sexual Assault Awareness and Prevention Month.

E.5 Discussion and/or Action [Mayor Wallace]: First reading of ORDINANCE NO. 2021-03 AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF HUACHUCA CITY, ARIZONA, AMENDING TOWN CODE CHAPTER 2.20 "COUNCIL PROCEDURE" SECTION 2.20.010 "REGULAR MEETINGS" TO REMOVE THE HOUR OF COUNCIL MEETINGS FROM THE TOWN CODE AND TO ALLOW FLEXIBILITY WITH RESPECT TO MEETING LOCATION; the Council might discuss and take action to change future Council meeting times from 7:00 pm to 6:00 pm.

E.6 Discussion and/or Action [ Mayor Wallace]: Second reading of Ordinance 2021-01 AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, AMENDING THE TOWN CODE TITLE 18 "ZONING," CHAPTER 18.35 "R-1 RESIDENTIAL DISTRICTS," SECTION 18.35.035 "TRAILERS/ACCESSORY VEHICLES" TO ELIMINATE THE REQUIREMENT TO REGISTER PARKING OF TRAILERS/ACCESSORY VEHICLES ON RESIDENTIAL PROPERTY AND TO ELIMINATE THE ASSOCIATED FEE.

E.7 Discussion and/or Action [ Mayor Wallace]: Second reading of Ordinance 2021-02 AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, AMENDING THE TOWN CODE TITLE 18 "ZONING," RELATING TO THE REGULATION OF RECREATIONAL MARIJUANA, MEDICAL MARIJUANA AND INDUSTRIAL HEMP; SETTING FORTH DEFINITIONS; PROHIBITING MARIJUANA ON PUBLIC PROPERTY; PROHIBITING MARIJUANA TESTING FACILITIES; REGULATING MARIJUANA ESTABLISHMENTS; ESTABLISHING REGULATIONS FOR PERSONAL USE OF MARIJUANA AT AN INDIVIDUAL'S PRIMARY RESIDENCE; AUTHORIZING RETAIL SALES FROM MARIJUANA, MARIJUANA PRODUCTS AND INDUSTRIAL HEMP; REQUIRING COMPLIANCE WITH STATE LICENSING REGULATIONS; PROVIDING FOR PERMIT REQUIREMENTS; ESTABLISHING PURPOSES; IMPOSING FEES; SETTING FORTH VIOLATIONS; AND PROVIDING FOR ENFORCEMENT AND PENALTIES.

F. Department Director reports

G. Items to be placed on future agendas

H. Reports of Current Events by Council

I. Adjournment

Posted at 5:00 PM on April 6, 2021, at the following locations:

<b>Town Hall Bulletin Board</b> 500 N. Gonzales Blvd. Huachuca City, AZ 85616	<b>Town Hall Lobby Windows</b> 500 N. Gonzales Blvd. Huachuca City, AZ 85616	<b>Town Website</b> <a href="https://huachucacityaz.gov">https://huachucacityaz.gov</a>
<b>Huachuca City U.S. Post Office</b> 690 N. Gonzales Blvd. Huachuca City, AZ 85616	<b>Huachuca City Library Windows</b> 506 N. Gonzales Blvd. Huachuca City, AZ 85616	<b>Huachuca City Police Department</b> 500 N. Gonzales Blvd. Huachuca City, AZ 85616

*Ms. Brandye Thorpe*  
Town Clerk

Note: This meeting is open to the public. All interested people are welcome to attend. A copy of agenda background material provided to the Councilmembers, with the exception of confidential material relating to possible executive sessions, is available for public inspection at the Town Clerk's Office, 500 N. Gonzales Blvd., Huachuca City, AZ 85616, Monday through Friday from 8:00 a.m. to 5:00 p.m. or online at [www.huachucacityaz.gov](http://www.huachucacityaz.gov)

Individuals with disabilities who need a reasonable accommodation to attend or communicate at a town meeting, or who require this information in alternate format, may contact the Town at 456-1354 (TTY 456-1353) to make their needs known. Requests should be made as early as possible so there is sufficient time to respond.



# TOWN OF HUACHUCA CITY

The Sunset City

**MEETING MINUTES OF THE  
HUACHUCA CITY TOWN COUNCIL  
March 25, 2021 AT 7:00 PM  
COUNCIL CHAMBERS  
500 N. GONZALES BLVD.  
HUACHUCA CITY, AZ 85616**

**SPECIAL NOTICE:** BY NEW PROCLAMATION OF THE MAYOR, DUE TO SIGNIFICANT PROGRESS IN THE BATTLE AGAINST THE COVID-19 PANDEMIC, THE MAYOR AND COUNCIL WILL RESUME IN-PERSON PUBLIC MEETINGS, BUT WILL CONTINUE TO OFFER A REMOTE ACCESS FORMAT. MEMBERS OF THE PUBLIC MAY COME TO TOWN HALL TO ATTEND THESE MEETINGS OR THEY MAY ATTEND BY GOING TO [OR CALLING TO]: <https://www.facebook.com/HuachucaCityAZ> or 520-844-2096. IN ADDITION, THE MAYOR HAS RESUMED IN-PERSON CALLS TO THE PUBLIC AT THESE MEETINGS. HOWEVER, MEMBERS OF THE PUBLIC MAY STILL CHOOSE TO SUBMIT WRITTEN COMMENTS TO THE TOWN CLERK TWENTY-FOUR HOURS IN ADVANCE OF THESE MEETINGS.

ADVANCE NOTICE OF ALL MEETINGS CAN BE FOUND AT THE TOWN'S USUAL AGENDA POSTING LOCATIONS, INCLUDING THE TOWN'S WEBSITE <https://huachucacityaz.gov/>

## AGENDA

### A. Call to Order – Mayor 7:00pm

- a. Pledge of Allegiance

Led by Mayor Wallace.

- b. Roll Call and Ascertain Quorum

Roll Call.

Present: Johann Wallace, Keith Settlemyer, Cynthia Butterworth, Christy Hirshberg, Debbie Trate, Jean Post, Suzanne Harvey (Not voting), Brandye Thorpe (Not voting), Thomas Benavidez, Attorney (Not voting).

- c. Invocation

Led by Elder Thomas.

*Any prayer/invocation that may be offered before the start of regular Council business shall be the voluntary offering of a private citizen, for the benefit of the Council and the citizens present. The views or beliefs expressed by the prayer/invocation speaker have not been previously reviewed or approved by the Council, and the Council does not endorse the religious beliefs or views of this, or any other speaker. A list of volunteers is*

*maintained by the Town Clerk's Office and interested persons should contact the Town Clerk's Office for further information.*

## **B. Call to the Public – Mayor**

*A.R.S. 38-431.01 states the Public Body may make an open call to the public during a public meeting, subject to reasonable time, place and manner restrictions, to allow individuals to address the public body on any issue within the jurisdiction of the Public Body. At the conclusion of an open call to the public, individual members of the Public Body may respond to criticism made by those who have addressed the Public Body, may ask staff to review a matter or may ask that a matter be put on a future agenda. However, members of the Public Body shall not discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action.*

**Clerk Thorpe advises there is one call to the public slip submitted by Jeffrey Ferro. Mr. Ferro will speak at item E.6.**

## **C. Consent Agenda - Mayor**

*All items listed in the Consent Agenda are considered routine matters and will be enacted by one motion of the Council. There will be no separate discussion of these items unless a Member of the Town Council requests that an item or items be removed for discussion. Council Members may ask questions without removal of the item from the Consent Agenda. Items removed from the Consent Agenda are considered in their normal sequence as listed on the agenda, unless called out of sequence.*

- C.1** Consider approval of the minutes of the Regular Council meeting held on March 11, 2021.
- C.2** Consider approval of the Payment Approval Report.
- C.3** Consider approval of the disposal of a 2010 Dodge Charger VIN# 2B3AA4CT7AH269125, 2012 Dodge Charger VIN# 2C3CDXAT6CH255677, 2003 Cadillac Deville Red 1G6KF57903U235393, 1998 Volkswagen Cabrio Black 3VWAA81E6WM813288, Toyota 4Runner White, Ford Ranger Red, Dodge Dakota White 1B7GG23Y4N5613662, and Toyota Zion Grey JTLK324164034522.

**Motion:** Items on the Consent Agenda, **Action:** Open for Discussion and/or Action, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.

**Motion:** Items on the Consent Agenda, **Action:** Approve, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.

Motion passed unanimously.

## **D. Unfinished Business before the Council – Mayor**

*Public comment will be taken at the beginning of each agenda item, after the subject has been announced by the Mayor and explained by staff. Any citizen, who wishes, may speak one time for five minutes on each agenda item before or after Council discussion. Questions*

from Council Members, however, may be directed to staff or a member of the public through the Mayor at any time.

## **E. New Business Before Council - Mayor**

Public comment will be taken at the beginning of each agenda item, after the subject has been announced by the Mayor and explained by staff. Any citizen, who wishes, may speak one time for five minutes on each agenda item before or after Council discussion. Questions from Council Members, however, may be directed to staff or a member of the public through the Mayor at any time.

**E.1 Discussion and/or Action [Suzanne Harvey]:** The Council might vote to go into executive [closed] session, pursuant to A.R.S. 38-431.03(A) (1) to conduct the six-month performance evaluation of the Town Clerk, Brandye Thorpe. Following the executive session, the Council might take action regarding the Clerk's employment and compensation.

**Motion:** Item E.1, **Action:** Open for Discussion and/or Action, **Moved by** Johann Wallace, **Seconded by** Cynthia Butterworth.

**Motion:7:04pm** , **Action:** Enter Executive Session, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.  
Motion passed unanimously.

**Motion:** 7:13pm, **Action:** Enter Public Session, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.  
Motion passed unanimously.

**Motion:** Terminate the Town Clerk's probation and make her a full fledged employee and make the \$4/hr temporary raise she was given permanent to increase her salary at this time by \$4/hr.,  
**Action:** Approve, **Moved by** Johann Wallace, **Seconded by** Cynthia Butterworth.  
Motion passed unanimously.

**E.2 Discussion and or/Action [Town Attorney]:** The Council might vote to go into executive [closed] session, pursuant to A.R.S. 38-431.03(A) (3) & (4), for legal advice, consultation and to direct its attorneys concerning the water rights adjudication in Maricopa County Case No. W1-11-0245 ["In Re the General Adjudication of All Rights to Use Water in the Gila River System and Source"]. Following the executive session, the Council might take action to direct its attorneys.

**Mayor Wallace: We are going to come back to item E.2 at about 7:45.**

**Motion:** Item E.2, **Action:** Open for Discussion and/or Action, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.

**Motion:** 7:41pm, **Action:** Enter Closed Session, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.

**Motion passed unanimously.**

**Motion: 7:56, Action: Enter Public Session, Moved by Johann Wallace, Seconded by Debbie Trate.**

**Motion passed unanimously.**

**Mayor Wallace: There is no action to take.**

**E.3 Discussion and/or Action [Spencer Forsberg]:** Mr. Forsberg will review the Town's finances for the months of February and March.

**Motion: Item E.3, Action: Open for Discussion and/or Action, Moved by Johann Wallace, Seconded by Cynthia Butterworth.**

Mr. Forsberg provides February's financial report. January and March will be presented at the next meeting he presents at.

