



# Town of Huachuca City

The Sunset City

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## ORDINANCE NO. 2018-01

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, AMENDING THE TOWN CODE, TITLE 3 “REVENUE AND FINANCE” TO ADD CHAPTER 3.20 “SURPLUS PROPERTY” REQUIRING TOWN COUNCIL APPROVAL TO DISPOSE OF TOWN PROPERTY WITH AN ESTIMATED VALUE OF MORE THAN \$500.00 DOLLARS; AND PROHIBITING TOWN EMPLOYEES AND THEIR IMMEDIATE FAMILIES FROM ACQUIRING SURPLUS PROPERTY.**

**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

**WHEREAS**, the Code, Title 3 “REVENUE AND FINANCE” provides procurement and investment policies and procedures for the Town; and

**WHEREAS**, the Town Council has determined that it would be in the best interests of the Town and its residents to amend the Code to address disposal of the Town’s surplus property; and

**WHEREAS**, as required by the Code, section 2-5-4, this Ordinance was first read at a public meeting of the Town Council on December 28, 2017, and at a subsequent meeting on January 11, 2018.

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

**SECTION 1.** The Code, Title 3 “REVENUE AND FINANCE” is amended by adding Chapter 3.20 “Surplus Property,” reading as follows:

### **Chapter 3.20 SURPLUS PROPERTY**

#### **3.20.010 Property Tracking; Disposal; Proceeds**

- A. The Town Manager shall be responsible for the tracking and management of town supplies and property during their entire life cycle.
- B. The Town Manager may sell, lease, transfer, or dispose of surplus supplies and property [but excluding real property interests], with a value of \$500.00 or less, in accordance with

state law, in the best interests of the town, and in as competitive a manner as the Town Manager determines to be practicable.

- C. The Town Manager shall make recommendations and present for Council approval all transfers and disposals of real property interests, and surplus supplies and other property, with a value of \$501.00 or more.
- D. No town employee or his immediate family shall be entitled or permitted to