67% of the fiscal year is completed. General Fund revenue was \$128,960.00. Expenses were \$149,932.00. \$20,972.00 in the red. Our investment fund had an unrealized loss of \$10,000.00. We also had a big payment for the emergency signal light of \$52,000.00. Suzanne Harvey: We have requested reimbursement. Some of that we will get back. In addition, we have to bill Whetstone for their portion. We will be getting about \$25,000.00 of that \$50,000.00 back. Mr. Forsberg: Year to date on the general fund we are \$151,000.00 in the black. Water revenues of \$28,136.00 and expenses of \$10,480.00. \$17,656.00 in the black. Year to date \$115,000.00 in the black. Sewer fund had revenue of \$19,879.00 and expenses of \$13,987.00. \$5,891.00 in the black. Year to date almost \$31,000.00 in the black. Garbage fund revenue of \$12,095.00 and no expenses. We haven't paid the bill yet. Landfill revenue of \$137,980.00 and expenses of \$119,000.00. \$17,967.00 in the black. Year to date \$257,000.00 in the black. Landfill had some expenses that are not on a monthly basis related to financial assurance and equipment maintenance. Jay Howe: That financial assurance was the engineering and surveys. Mr. Forsberg: Also, we are still on hold transferring funds to the savings accounts until Council directs us otherwise. Mayor Wallace: Correct, we don't want move money until we get word from our Town Manager and Town Clerk that we are in a good spot, we understand, we know where we are at. Hopefully we are getting to a place where we are comfortable, and we can move this money over. Suzanne Harvey: I am feeling like we are going to ask you to allow us to start doing that at the next Council meeting. Mayor Wallace: The way you just broke it down, can we get a hard or soft copy of that so that the information can be included in the newsletter. It's even something that could be posted on Facebook and the Town's website. Councilmember Butterworth: It's nice to have something positive.

**E.4 Discussion only [Suzanne Harvey]:** Introduction and welcoming of the Town's new Library Director.

**Motion: Item E.4, Action: Open for Discussion and/or Action, Moved by Johann Wallace, Seconded by Cynthia Butterworth.**

Manager Harvey introduces Steph, who comes from the Elfrida Library. Steph details a few plans she has for the library including a phased reopening and summer splash program. She has many



years of library experience including 7 years at the Elfrida Library, 4 years at the MI Library and 6 years managing libraries in England. Total of 17 years of library experience.

**E.5 Discussion and/or Action [Suzanne Harvey]:** Council approval of a technical assistance and grant management agreement with the Southeastern Arizona Governments Organization (SEAGO) to assist the Town in managing its Community Development Block Grant [CDBG] for park improvements.

**Motion:** Item E.5, **Action:** Open for Discussion and/or Action, **Moved by** Johann Wallace, **Seconded by** Debbie Trate.

Clerk Thorpe advises this is a contract to continue receiving SEAGO assistance for the pending CDBG grant. Funds should be released soon and SEAGO has the knowledge and experience to make sure that we do things correctly. So far they have received no payment for their assistance.

**Motion:** The agreement with SEAGO, **Action:** Approve, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.  
Motion passed unanimously.

**E.6 Discussion and/or Action [Suzanne Harvey]:** Information about the proposed donation of an airplane to the Town for placement in one of the Town's parks.

**Motion:** Item E.6, **Action:** Open for Discussion and/or Action, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.

Manager Harvey advises that a group purchased the airplane that used to sit down in lower Huachuca City. They plan to paint it and fix it up and would like to donate it to be placed in one of our parks in order to recognize the connection of our community and the military community. It is a military plane. The history of our town is tied to the history of Ft. Huachuca. We wouldn't exist if not for that North gate. The thought was, if they restore it, would we be willing to take it and the Mayor had thought that if we do take it, we would place it at the little park we have by the North gate, but nothing is there. We could put it there, get a plaque and some signage talking about the way the gate used to look too, and put some pictures and explain that connection. The group that is doing this is Blackoaks Foundation and the Greater Sierra Vista Area NAACP Youth Group. It's part of a project they are doing called Ready and Forward that wants to preserve the legacy of the Buffalo Soldiers. This will do both because the Buffalo Soldiers are also tied to Ft. Huachuca. It would be my recommendation that you grant me permission to continue negotiations so that we can make sure that this will work for us.

Jeffrey Ferro advises after what the Town Manager stated about how this is memorializing this town's connection to the military and the Buffalo Soldiers, he would like to withdraw his call to the public as it is no longer valid.

Mayor Wallace: I think it would be a good idea to have the plane, if it is restored and looks nice, if it is presentable, sitting right there by the North gate because of the connection to the military and Buffalo Soldiers. I'm all for it.

Manager Harvey: The timing is good because we have the CDBG grant and had already planned on a couple of cement pads for picnic tables. We could easily change that to one large cement pad for the plane. I would want to ascertain if they plan on fixing the interior as well as painting the outside. I would like to get the details and bring it back to you for a final decision.

Councilmember Post: Will we incur any more insurance? It could be a liability insurance wise.

Manager Harvey: I will definitely check. I would assume that as long as we have signage it would be ok.

Councilmember Trate: I think it's a good idea. I have had people comment to me that they miss the plane.

Councilmember Settlemyer: I never liked the plane when it was down in lower. Will we have to put a fence around it to keep people from climbing on it?

Manager Harvey: We will have to look at that. I will discuss that with our insurance provider. I think that other places have statues and things that present the same type of danger and they don't normally fence them off.

Councilmember Butterworth: My concern was if it was going in one of our parks, but if it's going out there, is it a liability? People are going to want to climb up in the plane to get their picture taken.

**Motion:** Proceed with the idea of assuming ownership of the plane but find out more details about the restoration process, inside and out and find out the details of insurance and liability,

**Action:** Direct Staff, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.

Motion passed unanimously.

**E.7 Discussion and/or Action [Suzanne Harvey]:** Council will be asked to choose colors for the painting of Town buildings.

**Motion:** Item E.7, **Action:** Open for Discussion and/or Action, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.

Mayor Wallace: Since it's still getting dark kind of early, the idea was to paint the building and get an idea of what it looks like. Have we painted the building yet?

Manager Harvey: We have not yet. We would like to paint the walls and leave it up for like a week and everyone can get an opportunity to see the colors in various lights. There are two color schemes that staff decided on. If you have no major concerns with these, they are the colors we are going to put on the walls and then have Council select.

**Motion:** Proceed with putting the swatches on the building of those colors for us to take a look at and we will make a decision at our next council meeting., **Action:** Direct Staff, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.

Motion passed unanimously.

**E.8 Discussion Only [Suzanne Harvey]:** Update on the progress of the Town's bus service.

**Motion:** Item E.8, **Action:** Open for Discussion Only, **Moved by** Johann Wallace, **Seconded by** Cynthia Butterworth.

Manager Harvey: We did a soft opening of bus service because its been so long since we've done it we wanted to start slow. It has gone very well. Ridership has been increasing steady since we started on March 9<sup>th</sup>. Ticket sales continue to climb. Our IGA's with Sierra Vista and Tombstone expired this month. We will work to renew them but I plan to present to Council some changes because we were locked into a certain route in Sierra Vista and we don't have to be. We are looking at doing what we are already doing, which is dropping people off at Walmart, Safeway and Canyon Vista. We would like to add a stop at their transit center, which would be the only one needing to be included on the IGA. Tombstone wasn't ready to start this service yet. There was an issue because when this first began we were only going to be able to take them to the transit center, Cochise College and the hospital. Tombstone was looking at that and saying it wasn't a benefit to their residents. I think this will clear that up and we will be able to get started with Tombstone soon. We do need to provide bus service to them because it was part of the reason why we got the Legacy grant. It will be about a year and a half before we can apply for federal funding, however I have been speaking with SEAGO and the Area Agency on Aging and if our ridership is primarily the elderly, there may be an opportunity for funding through them. Councilmember Butterworth: I thought we couldn't do WalMart because it was route duplication and it negated our opportunity for grant funding? Manager Harvey: There was previously a misconception about the duplication of routes, but this is not a duplication of route because we are not doing their whole route. We are simply making courtesy stops. Also, Sierra Vista is not offering service to Huachuca City. It can't be duplication. This has been confirmed by the Regional Transportation Office out of SEAGO. They have assured me that this will not make us ineligible for federal funding.

**Mayor Wallace: Looking at the time, I'm going to jump back to Item E.2.**

**E.9 Discussion Only [Jay Howe]:** Supervisor Howe will present the Town's accomplishments with respect to its management of the Town landfill and solid waste disposal program during fiscal year 2020/21.

**Motion:** Item E.9, **Action:** Open for Discussion Only, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.

Huachuca City Landfill is the Towns greatest asset ... but it is also potentially the greatest liability. In the past year we have identified a number of issues that needed to be corrected.

- Cell construction and compaction
- Haul Road and perimeter roads construction and maintenance
- Inclimate weather processing
- Stockpiles of gravel and dirt
- Tires
- Equipment condition and preventative maintenance
- Employee morale and wages
- Compliance and regulatory relationships
- Basic Landfill training in Cell Construction, Compaction, and Public relations
- Slope integrity and finished slope grades,
- Fuel accountability,
- Windblown trash, .....AND MORE

While we have made tremendous progress, we still have a few issues that we will need to overcome to maintain compliance in all aspects of our operation

- We had a non-compliant pile of over 1000 tires which we were not permitted for. Those tires have been taken offsite to a permitted tire repository at a cost of nearly \$3000.00. ADEQ could have issued a Notice of Violation (NOV) to us, but at the time of inspection I committed to have them removed in 60 days.
- Heavy equipment neglected maintenance cost nearly \$10,000.00 initially to get preventative maintenance caught up to date, including restoring the 112F Motor Grader back into service, that had been sitting idle for years.
- Landfill construction. (geometry) There was no plan to construct properly to maximize airspace. Plan is in place now and is working as planned, but we still have significant challenges to utilize and reclaim over 1/2 of the existing permitted landfill space because of soft spots, uneven terrain, and over-covering with soil. (too thick in many spots, which translates into wasted airspace.)
- This year I also recognized the lack of accountability in regard to fuel usage. Because of this, the Landfill purchased and installed a fuel management system to track all fuel users and to have accurate usage data to bill the Fire dept, which is our largest fuel consumer, and give usage totals to 3 other departments for budgeting purposes. It is now online and functioning properly.
- We have installed a UPS Back up battery system in the Fee shed, where we have in the past lost data because of power outages. We still need to install an overhead camera so the fee shed attendant can inspect each load before we dispatch them to the working face to dump to ensure noncompliant materials are not allowed.
- Compaction education has been implemented with training on the proper use of the compactor to gain the industry standard compaction and maximize the available airspace. Matt has taken the initiative on this training. *Ref Chapter 7 section 7.6.5 The Handbook of Landfill Operations*
- Role of the Compactor at the Landfill
  - Compactor Operator Controls the Working Face
  - Compactor Operator Directs Traffic Control on the Face
  - Compactor directs the filling operation
  - Compactor Spreads the Refuse from the Dozer and Compacts in Thin 2.0' lifts to build the cell
  - Compactor is a specialized piece of equipment and is used to spread, compact and trim the refuse cell. (Compactor most efficient at handling between 50-80 Tons per hour)
- Role of the Dozer at the Landfill
  - Pushing the Face of the Cell Needs to be Done By a Dozer
  - A Compactor with steel wheels leave dimples in the tipping pad face and ruins the surface for street vehicles. Should stay on garbage or in staging area.. Never on the tipping pad.
  - Dozer operator should push refuse by keeping blade about 4.0" off the floor so as to "sweep" the deck.
  - Dozer separates out the loads and pushes to dumping location
  - Dozer pushes trash to compactor
  - Dozer constructs the cell

- Scrapers
  - Scrapers are designed to excavate, transport and dump soil NOT cover refuse
  - It is more cost effective for scraper to pile soil at edge of the cell and let the dozer cover the refuse
  - Direct Daily Soil Cover with Scrapers not Recommended, Wastes Soil, Always use the Dozer
- I have brought in new business and negotiated a special rate for a contract with Waste Management for the Border wall waste. These things and other conditions have brought in business that will exceed our revenue projections for this fiscal year.
- I have reached out to other Waste Haulers to let them know that we are here and are ready to meet their non-hazardous disposal needs. Nogales, Douglas, Local and Tucson Demolition Contractors
- I have solicited and brought into the landfill over 1500 tons of free dirt cover material to help offset our inability to haul an adequate amount of dirt on a daily basis.
- This is an ongoing effort and we are currently included in 3 local road project bids to get the millings and excavated soil for cover material
- I have formed a team of 3 men who all display great pride in what they do with emphasis on SAFETY and have improved the customer service and customer relations with education and lead by example attitudes for success.
- I have implemented a training program to train my possible replacement and it has had its desired results and continues to. I have secured Matthew Doty as a member of SWANA and would like to send him, next FY, to a SWANA class to study, test, and get his certification as Manager of Landfill Operations (MOLO). Mathew is a smart, conscientious, and hard working young man with a desire to learn all aspects of the operation, and he has a good handle on the on ground operation and equipment.
- While he may not be ready right now, I believe he is the future of this landfill as long as the Town continues to operate the landfill.
- The new culture of the Landfill Dept. is one of friendly, helpful, customer service, and trained operators that respect their job, the chain of command, the Town, and the equipment.
- I have an established, trusted relationship with Hugh A Walker Enterprises (The Town's environmental engineering consultant). I have known and worked with Hugh for over 15 years. We work together well and have completed many landfill projects successfully.
- I have maintained a good working relationship with ADEQ, ADWR, EPA Region 9, Arizona State Land, and the Army Corps of Engineers. All these regulatory agencies play a role in landfill operations.

In 2016 Huachuca City leaders approved and paid for engineering for a proposed expansion project to the tune of \$192,000.00, then it was set on a shelf and not followed through with. Because of the lack of follow through, it cost the Town an additional \$97,000.00 to get the new elevation and survey info and incorporate the condition changes into re-engineering the project to be able to submit the expansion plan to ADEQ for review and approval. (ongoing) To be completed by the end of March 2021

These additional and unnecessary costs kept me from implementing some commonsense improvements in regard to cover material and equipment. As I have stated in a number of council meetings, we are "dirt poor" and need an alternative daily cover system that meets our

needs and provides a degree of relief to our 613C scraper in its dirt hauling duties, and supplements our dirt needs.

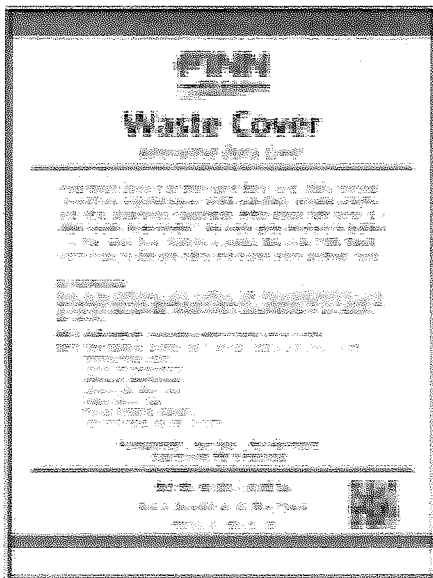
The 613C scraper that the landfill was given by prior Town Manager is too small for this operation and needs to be running all day, every day, to keep up with cover requirements. Because of its inadequate size and the fact that it has been down a number of days for repairs, we have not been able to always meet our cover requirements as required by rule. The inadequate size of this machine has monopolized the time of one employee, all day, every day, for an operation that if we had the proper size machine would take 2 to 3 hrs. a day, saving much fuel and wear and tear on the machine, and allowing an employee additional time to support other necessary daily activities.

Because of the challenges this machine poses we are in the process of constructing a new haul road that will cut the haul distance more than in half. We have addressed drainage and runoff issues and placed culverts where necessary. It should be finished and ready to use by Mid April or sooner.

I will be proposing, in the Landfill FY22 budget, or earlier if possible, that we purchase an industrial hydro-seeder and material to spray alternative daily cover. This will save machine time, employee time, and fuel. This machine will save us money and time in the area of erosion control and bank and slope stabilization and increase available air space.



## FINN Waste Cover



### RECOMMENDED APPLICATION

Mixing one bag of Waste Cover to 75 gallons of water will provide 450 square feet of coverage to standard mechanical sprayer equipment. A fully loaded 1 1/2 cu yd landfill unit can cover up to 7500 square feet, while the process to load and discharge the slurry takes less than one hour.

### DESCRIPTION:

**FINN Waste Cover is an Alternative Daily Cover (ADC)** manufactured from recycled paper and wood and containing polymers, an enzyme complex, and other proprietary ingredients. When mixed with water on a FINN landfill spray application machine, the black slurry or slurry is applied to the "open face" forming a cement-like crust. Waste Cover helps to alternate colors and breaks down garbage faster.

### MEETS ASTM D693-99

Flammability Potential Screening Analysis of Waste

### MEETS ASTM D693-99

Standard Guide for Alternative Daily Cover for Landfill Landfills

- Minimize Disease Vectors
- Control Leachate and Erosion
- Reduce Fire Hazard Potential
- Minimize Wind Blown Litter
- Reduce Non-odor Odors
- Provide an Attractive Appearance
- Allow Accessibility Regardless of Weather

Biodegradable Non-Toxic Non-Flammable  
Easy to Load and Discharge

# Increased Capacity = Increased Revenue

<b>Yd<sup>3</sup> Airspace Liberated with ADC</b>	<b>118,560</b>	
<b>Total Cell Years Remaining with Soil</b>	<b>19.00</b>	
<b>Additional Years with ADC</b>	<b>2.00</b>	
<b>Total Years Remaining with ADC</b>	<b>21.00</b>	
<b>Increased Revenue due to Increased Capacity</b>	<b>\$2,676,492</b>	(Tipping fees over 2.00 year extended life)

Is there any one thing that would help maintain compliance in all aspects of this landfill???

YES !!  
This ADC spray applicator is the single most needed piece of equipment to keep this landfill looking good and maintaining compliance with slopes, erosion control, and daily and intermediate cover requirements, and it will pay for itself in a short time

**No more legit resident complaints for exposed trash.**

**Saves much wear and tear on 613 scraper... reduce working hours by at least 40% will not have to upsize scraper to keep up with dirt cover demands**

**Saves hours on D8R for ripping the pit**

**Increases airspace and life expectancy by not using dirt cover 4 out of 5 days a week.**

**Will be used for bank stabilization and reduce or eliminate slope erosion by adding Portland cement to mix**

**With banks and slopes stabilized with Portland mix it will be much more attractive to perspective buyer. This added value alone will pay for this machine many times over**

**Free up time to address other compliance issues**

When the Town has successfully obtained the permit for expansion you will have an option that now you do not have.

As I have stated many times with the expansion permit the landfill immediately GREATLY increases its value...

**To the town**, because you will have over 50 additional years to operate if you choose

**To the open market**, because it will be attractive to a Major waste corporation to purchase.

It should be worth at least \$15 million or more, plus negotiated royalties, (5% OF GROSS WOULD BE \$75,000 ANNUALLY) and if sold you would be reimbursed the \$2,400,000.00 in your closure trust account.

- I have tried to generate interest in the landfill operations for the Town Council by inviting all of them to attend a field trip to educate them and get them focused on the operational challenges the landfill encounters, from personnel, construction, funding, and compliance.
- You are always welcome
- As you now know I have tendered my resignation because I need to move to Washington state to help take care of my Mom and Dad. Dads' health is failing fast and Mom will have a hard time adjusting without him. Both are in their mid 80's and I owe everything I am to them.
- I have committed to Suzanne to assist with any and all admin duties including obtaining the "elusive" expansion permit. We are so close and cannot lose momentum at this time. Suzanne is working out the details.

Mayor Wallace: The 613C, do we own that outright?

Director Howe: Yes, the only equipment we have on lease are the 816 Compactor and the D16 Bulldozer.

Mayor Wallace: What size would we need?

Director Howe: A 623, but that would be much more expensive than getting this alternative daily cover machine which would take the load off and make the 613 sufficient.

Councilmember Hirshberg: How much is the machine?

Director Howe: Depending on how you get it 60-80 thousand dollars. It's absorbable into next year's budget easily.

**E.10 Discussion and/or Action [Mayor Wallace]:** Declaration of a vacant seat on the Town Council due to the recent passing of Mayor Pro Tem, Donna Johnson. Council may direct staff on procedures for recruiting a candidate to serve on the Council until the next election in 2022.

**Motion:** Item E.10, **Action:** Open for Discussion and/or Action, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.

Mayor Wallace: It's an unfortunate thing we have to do, but we do have to do it. Looking at the calendar, do you guys want to give about a month? How about if we give until April 30<sup>th</sup>, and then do a Work Session on the 5<sup>th</sup> of May to do interviews and selection so we can have a new councilmember sworn in before our first meeting in May?

**Motion:** Declare the seat vacant due to the passing of Mayor Pro Tem Johnson and direct staff to begin accepting applications for the vacancy, to close on April 30<sup>th</sup> with a special meeting to be held on May 5<sup>th</sup>, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.

Motion passed unanimously.

**E.11 Discussion and/or Action [Mayor Wallace]:** Selection of a councilmember to assume the responsibilities of Mayor Pro Tem.

**Motion:** Item E.11, **Action:** Open for Discussion and/or Action, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.



Mayor Wallace: I nominate Christy.  
Councilmember Butterworth: Second  
Mayor Wallace: Christy, do you accept?

**Motion:** Christy Hirshberg as the Mayor Pro Tem, **Action:** Appoint, **Moved by** Johann Wallace, **Seconded by** Cynthia Butterworth.  
Motion passed unanimously.

**E.12 Discussion and/or Action [Clerk Thorpe]:** Request for approval to begin the transition to electronic Council meeting packets.

**Motion:** Item E.12, **Action:** Open for Discussion and/or Action, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.

Mayor Wallace: Yes.

Clerk Thorpe: Provides a visual of all of the paper that went into the making of the packets for the last Council meeting. All of it is trash now. It is an extreme waste of paper and time when it could be provided in electronic format on tablets. I would like permission to look into getting the tablets and the best way to do this for Council.

Councilmember Hirshberg: Johann does it off his phone, so I think we can do this. I think we'll be ok once we get it figured out.

Councilmember Trate: Are you looking at 8 inch or 10 inch tablets?

Mayor Wallace: This is a 10 inch right here and I paid \$149.00 for it.

Councilmember Trate: Maybe you could get a deal too. When I was in Benson, they were switching all their councilmembers to I-pads.

Councilmember Butterworth: A tablet would work, I can't read it on a phone. A tablet I can deal with.

Councilmember Post: I'll try to deal with a tablet.

**Motion:** The request to transition to electronic council meeting packets., **Action:** Approve, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.  
Motion passed unanimously.

**E.13 Discussion and/or Action [Suzanne Harvey]:** Consideration to not have the Town Attorney, Thomas Benavidez, present at every Council meeting.

**Motion:** Item E.13, **Action:** Open for Discussion and/or Action, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.

Mayor Wallace: To clarify that, it is physically present. Right?

Manager Harvey: Actually, after a Council meeting recently, another member of Council had mentioned to me that previously, the Town Attorney did not attend every meeting, even on the phone.

Mayor Wallace: Correct. I'm not going that far though.

Manager Harvey: Certainly we don't want him to have to drive down. That saves us money and doesn't interrupt his schedule. The phone has been working during COVID, we definitely want to do that, however the actual thought was that sometimes we have meetings where we have nothing of import for him. There are times where we are paying him, so it would be a cost savings if he wasn't at every meeting.

Mayor Wallace: You are correct. The Town Attorney did not attend every meeting and during that time there were things done and said, actions that were not kosher, that would have benefitted from an attorney. My thought is that regardless of what an agenda looks like, we never know what might actually happen during a meeting, such as someone doing a call to the public. I have no problem with him not driving down. I still like the assurance of having the Attorney present during meetings, even if only by phone. I personally would prefer that he attend, at least remotely.

Attorney Benavidez: I just want to say that I wasn't the one who initiated this agenda item, but I'm totally good with it.

**Motion:** We don't have to physically have the attorney present, but we need to have him dial in for our meetings, **Moved by** Johann Wallace, **Seconded by** Cynthia Butterworth.

Motion passed unanimously.

**E.14 Discussion and/or Action [Mayor Wallace]:** First reading of Ordinance 2021-01 AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, AMENDING THE TOWN CODE TITLE 18 "ZONING," CHAPTER 18.35 "R-1 RESIDENTIAL DISTRICTS," SECTION 18.35.035 "TRAILERS/ACCESSORY VEHICLES" TO ELIMINATE THE REQUIREMENT TO REGISTER PARKING OF TRAILERS/ACCESSORY VEHICLES ON RESIDENTIAL PROPERTY AND TO ELIMINATE THE ASSOCIATED FEE.

**Motion:** Item E.14, **Action:** Open for Discussion and/or Action, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.

Mayor Wallace: If everyone remembers a while back it came to planning and zoning, where we required people to register with Town Hall and pay a fee if they were going to park something in their driveway. It ended up being more staff work with really no benefit.

Dr. Jim Johnson: It has been a problem from day one. What we are doing tonight will be a great help to all of us.

Mayor Wallace: Does this mean that anybody can park anything on their property?

Dr. Jim Johnson: No, they still have to abide by the ordinance for parking. This is only eliminating them registering and paying a fee.

Councilmember Trate: You're talking about travel trailers, right?

Dr. Jim Johnson: This deals with utility trailers, travel trailers, motorcycle trailers, service type vehicles. All that kind of stuff.

Mayor Wallace: This is just the first reading, it will be at the next meeting where we take action.

**E.15 Discussion and/or Action [Mayor Wallace]:** First reading of Ordinance 2021-02 AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, AMENDING THE TOWN CODE TITLE 18 "ZONING," RELATING TO THE REGULATION OF RECREATIONAL MARIJUANA, MEDICAL MARIJUANA AND INDUSTRIAL HEMP;

SETTING FORTH DEFINITIONS; PROHIBITING MARIJUANA ON PUBLIC PROPERTY; PROHIBITING MARIJUANA TESTING FACILITIES; REGULATING MARIJUANA ESTABLISHMENTS; ESTABLISHING REGULATIONS FOR PERSONAL USE OF MARIJUANA AT AN INDIVIDUAL'S PRIMARY RESIDENCE; AUTHORIZING RETAIL SALES FROM MARIJUANA, MARIJUANA PRODUCTS AND INDUSTRIAL HEMP; REQUIRING COMPLIANCE WITH STATE LICENSING REGULATIONS; PROVIDING FOR PERMIT REQUIREMENTS; ESTABLISHING PURPOSES; IMPOSING FEES; SETTING FORTH VIOLATIONS; AND PROVIDING FOR ENFORCEMENT AND PENALTIES.

**Motion:** Item E.15, **Action:** Open for Discussion and/or Action, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.

Mayor Wallace: Dr. Johnson had his hearing on March 15<sup>th</sup>, only one person submitted a written comment and one person called in for clarification.

**E.16 Discussion and or/Action [Town Attorney]:** The Council might vote to go into executive [closed] session, pursuant to A.R.S. 38-431.03(A) (3) & (4), for legal advice, consultation and to direct its attorney regarding the chapter 11 bankruptcy cases involving Purdue Pharma, *et al.*, pending in the United States Bankruptcy Court for the Southern District of New York (Case No. 19-23649 (RDD)) arising out of the opioid crisis and its effects on governmental entities. Following the executive session, the Council might take action to direct its attorney concerning potential settlement.

**Motion:** Item E.16, **Action:** Open for Discussion and/or Action, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.

Attorney Benavidez advises no executive session is necessary. The bankruptcy court is trying to establish a process for all claimants. This is in case there is a proposed settlement. I am just going to submit documents stating that if there is a proposed settlement, it would be sent directly to the Town. I just want you to authorize me to file the paperwork.

**Motion:** Mr. Benavidez to file the paperwork as discussed. , **Action:** Authorize, **Moved by** Johann Wallace, **Seconded by** Cynthia Butterworth.  
Motion passed unanimously.

## F. Department Director Reports

**Manager Harvey:** The WIFA loan closes tomorrow. We are hoping work will begin tomorrow. We are looking for a new landfill director. Audit is almost done. I'm meeting with Rick from Whetstone Fire to start getting together to decided what will be presented. We are working with the Health Department and Fry Fire to get a vaccination clinic here on April 2<sup>nd</sup> at the Community Center. It will be the Johnson and Johnson and we hope to have 200 doses. The Library staff will be helping folks that need to register. We should be looking to schedule a budget work session late April or early May. We still need to have a work session about the ADA upgrades. I would like to have that in late April.

**Clerk Thorpe:** We just have some testing to get completed and we will have good internet in this building.

Dr. Jim Johnson: Regarding the road assessment we are working with the SVMPO on, we had a meeting today and have been reviewing the preliminary engineering reports. The project is about halfway completed.

Chief Thies: Tahoes are running. We conducted background investigation training. Cpl. Arnett is going to do advanced HGN DUI detection training next week. We will be replacing the logo on the front door of the Police Department. We will be qualifying next month. Trax is installed in the vehicles.

Director Fulton: I have been meeting with each employee on an individual basis. I am starting to prepare 2 employees to plan Summer Splash. We are hoping to be able to start engaging the teens in the area with our activities. I would also like to form a teen advisory board if we can get the attraction.

**G. Items to be placed on future agendas**

**H. Reports of Current Events by Council**

Councilmember Butterworth: I attended the first PACT meeting last week. Public Accountability Communication Transparency. We will be meeting once a month. There are upcoming tours at the Douglas Border Patrol station and the new County Jail.

Councilmember Post: The owners of Taco Bell are thinking about putting a Taco Bell on the West side. I think we should thank the man who is on the bicycle always picking up trash on the highway. Lowes has an advertisement running about nominating your hometown for assistance. We could use the help for paint or maybe ADA stuff, so I'm going to follow up on that.

Mayor Wallace: I am on the USPP and I got an email from a PhD candidate from the University of Arizona. I'm going to reach out to Ms. Banks to see if she would talk to this PhD candidate just because of her time on the USPP.

**I. Adjournment**

**Motion: 9:04pm, Action: Adjourn, Moved by Johann Wallace, Seconded by Christy Hirshberg. Motion passed unanimously.**

Approved by Mayor Johann R. Wallace on April 8, 2021.

---

Mr. Johann R. Wallace  
Mayor

Attest: \_\_\_\_\_  
Ms. Brandye Thorpe,  
Town Clerk

Seal:

**Certification**

I hereby certify that the foregoing is a true and correct copy of the Minutes of the Meeting for the Huachuca City Town Council held on March 25, 2021. I further certify that the meeting was duly called and a quorum was present.

---

Ms. Brandye Thorpe,  
Town Clerk

**MEMORANDUM OF UNDERSTANDING**

**BETWEEN**

**TOWN OF HUACHUCA CITY**

**AND**

**FAMILY HEALTHCARE AMIGOS**

**RECITALS**

Whereas, the Town of Huachuca City has an interest in the health and well-being of its residents to include the availability of needed healthcare supplies, and

Whereas, Family Healthcare Amigos is an Arizona non-profit corporation which operates a community lending shed ["Lending Shed"] for distributing free durable medical equipment and incontinence supplies to seniors and low-income households; and

Whereas, the Town desires to help its residents gain access to the Lending Shed.

**NOW THEREFORE, THE TOWN OF HUACHUCA CITY AND FAMILY HEALTHCARE AMIGOS**

**AGREE AS FOLLOWS:**

**I. RESPONSIBILITIES**

**A. The Town will:**

1. Store durable medical equipment and incontinence supplies in a shed that belongs to the Town located outside the Senior Center, located at 504 N. Gonzalez Blvd.
2. Collect donations of incontinence supplies in a kiosk outside the Senior Center.
3. Have its library personnel make request forms available for community members to sign up for equipment or incontinence supplies.
4. Hold the request forms for Lending Shed personnel to pick up.
5. If there are urgent requests for equipment or supplies, community members may coordinate with library personnel to pick up the equipment or supplies immediately instead of waiting for the next monthly distribution by Lending Shed personnel.
6. Maintain casualty insurance coverage for its shed and the senior center real property.

**B. Family Healthcare Amigos will:**

1. Have its personnel pick up the request forms from the library and distribute/hand out incontinence supplies from the Senior Center once a month. They will also fulfill any open requests for durable medical equipment at that time.

2. Have its personnel collect donations of incontinence supplies monthly from the Town's kiosk.

3. Obtain durable medical equipment and incontinence supplies at its expense and/or effort.

4. Assume responsibility for the safety of all durable medical equipment and supplies distributed to the public.

5. Provide policies of casualty, products liability and general liability insurance covering the contents of the shed and all equipment and supplies distributed from Town property under this Memorandum, as well as the acts of its agents, officers and volunteers.

### **III. VOLUNTARY TERMINATION**

Both parties agree to the following terms and conditions:

This Memorandum will begin upon its signing by both parties, and will remain in effect until June 30 2022, unless sooner terminated by either of the parties, as provided herein. This Memorandum is renewable, at the mutual option of the parties, for additional one-year periods of time, when the renewal is approved by their respective governing bodies.

Either party may voluntarily terminate this Memorandum without cause by providing notice to the other party, in writing, declaring its intent to terminate. A voluntary termination shall be submitted with not less than 30 days' notice to the other party.

### **IV. TERMINATION FOR CAUSE**

Either party may terminate this Memorandum for failure to meet the obligations as set forth for the parties. Such notice shall require 10 business days' advance written notice of the specific alleged default, with an additional 5 business days' opportunity to cure the alleged default.

### **V. TERMINATION REQUIREMENTS**

Should this Memorandum be terminated by non-renewal, voluntary termination, or termination for cause, Lending Shed shall remove any equipment and supplies Town property with 7 business days.

### **VI. SEVERABILITY**

If any provision of the Agreement is held illegal, unenforceable, or invalid, the legality, enforceability, and validity of the other provisions shall not by such ruling be affected or

impaired. The unaffected provisions of the Agreement shall continue in full force and effect and shall be binding upon the parties hereto.

#### **VII. MODIFICATION**

Any modification or renewal of this Memorandum must be in writing and signed by both parties.

#### **VIII. NOTICE TO PARTIES**

All notices, requests, demands and any other communications shall be made in writing.

#### **IX. GOVERNING LAW AND VENUE**

The terms and conditions of the Memorandum shall be governed by and interpreted in accordance with the laws of the State of Arizona. Venue for any dispute resolution proceedings of any kind shall be in Cochise County, Arizona.

#### **X. COMPLIANCE WITH NON-DISCRIMINATION AND IMMIGRATION LAWS**

Neither Party shall discriminate against any employee or invitee of either Party or any other individual in any way because of that person's age, race, creed, color, religion, sex, genetic information, disability, familial status, political affiliation or national origin in the course of carrying out the duties pursuant to this Memorandum. To the extent applicable, the parties shall comply with all applicable state and federal statutes and regulations, governing Equal Employment Opportunity and Non-Discrimination, including, but not limited to, Title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act, and the Americans with Disabilities Act, which mandates that all persons, regardless of race, religion, handicap, color, age, sex, political affiliation or national origin shall have equal access to employment opportunities. At all times during the term of this Memorandum, the parties shall comply with all state and federal immigration laws applicable to the employment of their respective employees, the requirements of A.R.S. § 41-4401, and with the e-verification requirements of A.R.S. § 23-214(A).

#### **XI. CANCELLATION**

This Memorandum is subject to cancellation by the Town for conflict of interest without penalty or further obligation as provided by A.R.S. 38-511, the pertinent provisions of which are fully incorporated herein by reference.

#### **XII. INDEMNITY**

Family Healthcare Amigos agrees to defend, hold harmless, and indemnify the Town, its elected and appointed officials, officers, employees, and agents against all losses, claims, actions, judgements, and all liability for injury to persons, including wrongful death, damage to property, or both occurring during or in consequence of the performance of this Memorandum



where such injury or damage is related to or claimed to be related to any defect in the services, equipment or supplies delivered to the public by Lending Shed / Family Healthcare Amigos or to the actions, inaction, or negligence, partial or entire of the Lending Shed / Family Healthcare Amigos or its members, contractors, volunteers, officers or agents. Indemnity hereunder shall not be required if the damage, injury or death is caused by the act, omission, negligence, misconduct or other fault of the Town, its officers, officials, agents, or employees in the performance of this Memorandum.

### **XIII. ASSIGNMENT**

This Memorandum is non-assignable in whole or in part by either party without the written consent of the other party.

### **XIV. THIRD-PARTY BENEFICIARIES**

Only the parties may enforce this Memorandum. The parties do not intend through this Memorandum to confer enforceable rights on any non-party or create any third-party beneficiaries.

### **XV. ENTIRE AGREEMENT**

This document constitutes the entire agreement between the parties with respect to the subject matter contained herein and shall supersede any and all previous proposals, discussions or agreements either oral or written. Any items, to include expenses and responsibilities, that are not covered under this agreement will be negotiated between the parties and will be reasonable and consistent with the terms contained within this Memorandum. The Agreement shall not be modified or amended except by written instrument signed by a duly authorized representative of each party.

### **XVI. EXECUTION OF AGREEMENT**

This Memorandum may be executed in counterparts and with electronic signatures, which shall have the same effect as though signed in pen and ink.

### **XVII. NO JOINT VENTURE**

Employees of the Town shall not become employees of Family Healthcare Amigos by virtue of this Memorandum; and the employees of Family Healthcare Amigos shall not become employees of the Town by virtue of this Memorandum. Nothing in this Agreement shall be construed to create any partnership or joint agency relationship between the Town and Family Healthcare Amigos.

### **XVIII. RECITALS**

The Recitals on the first page of this Memorandum are incorporated herein as specific terms hereof.

This Memorandum is hereby approved by the respective parties:

**Town of Huachuca City**

\_\_\_\_\_, Date: \_\_\_\_\_

By: Johann Wallace, Mayor

**Family Healthcare Amigos**

\_\_\_\_\_, Date: \_\_\_\_\_

By: \_\_\_\_\_, its President/CEO/Board Chair

1

2

3



# Town of Huachuca City

The Sunset City

500 N Gonzales Blvd • Huachuca City, Arizona 85616

Phone: (520) 456-1354 • TDD: (520) 456-1353 • Fax: (520) 456-2230

## RESOLUTION NO. 2021-06

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, ADOPTING A FAIR HOUSING POLICY, MAKING KNOWN ITS COMMITMENT TO THE PRINCIPLE OF FAIR HOUSING, AND DESCRIBING ACTIONS IT SHALL UNDERTAKE TO AFFIRMATIVELY FURTHER FAIR HOUSING.

WHEREAS, the Housing and Community Development Act of 1974 as amended requires that all applicants for Community Development Block Grant funds certify that they shall affirmatively further fair housing; and

WHEREAS, the Civil Rights Act of 1968 (commonly known as the Federal Fair Housing Act) and the Fair Housing Amendments Act of 1988 declare a national policy to prohibit discrimination in the sale, rental, leasing and financing of housing or land to be used for the construction of housing or in the provision of brokerage services, on the basis of race, color, religion, sex, disability, familial status or national origin; and

WHEREAS, fairness is the foundation of the American system and reflects traditional American values; and

WHEREAS, discriminatory housing practices undermine the strength and vitality of America and its people.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Town of Huachuca City, Arizona, hereby wish all persons living, working, doing business in or traveling through this Town to know that:

discrimination in the sale, rental, leasing and financing of housing or land to be used for construction of housing, or in the provision of brokerage services on the basis of race, color, religion, sex, handicap, familial status or national origin is prohibited by Title VIII of the Fair Housing Act Amendments of 1988; and that it is the policy of the Town of Huachuca City to implement programs, within the constraints of its resources, to ensure equal opportunity in housing for all persons regardless of race, color, religion, sex, handicap, familial status or national origin; and within available resources the Town of Huachuca City will assist all persons who feel they have been discriminated against in housing issues on the basis of race, color, religion, sex, handicap, familial status or national origin to seek equity under existing federal and state laws to file a complaint with the Arizona Attorney General's Office or the U.S. Department of Housing and Urban Development; and that the Town of Huachuca City shall publicize this Resolution and thereby encourage owners of rental properties, developers, builders and others

involved with housing to become aware of their respective responsibilities and rights under the Fair Housing Amendments Act of 1988 and any applicable state or local laws or ordinances; and that the Town of Huachuca City shall undertake the following actions to additionally "affirmatively further fair housing:"

- Permanently post this Resolution on the Town's website
- Post this Resolution in Town Hall, the Post Office, the Library and the Senior Center
- Create and distribute Fair Housing handouts
- Mail a copy of this Resolution to real estate professionals and lending institutions conducting business within the Town

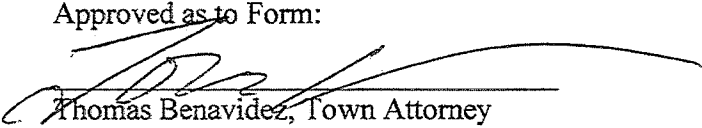
**PASSED AND ADOPTED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, THIS 8th DAY OF APRIL, 2021.**

\_\_\_\_\_  
Johann Wallace, Mayor

ATTEST:

Approved as to Form:

\_\_\_\_\_  
Brandye Thorpe, Town Clerk

  
\_\_\_\_\_  
Thomas Benavidez, Town Attorney

# Town of Huachuca City

## PROCLAMATION NO. 2021-03

**A PROCLAMATION OF THE MAYOR OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, DECLARING THE MONTH OF APRIL, 2021, AS SEXUAL ASSAULT AWARENESS MONTH IN THE TOWN OF HUACHUCA CITY.**

**WHEREAS**, sexual violence is a dehumanizing form of abuse that harms our communities; and

**WHEREAS**, rape, sexual assault, and sexual harassment have extensive and widespread physical and mental health implications, including post-traumatic stress disorder, substance abuse, depression, homelessness, eating disorders, and suicide; and

**WHEREAS**, 1 in 3 women and 1 in 4 men have experienced sexual violence involving physical contact at some point in their lives; and

**WHEREAS**, individuals with disabilities are 2.5 times more likely to be violently victimized; and

**WHEREAS**, 66% of women and 36% of men report knowing their perpetrator; and

**WHEREAS**, 67% of victims under the age of 18 identified their perpetrator as a family member and 79% said they were currently living with that perpetrator; and

**WHEREAS**, the Arizona Department of Public Safety indicates that 3,162 rapes were reported to police in 2019; and

**WHEREAS**, the Centers for Disease Control and Prevention found that 43.2% of females and 51.3% of males first experienced victimization prior to age 18; and

**WHEREAS**, through prevention education, awareness efforts, a strong continuum of victim services, and holding perpetrators responsible for their actions, we can work together to better address sexual violence and create safer communities for all Arizonans; and

**WHEREAS**, through collaborative efforts, individuals, agencies, organizations, and communities can work together to prevent sexual assault and support victims and survivors.

**NOW, THEREFORE**, I, Johann R. Wallace, Mayor of the Town of Huachuca City, Arizona, by the authority vested in me by the laws of the State of Arizona and Town Code and by this Proclamation hereby declare April, 2021, as Sexual Assault Awareness Month in the Town of Huachuca City.

**PROCLAIMED** by the Mayor of the Town of Huachuca City, Cochise County, Arizona, this 8th day of April, 2021.

---

**Johann R. Wallace, Mayor**

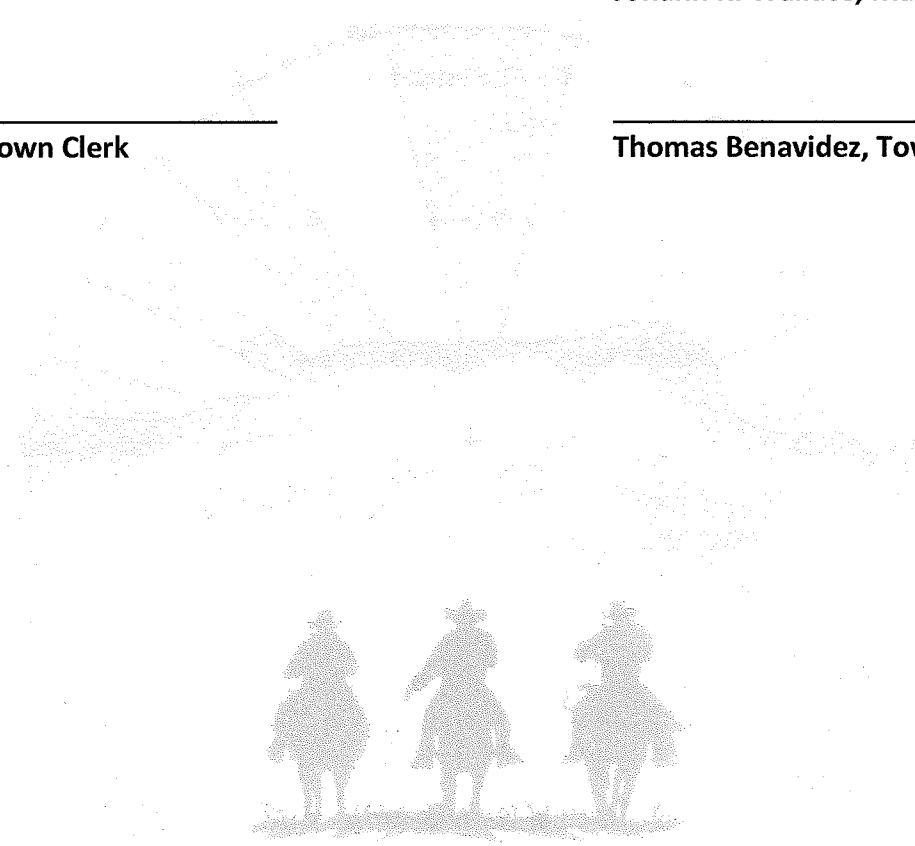
**ATTEST:**

---

**Brandy Thorpe, Town Clerk**

---

**Thomas Benavidez, Town Attorney**





# Town of Huachuca City

The Sunset City

500 N Gonzales Blvd • Huachuca City, Arizona 85616

Phone: (520) 456-1354 • TDD: (520) 456-1353 • Fax: (520) 456-2230

## ORDINANCE NO. 2021-01

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, AMENDING THE TOWN CODE TITLE 18 "ZONING," CHAPTER 18.35 "R-1 RESIDENTIAL DISTRICTS," SECTION 18.35.035 "TRAILERS/ACCESSORY VEHICLES" TO ELIMINATE THE REQUIREMENT TO REGISTER PARKING OF TRAILERS/ACCESSORY VEHICLES ON RESIDENTIAL PROPERTY AND TO ELIMINATE THE ASSOCIATED FEE.**

**WHEREAS**, the Town Council of the Town of Huachuca City has adopted by Resolution No. 84-002 a code known as the Town Code of the Town of Huachuca City, Arizona [the "Code"], and has amended and republished the Code from time to time, as authorized by A.R.S. 9-240 (B) (28) and Town Ordinance No. 15-02; and

**WHEREAS**, pursuant to A.R.S. 9-462.01 (A), the Town is empowered to adopt and amend zoning regulations; and

**WHEREAS**, the Town Council has determined that it would be in the best interest of the health, safety and welfare of the Town's residents to revise the Town's zoning regulations pertaining to parking trailers and accessory vehicles in the R-1 residential zoning district; and

**WHEREAS**, a public hearing was held on March 15, 2021, to receive public comment, pro and con, for adopting the following Code amendment; and

**WHEREAS**, as required by the Code, section 2.25.040, this Ordinance was first read at a public meeting of the Town Council on March 25, 2021, and at a subsequent meeting on April 8, 2021.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Town of Huachuca City, as follows:

**SECTION 1.** The Code, Title 18 "ZONING," Chapter 18.35 "R-1 RESIDENTIAL DISTRICTS," SECTION 18.35.035 "Trailers/accessory vehicles," subsection (C)(2), is amended as follows with deletions in ~~strikeout text~~ and additions in underlined text:

~~2. Any resident that wishes to park a trailer/accessory vehicle in a location other than their back yard, garage or carport must register the vehicle with the town clerk as to include the name, year and make of the trailer, the number of the license plate attached to the trailer, the name of the issuing state, proof of current registration and pay a registration fee due to the town of Huachuca City as outlined in this title. All residents~~



~~are limited to a single registered trailer/accessory vehicle and it must adhere to the following provisions~~ A second vehicle may be parked in a location other than the backyard, garage or carport, as long as it meets the following provisions:

**SECTION 2** The Code, Title 18 "ZONING," Chapter 18.150 "FEES," Section 18.150.010 "Planning and Zoning Fees," is amended by deleting, "Trailer/Accessory Vehicle Registration Per Year Fee of \$35" from the last row of the fee schedule.

**SECTION 3** All ordinances, parts of ordinances, resolutions, parts of resolutions, policies, and parts of policies in conflict with the provisions of this Ordinance, or any part hereof, are hereby repealed.

**SECTION 4** If any section, subsection or portion of this Ordinance is for any reason held to be invalid or unenforceable by the decision of a court of competent jurisdiction, such decision shall not affect the validity or enforceability of the remaining portions hereof.

**SECTION 5** The Town Clerk is hereby directed, pursuant to the Code, sections 2.25.080 and 2.25.090, to post this Ordinance in three or more public places within the Town, and to publish this Ordinance as required by A.R.S. 9-812 and 39-204 (C)(3).

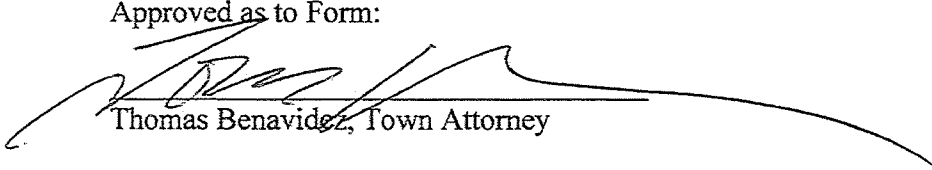
PASSED AND ADOPTED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, THIS 8TH DAY OF APRIL, 2021.

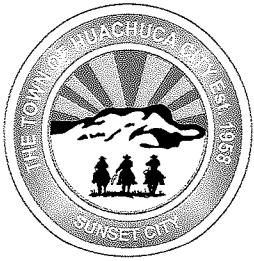
\_\_\_\_\_  
Johann Wallace, Mayor

ATTEST:

\_\_\_\_\_  
Brandye Thorpe, Town Clerk

Approved as to Form:

  
\_\_\_\_\_  
Thomas Benavidez, Town Attorney



# Town of Huachuca City

The Sunset City

500 N Gonzales Blvd • Huachuca City, Arizona 85616

Phone: (520) 456-1354 • TDD: (520) 456-1353 • Fax: (520) 456-2230

## ORDINANCE NO. 2021-02

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, AMENDING THE TOWN CODE TITLE 18 “ZONING,” RELATING TO THE REGULATION OF RECREATIONAL MARIJUANA, MEDICAL MARIJUANA AND INDUSTRIAL HEMP; SETTING FORTH DEFINITIONS; PROHIBITING MARIJUANA ON PUBLIC PROPERTY; PROHIBITING MARIJUANA TESTING FACILITIES; REGULATING MARIJUANA ESTABLISHMENTS; ESTABLISHING REGULATIONS FOR PERSONAL USE OF MARIJUANA AT AN INDIVIDUAL’S PRIMARY RESIDENCE; AUTHORIZING RETAIL SALES FROM MARIJUANA, MARIJUANA PRODUCTS AND INDUSTRIAL HEMP; REQUIRING COMPLIANCE WITH STATE LICENSING REGULATIONS; PROVIDING FOR PERMIT REQUIREMENTS; ESTABLISHING PURPOSES; IMPOSING FEES; SETTING FORTH VIOLATIONS; AND PROVIDING FOR ENFORCEMENT AND PENALTIES.**

**WHEREAS**, the Town Council of the Town of Huachuca City has adopted by Resolution No. 84-002 a code known as the Town Code of the Town of Huachuca City, Arizona [the “Code”], and has amended and republished the Code from time to time, as authorized by A.R.S. 9-240 (B) (28) and Town Ordinance No. 15-02; and

**WHEREAS**, pursuant to A.R.S. 9-462.01 (A) and 9-240(B)(19), the Town is empowered to adopt and amend zoning regulations and issue business licenses; and

**WHEREAS**, marijuana contains tetrahydrocannabinol (“THC”), which remains on Schedule I of the Controlled Substances Act pursuant to 21 U.S.C. § 811 *et al.* and any possession and use is a violation of federal law pursuant to 21 U.S.C. § 841 *et al.*; and

**WHEREAS**, the Arizona Medical Marijuana Act, Arizona Revised Statutes Sections § 36-2801 *et al.*, and Title 9, Chapter 17 of the Arizona Administrative Code allow the establishment and operation of nonprofit medical marijuana dispensaries in the Town according to a prescribed statutory and regulatory process; and

**WHEREAS**, the statewide ballot measure I-23-2020, known as “Smart and Safe Arizona Act” has been certified as Proposition 207 and placed on the November 3, 2020, general election ballot and contains provisions authorizing the possession, consumption, purchase, processing, manufacturing or transporting of marijuana by an individual who is at least twenty-one (21) years of age; authorizing possession, transport, cultivation or processing of marijuana plants in a primary residence by adults over 21 years of older; allowing a nonprofit medical marijuana

dispensary or other non-dispensary applicant to apply to the Department of Health Services to become a licensed marijuana establishment authorized to engage in the retail sale, cultivation and manufacturing of marijuana; and allowing the Department, or another entity designated by the Department, to become a marijuana testing facility to test the potency of marijuana and detect any harmful contaminants; and

**WHEREAS**, the Town Council finds that Proposition 207 authorizes marijuana establishments to use chemical extraction or chemical synthesis, including butane and other flammable gases, to extract marijuana concentrate, which poses a threat to the health, safety and security of the community and increases the responsibilities of law enforcement and other Town departments to respond to violations of state and local laws, including building, electrical and fire codes;

**WHEREAS**, the Agricultural Improvement Act of 2018, Pub. L. No 115-334, 132 Stat 4490 authorizes the growth or cultivation of industrial hemp with a tetrahydrocannabinol (“THC”) concentration of not more than three-tenths percent (0.300%) on a dry-weight basis and removes industrial hemp from Schedule I of the Controlled Substances Act; and

**WHEREAS**, the federal law did not preempt or limit a state from regulating the production of hemp in a more stringent manner (7 U.S.C. § 1639p) and state law allows the commercial growth, cultivation, and marketing of industrial hemp with a THC concentration of not more than 0.300% percent on a dry-weight basis pursuant to Arizona Revised Statutes § 3-312; and

**WHEREAS**, industrial hemp is an agricultural product subject to regulation by the Department of Agriculture and Arizona Revised Statutes § 3-313 directs the Department to adopt rules pursuant to Title 41, Chapter 6 of the Arizona Revised Statutes, to oversee the licensing, production, and management of industrial hemp and hemp seed in Arizona; and

**WHEREAS**, the Town is authorized to enact and enforce reasonable zoning regulations on the production of industrial hemp pursuant to applicable state law, including Arizona Revised Statutes Sections 3-313 and 9-462.01, and Title 3, Chapter 4, Article 10 of the Arizona Administrative Code; and

**WHEREAS**, the Town recognizes that the cultivation of industrial hemp creates opportunities for economic development and agricultural vitality; and

**WHEREAS**, industrial hemp and cannabis are derivatives of the same plant, cannabis sativa L., and the appearance of industrial hemp and cannabis cannot be distinguished under their legal definitions without a laboratory performed chemical analysis for THC content; and

**WHEREAS**, the Town seeks to protect public health, safety, and welfare through a reasonable regulatory program of industrial hemp that does not interfere with the lawful use of marijuana or the lawful regulation of marijuana in Arizona; and

**WHEREAS**, a public hearing was held on March 15, 2021, to receive public comment, pro and con, for adopting the following Code amendments; and

**WHEREAS**, as required by the Code, section 2.25.040, this Ordinance was first read at a public meeting of the Town Council on March 25, 2021, and at a subsequent meeting on April 8, 2021.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Town of Huachuca City, as follows:

**SECTION 1.** The Code, Title 18 “ZONING,” Chapters 18.75, 18.80 and 18.85, affecting the “General Business/Commercial District,” Light Industrial District” and “Heavy Industrial and Mining Zone” are amended as follows:

**Amend Section 18.75.020 Permitted Uses (B/C – General Business/Commercial District)** by adding subsection “O. Recreational marijuana establishment” and subsection “P. Retail sale of industrial hemp products.”

**Amend Section 18.75.100 Medical marijuana dispensary** by deleting entire Section.

**Amend Subsection 18.80.040(C) Permitted Use (C-2 – Light Industry District)** by adding “or recreational marijuana establishment.”

**Amend Subsection 18.80.040(D) Permitted Use (C-2 – Light Industry District)** by deleting all wording and replacing with “Medical marijuana dispensary offsite cultivation and/or infusion site.”

**Amend Section 18.80.040 Permitted Use (C-2 – Light Industry District)** by adding subsection “E. Industrial hemp cultivation site.”

**Amend Section 18.80.060 Additional regulations** by deleting entire subsection “C. Medical marijuana dispensary.”

**Amend Subsection 18.85.010B Uses permitted (C-3 – Heavy Industrial and Mining Zone)** by deleting all wording and replacing with “Medical marijuana dispensary offsite cultivation/infusion site or industrial hemp cultivation site.”

**SECTION 2.** The Code, Title 18 “ZONING,” Chapter 18.100 “SUPPLEMENTAL REGULATIONS,” is amended by adding new Section 18.100.270 to the Code entitled “Marijuana Uses” reading as follows:

**18.100.270 Marijuana Uses.**

**A. Purpose.** This Section is adopted to protect the health, safety, and welfare of the community. Except as allowed by law for personal, private use, the Town

enacts reasonable regulations and requires compliance with zoning laws for the retail sale, cultivation and manufacturing of marijuana or marijuana products in a marijuana establishment and the cultivation, processing and manufacturing of marijuana in a primary residence. Nothing in this Section is intended to promote or condone the sale, cultivation, manufacture, transport, production, distribution, possession, or use of marijuana or marijuana products in violation of any applicable law.

## **B. Definitions.**

1. “Chemical Extraction” means the process of removing a particular component of a mixture from others present, including removing resinous tetrahydrocannabinol from marijuana.
2. “Chemical Synthesis” means production of a new particular molecule by adding to, subtracting from, or changing the structure of a precursor molecule.
3. “Community Center, Public” means a building owned by the Town that is open to the public and is used for meetings, recreation, or social activities and may have outdoor recreational facilities.
4. “Consume” “Consuming” and “Consumption” means the act of ingesting, inhaling or otherwise introducing marijuana into the human body.
5. “Consumer” means an individual who is at least twenty-one years of age and who purchases marijuana or marijuana products.
6. “Cultivate” and “Cultivation” means to propagate, breed, grow, prepare and package marijuana”.
7. “Deliver” and “Delivery” mean the transportation, transfer or provision of marijuana or marijuana products to a consumer at a location other than the designated retail location of a marijuana establishment.
8. “Department” means the State of Arizona Department of Health Services or its successor agency.
9. “Dual Licensee” means an entity that holds both a nonprofit medical marijuana dispensary registration and a marijuana establishment license.
10. “Enclosed Area” mean a building, greenhouse, or other structure that has:
  - a. A complete roof enclosure supported by connecting walls that are constructed of solid material extending from the ground to the roof;
  - b. Is secure against unauthorized entry;
  - c. Has a foundation, slab or equivalent base to which the floor is securely attached; and
  - d. Meets performance standards ensuring that cultivation and processing activities cannot be and are not perceptible from the structure in terms of not being visible from public view without using binoculars, aircraft or other optical aids and is equipped with a lock or other security device that prevents access by minors.

11. "Extraction" means the process of extracting or separating resin from marijuana to produce or process any form of marijuana concentrates using water, lipids, gases, solvents or other chemicals or chemical processes.
12. "Manufacture" and "Manufacturing" means to compound, blend, extract, infuse or otherwise make or prepare a marijuana product.
13. "Marijuana"
  - a. Means all parts of the plant of the genus cannabis, whether growing or not, as well as the seeds from the plant, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture or preparation of the plant or its seeds or resin.
  - b. Includes cannabis as defined in A.R.S. § 13-3401.
  - c. Does not include industrial hemp, the fiber produced from the stalks of the plant of the genus cannabis, oil or cake made from the seeds of the plant, sterilized seeds of the plant that are incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.
14. "Marijuana Concentrate"
  - a. Means resin extracted from any part of a plant of the genus cannabis and every compound, manufacture, salt, derivative, mixture or preparation of that resin or tetrahydrocannabinol.
  - b. Does not include industrial hemp or the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink or other products.
15. "Marijuana Establishment" means an entity licensed by the Department to operate all of the following:
  - a. A single retail location at which the licensee may sell marijuana and marijuana products to consumers, cultivate marijuana and manufacture marijuana products.
  - b. A single offsite cultivation location at which the licensee may cultivate marijuana, process marijuana and manufacture marijuana products, but from which marijuana and marijuana products may not be transferred or sold to consumers.
  - c. A single offsite location at which a licensee may manufacture marijuana products and package and store marijuana and marijuana products, but from which marijuana and marijuana products may not be transferred or sold to consumers.
16. "Marijuana Products" means marijuana concentrate and products that are composed of marijuana and other ingredients and that are intended for use or consumption, including edible products, ointments and tinctures.
17. "Marijuana Testing Facility" means the Department or another entity that is licensed by the Department to analyze the potency of marijuana and test marijuana for harmful contaminants.

18. "Medical Marijuana" means all parts of the genus cannabis whether growing or not, and the seed of such plants that may be administered to treat or alleviate a qualifying patient's debilitating medical condition.
19. "Medical Marijuana Cultivation" means the process by which a person grows a marijuana plant. A facility shall mean a building, structure or premises used for the cultivation or storage of medical marijuana that is physically separate and offsite from a medical marijuana dispensary.
20. "Medical Marijuana Dispensary" means a not-for-profit entity, defined in A.R.S. § 36-2801.11, that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies, sells, or dispenses marijuana or related supplies, and educational materials to medical marijuana qualifying patients.
21. "Medical Marijuana Dispensary Offsite Cultivation Site" means the additional location where marijuana is cultivated by a medical marijuana dispensary as referenced in A.R.S. § 36-2804.B,1(b)(ii).
22. "Medical Marijuana Infusion Facility" means a facility that incorporates medical marijuana (cannabis) by the means of cooking, blending, or incorporation into consumable/edible goods.
23. "Open Space" means a public park, public sidewalk, public walkway or public pedestrian thoroughfare.
24. "Person" means an individual, partnership, corporation, association, or any other entity of whatever kind or nature.
25. "Process" and "Processing" means to harvest, dry, cure, trim or separate parts of the marijuana plant.
26. "Public Place" means any enclosed area to which the public is invited or in which the public is permitted, including airports, banks, bars, common areas of apartment buildings, condominiums or other multifamily housing facilities, educational facilities, entertainment facilities or venues, healthcare facilities, hotel and motel common areas, laundromats, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, sports facilities, theaters, and waiting rooms. A private residence is not a "public place" unless it is used as a childcare, adult day care, or health care facility or a home-based business that has employees and/or customers visit the residence.
27. "Smoke" means to inhale, exhale, burn, carry or possess any lighted marijuana or lighted marijuana products, whether natural or synthetic.

**C. Marijuana Testing Facility Prohibited.** To the fullest extent allowable by law, the operation of a marijuana testing facility is prohibited in the Town.

**D. Marijuana Prohibited on Public Property**

1. The use, sale, cultivation, manufacture, production or distribution of marijuana or marijuana products is prohibited on property that is occupied, owned, controlled or operated by the Town.
2. It shall be unlawful for an individual to smoke marijuana in a public place or open space in the Town.

**E. Application Requirements.** Prior to the establishment of a marijuana establishment, medical marijuana dispensary or medical marijuana cultivation and/or infusion facility, the applicant shall provide the Town with the following information:

1. The name and location of any associated offsite medical marijuana cultivation or infusion facility associated with the cultivation operation.
2. A copy of the Department operating procedures for medical marijuana dispensaries and medical marijuana cultivation and infusion facilities adopted in compliance with A.R.S. 36-2804B(1)(c).
3. The location of the nearest marijuana establishment, medical marijuana dispensary, cultivation and/or infusion facility if within 2000' even if located outside Town limits.
4. A site plan showing the exterior features of the building to include the parking lot, landscaping, driveways, sidewalks, and accessible parking spaces.
5. A floor plan indicating all entrances, sales areas, waiting rooms, dispensary areas, storage areas, cultivation and manufacturing areas, as well as the separate enclosed, locked and secured area for dispensing medical marijuana to qualified patients or designated caregivers, as required by the Arizona Medical Marijuana Act. The primary entrance should be kept clear of barriers, landscaping, and similar obstructions so that it is clearly visible from public streets, sidewalks or driveways.
6. Building permits for occupancy change, if necessary.
7. A security plan that provides for adequate lighting, alarms, security cameras, and locks in order to ensure the safety of persons and to prevent the theft of marijuana and unauthorized entrance into areas containing marijuana.
8. A ventilation and filtration plan to prevent the emission of dust, fumes, vapors or odors into the environment from the facility.
9. For a marijuana establishment that engages in cultivation or manufacturing, shall submit a written operations plan to the Town that outlines the following:
  - a. Procedures showing that the marijuana cultivation will be conducted in accordance with State and local laws, and regulations regarding use and disposal of pesticides and fertilizers.



- b. The legal water source, irrigation plan, wastewater systems to be used, and projected water use.
- c. The plan for addressing odor and other public nuisances that may derive from the establishment.

**F. Developmental and Locational Requirements for Marijuana Establishments and Medical Marijuana Dispensaries.**

1. Shall not be located within 1000' from a preschool, kindergarten or other school or educational facility that caters to children, childcare facility, places of worship, public community center, or public park. The distance shall be measured from the exterior walls of the building or portion thereof in which the business is conducted or proposed to be conducted to the property line of the protected use.
2. Shall not be located within 1000' of a building with the same type of use. The distance shall be measured from the exterior walls of the buildings or portion thereof in which the businesses are conducted or proposed to be conducted.
3. Shall not be more than two marijuana establishments and/or dispensaries operating within the Town at any given time. An establishment with a dual license location within the same building shall be counted as one establishment.
4. Shall be located in a permanent building with an established foundation adhering to Town adopted building codes. It may not be located in a kiosk, cargo trailer or motor vehicle.
5. Shall be a maximum size of 4900 gross square feet. Maximum square footage may be expanded subject to a Conditional Use permit application and hearing procedures set forth under Town Code.

**G. Operational Requirements for Marijuana Establishments and Medical Marijuana Dispensaries.**

1. Shall not sell marijuana or marijuana products except as permitted by State Law to consumers.
2. Marijuana shall not be consumed on the premises. The term "premises" includes the actual building, as well as any accessory structures, parking lot, or parking areas that are part of the approved location.
3. Shall have operating hours no earlier than 10am or later than 6pm. After hours and during hours of darkness, the building, property, and adjacent right-of-way and parking lot shall be illuminated, so that all areas are readily visible by law enforcement personnel.
4. A "No Loitering" sign shall be posted on the front exterior of the premises.

5. Drive-thru services and offsite deliveries of marijuana or marijuana products is prohibited.
6. Shall provide for the proper disposal of marijuana remnants or by-products and such shall not be placed in the facility's exterior refuse containers, any Town refuse container, bin or other Town facility, or in any park refuse container or any other property's refuse container.
7. Shall not emit dust, fumes, vapors or odors into the environment from the facility and shall ensure that ventilation, air filtration, building and design standards are compatible with adjacent uses and the requirements of the adopted buildings codes of the Town.
8. Shall not display or keep marijuana or marijuana products that are visible from the outside of the premises.
9. Shall comply with applicable laws to safely and securely engage in the extraction process.

#### **H. Developmental and Locational Requirements for Medical Marijuana Cultivation or Infusion Facilities.**

1. Shall not be located within 1000' from a preschool, kindergarten or other school or educational facility that caters to children, childcare facility, places of worship, public community center, or public park. The distance shall be measured from the exterior walls of the building or portion thereof in which the cultivation and/or infusion business is conducted or proposed to be conducted to the property line of the protected use.
2. Shall not be located within 1000' from a residential zoned property. The distance shall be measured from the exterior walls of the building or portion thereof in which the cultivation and/or infusion business is conducted or proposed to be conducted to the zoning boundary line of the residentially zoned property.
3. Shall not be located within 1000' of a building with the same type of use. The distance shall be measured from the exterior walls of the buildings or portion thereof in which the businesses are conducted or proposed to be conducted.
4. Shall only be located in an enclosed locked building.

#### **I. Operational Requirements for Medical Marijuana Cultivation Site or Infusion Facilities.**

1. Shall only be accessible to registered nonprofit medical marijuana dispensary agents associated in the registry with a nonprofit medical marijuana dispensary.

2. Marijuana shall not be consumed on the premises of the cultivation site or infusion facility. The term “premises” includes the actual building, as well as any accessory structures, parking lots or parking areas which are part of the approved location.
3. During hours of darkness, shall be illuminated in all areas of the premises, including adjacent public sidewalks, so that all areas are readily visible by law enforcement personnel.
4. Shall not emit dust, fumes, vapors or odors into the environment from the facility and shall ensure that ventilation, air filtration, building and design standards are compatible with adjacent uses and the requirements of the adopted buildings codes of the Town.
5. Shall provide for the proper disposal of marijuana remnants or by-products and such shall not be placed in the facility’s exterior refuse containers, any Town refuse container, bin or other Town facility, or in any park refuse container or any other property’s refuse container.

**J. Retail Sales of Marijuana and Marijuana Products.** To the fullest extent allowable by law, the sale of marijuana and marijuana products is authorized within the Town from a properly licensed marijuana establishment and its tangible personal property as defined in A.R.S. § 42-500 and subject to the transaction privilege tax in the retail classification and use tax.

**K. Individual’s Primary Residence for Personal Use.** To the fullest extent allowable by law, marijuana possession, consumption, processing, manufacturing, transportation and cultivation is permitted in a residential zoning district in the Town and is subject to the following conditions and limitations:

1. It shall be unlawful for any individual who is at least twenty-one (21) years of age to possess, transport, cultivate or process more than six (6) marijuana plants at the individual’s primary residence.
2. It shall be unlawful for two or more individuals who are at least twenty-one (21) years of age to possess, transport, cultivate or process more than twelve (12) marijuana plans at the individual’s primary residence.
3. Except as provided by A.R.S. § 36-2801 *et. al.* and this Section, it shall be unlawful for an individual to otherwise cultivate marijuana in a residential zoning district within the Town limits.
4. Individuals shall not process or manufacture marijuana by means of any liquid or gas other than alcohol that has a flashpoint below one hundred (100) degrees Fahrenheit.
5. Kitchen, bathroom, and primary bedroom(s) shall be used for their intended use and shall not be used primarily for residential marijuana processing, manufacturing or cultivation.

6. A residence shall not emit dust, fumes, vapors, or odors into the environment and individuals shall ensure that ventilation, air filtration, building and design standards are compatible with adjacent uses and the requirements of the adopted building codes of the Town.
7. Cultivation shall be limited to a closet, room, greenhouse, or other enclosed area on the grounds of the residence equipped with a lock or other security device that prevents access by minors.
8. Cultivation shall take place in an area where the marijuana plants are not visible from public view without using binoculars, aircraft or other optical aids.

**L. Violations.**

1. It shall be unlawful to smoke, display, consume, sell or distribute, store, cultivate, manufacture, or produce marijuana or marijuana products on property that is occupied, owned, controlled or operated by the Town.
2. It shall be unlawful and a violation of this Section for a person to sell, cultivate, process, manufacture or transport marijuana or marijuana products if the person fails to meet all the requirements in this Section and State law, including the Department's rules.
3. It is a violation of this Section for any person to provide false information on any application.
4. Each day any violation of any provision of this Section shall continue shall constitute a separate offense.

**M. Enforcement; Penalties.**

1. The business license may be revoked by the Town for violation of any provision of this Section, for any violation of the requirements of this Section, or if the Department revokes the license for a marijuana establishment, medical marijuana dispensary or medical marijuana offsite cultivation/infusion facility. If a business license is revoked, the permittee shall have the right to appeal the decision of the Town to the Board of Adjustment as outlined in the Town Code.
2. Violations of this Section are in addition to any other violations enumerated within the Town ordinances or the Town Code and in no way limits the penalties, actions or abatement procedures which may be taken by the Town for any violation of this Section, which is also a violation of any other ordinance or Code provision of the Town or federal or state law. Conviction and punishment of judgement and civil sanction against any person under this Section shall not relieve such person from the responsibility of correcting prohibited conditions, or removing prohibited

structures or improvements, and shall not prevent the enforced correction or removal thereof.

3. Violations of this Section may be criminal or civil. First offense: civil \$100 fine; second offense: civil \$300.00 fine; third and subsequent offenses: criminal class 1 misdemeanor, punishable as determined by the court, not to exceed \$2,500 fine, six months in jail and three years' probation.
4. Citations for civil and criminal violations of this Section may be filed in the Huachuca City Magistrate Court by the Police Department or the Town Attorney.

**SECTION 3.** The Code, Title 18 "ZONING," Chapter 18.100 "SUPPLEMENTAL REGULATIONS," is amended by adding new Section 18.100.280 to the Code entitled "Cultivation of Industrial Hemp" reading as follows:

**18.100.280 Cultivation of Industrial Hemp.**

A. **Purpose.** This Section is adopted to protect the health, safety, and welfare of the community of Huachuca City by enacting reasonable regulations for the cultivation of industrial hemp by requiring compliance with applicable zoning laws. Nothing in this Section is intended to promote or condone the sale, distribution, possession, or use of marijuana in violation of any applicable law.

B. **Definitions.** The following words and phrases, wherever used in this Section, shall be construed as defined in this Section unless, clearly from the context, a different meaning is intended. Words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number.

1. "Applicant" means the person who applies for a conditional use permit pursuant to this Section.

2. "Department" means the State of Arizona Department of Agriculture.

3. "Designated agent" means the person designated by the applicant to receive notices from the Town of Huachuca City pursuant to this Section.

4. "Grower" means an individual, partnership, company, or corporation that propagates industrial hemp under Title 3, Chapter 2, Article 4.1 of the Arizona Revised Statutes and Title 3, Chapter 4, Article 10 of the Arizona Administrative Code.

5. "Harvester" means an individual, partnership, company, or corporation that is licensed by the State of Arizona Department of Agriculture to harvest industrial hemp for a licensed grower.

6. "Hemp Products" means all products made from industrial hemp, including cloth, cordage, fiber, fuel, grain, paint, paper, construction materials, plastics, and by-products derived from sterile hemp seed or hemp seed oil. Hemp products exclude any product made to be ingested except food made from sterile hemp seed or hemp seed oil.
7. "Hemp Seed" means any viable cannabis sativa L. seed that produces an industrial hemp plant that is subject to Title 3, Chapter 2, Article 4.1 of the Arizona Revised Statutes and Title 3, Chapter 4, Article 10 of the Arizona Administrative Code.
8. "Industrial Hemp" means any viable cannabis sativa L. and any part of such a plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.300% percent on a dry-weight basis.
9. "Industrial Hemp Site" means the location in which a grower, harvester, transporter, or processor possesses a crop, a harvested crop, or hemp seed.
10. "Nursery" means real property or other premises on or in which industrial hemp stock is propagated, grown, or cultivated and intended for sale, gift, or propagation, either cultivated or collected in the wild, or from which source industrial hemp stock is offered for distribution or sale.
11. "Permit" means a conditional use permit issued in accordance with Chapter 18.20 of the Town Zoning Code.
12. "Permittee" means the person who applied for a conditional use permit pursuant to this Section and in whose name such permit was issued by the Town of Huachuca City pursuant to this Section.
13. "Person" means an individual, partnership, corporation, association, or any other entity of whatever kind or nature.
14. "Processor" means an individual, partnership, company or corporation that is licensed by the State of Arizona Department of Agriculture to receive industrial hemp for processing into hemp products or hemp seed.
15. "Town" means the Town of Huachuca City.
16. "Transporter" means an individual, partnership, company or corporation that is licensed by the State of Arizona Department of Agriculture to transport industrial hemp for a state-licensed grower to a processor.

### **C. Compliance with State Licensing Requirements.**

1. It shall be unlawful for any person to grow, harvest, transport or process Industrial Hemp, or propagate eligible seed and propagative materials for planting in the Town without having first obtained a valid license from the Department pursuant to A.R.S. § 3-314 and Title 3, Chapter 4, Article 10 of the Arizona Administrative Code.

2. It shall be unlawful for a person to grow, harvest, process, or store Industrial Hemp in any residential dwelling pursuant to Title 3, Chapter 4, Article 10 of the Arizona Administrative Code.

**D. Permit Requirements.**

1. It shall be unlawful for a Person to grow, harvest, transport, or process Industrial Hemp at any location within the Town without first obtaining a conditional use permit from the Town in accordance with the provisions of the Zoning Code Chapter 18.20, including any application and review procedures pursuant to Section 18.20.060.

2. A Permit shall not be issued unless the Applicant provides a legible copy of the proper valid license issued by the Department authorized under the Industrial Hemp Program. A suspended or revoked license is not a valid license.

3. A Permit shall not be issued unless the Applicant provides a legible copy of the valid fingerprint clearance card issued by the Arizona Department of Public Safety pursuant to A.R.S. § 41-1758.07 and required by the Department pursuant to Title 3, Chapter 4, Article 10 of the Arizona Administrative Code.

4. The Applicant shall comply with the requirements of this Section.

5. The Applicant shall notify the Town within 72 hours if the Department imposes a corrective action plan on the Applicant or suspends or revokes the Applicant's license.

6. A Permit issued pursuant to this Section, including a renewal of a Permit, is valid for a period of one (1) year from the date of issuance if the Permittee is in compliance with this Section. The Permit is nontransferable.

**E. Developmental and Locational Requirements for Industrial Hemp Cultivation Facilities.**

Industrial Hemp cultivation facilities are subject to the following conditions and limitations:

1. May be permitted as a conditional use in a C-2 or C-3 zoning districts and shall not be authorized to grow, harvest, process, or store Industrial Hemp in any area zoned for residential use.

2. Shall not be located within 1000' from a preschool, kindergarten or other school or educational facility that caters to children, childcare facility, places of worship, public community center, or public park. The distance shall be measured from the exterior walls of the building or portion thereof in which the cultivation and/or infusion business is conducted or proposed to be conducted to the property line of the protected use.

3. Shall not be located within 1000' from a residential zoned property. The distance shall be measured from the exterior walls of the building or portion thereof in which the cultivation and/or infusion business is conducted or proposed to be conducted to the zoning boundary line of the residentially zoned property.
4. Shall not be located within 1000' of a building with the same type of use. The distance shall be measured from the exterior walls of the buildings or portion thereof in which the businesses are conducted or proposed to be conducted.
5. Shall only be located in an enclosed locked building.

**F. Operational Requirements for Industrial Hemp Cultivation Facilities.**

1. During hours of darkness, all areas of the premises shall be illuminated, including adjacent public sidewalks, so that all areas are readily visible by law enforcement personnel.
2. Except as otherwise provided in A.R.S. § 9-462.01, disposal of agricultural composting from Industrial Hemp shall not be allowed in any trash can or bin located within the Town limits, any Town facility, or in any park refuse container unless authorized by the Town.
3. Must eliminate the smell or odor of Industrial Hemp, or unusual smells or odors generated by or connected to such storage or processing and not generally found in a residential environment, so that such odors cannot be detected by a person with a normal sense of smell from a minimum distance of ten (10) feet of a building's exterior or at the property's boundaries, whichever distance is less, except during periods while a door is open for the purpose of transporting Industrial Hemp not to exceed fifteen (15) minutes per period.
4. No vehicle used to transport Industrial Hemp to or from an Industrial Hemp site shall park in any residential zone or be left unattended on any public street, sidewalk, alley or other public right-of-way in the Town. In addition to any penalty provided in this Section, any vehicle which is parked in violation of this subsection may be towed and impounded, or the contents of said vehicle may be removed and impounded or destroyed. Reasonable charges may be made for towing, content removal, and impounding.
5. Exterior inspections by the Town Code Official or a designee may be conducted any time during regular business hours.

**G. Retail Sales from Industrial Hemp.**

The sale of Industrial Hemp products is authorized within the Town limits in accordance with all applicable zoning regulations. Industrial Hemp and Industrial Hemp products are taxable to the end user under the retail classification of the transaction privilege tax.



**H. Fees.**

1. The fee for the conditional use permit shall be according to the fee schedule established in Section 18.150.010 of the Zoning Code.
2. The conditional use permit shall be renewed annually. The fee for the annual renewal shall be half the original conditional use permit application fee.

**I. Violations.**

1. It shall be unlawful for a person to grow, harvest, process, or transport Industrial Hemp if the person fails to meet all the requirements in this Section or state law, including the Department's rules regulating the Industrial Hemp Program pursuant to Title 3, Chapter 4, Article 10 of the Arizona Administrative Code.
2. It is a violation of this Section for any person to provide false information on any application.
3. Each day any violation of any provision of this Section shall continue shall constitute a separate offense.

**J. Enforcement; Penalties.**

1. The Permit may be revoked by the Town for violation of any provision of this Section, for any violation of the requirements of this Section or the Permit, or if the Department revokes the license for the Hemp Cultivation Facility. If a Permit is revoked, the Permittee shall have the right to appeal the decision to the Town Board of Adjustment as outlined in Section 18.145.040 of the Town Zoning Code.
2. Violations of this Section are in addition to any other violation enumerated within Town ordinances or the Huachuca City Municipal Code and in no way limits the penalties, actions or abatement procedures which may be taken by the Town for any violation of this Section, which is also a violation of any other ordinance or Code provision of the Huachuca City Municipal Code or federal or state law. Conviction and punishment of judgment and/or civil sanctions against any person under this Section shall not relieve such person from the responsibility of correcting prohibited conditions, or removing prohibited structures or improvements, and shall not prevent the enforced correction or removal thereof.
3. Violations of this Section may be criminal or civil. First offense: civil \$100 fine; second offense: civil \$300.00 fine; third and subsequent offenses: criminal class 1 misdemeanor, punishable as determined by the court, not to exceed \$2,500 fine, six months in jail and three years' probation.

4. Citations for civil and criminal violations of this Section may be filed in the Huachuca City Magistrate Court by the Police Department or the Town Attorney.

**SECTION 4.** The Recitals in this Ordinance are incorporated herein by this reference.

**SECTION 5.** This Ordinance does not affect the rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of this Ordinance.

**SECTION 6.** All ordinances, parts of ordinances, resolutions, parts of resolutions, policies, and parts of policies in conflict with the provisions of this Ordinance, or any part hereof, are hereby repealed.

**SECTION 7.** If any section, subsection or portion of this Ordinance is for any reason held to be invalid or unenforceable by the decision of a court of competent jurisdiction, such decision shall not affect the validity or enforceability of the remaining portions hereof.

**SECTION 8.** The Town Clerk is hereby directed, pursuant to the Code, sections 2.25.080 and 2.25.090, to post this Ordinance in three or more public places within the Town, and to publish this Ordinance as required by A.R.S. 9-812 and 39-204 (C)(3).

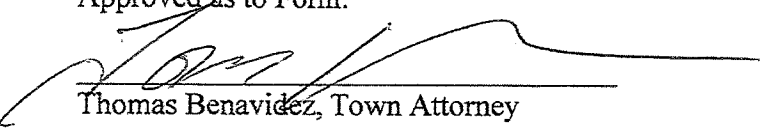
**PASSED AND ADOPTED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, THIS 8TH DAY OF APRIL, 2021.**

\_\_\_\_\_  
Johann Wallace, Mayor

ATTEST:

\_\_\_\_\_  
Brandy Thorpe, Town Clerk

Approved as to Form:

  
\_\_\_\_\_  
Thomas Benavidez, Town Attorney

1

2

3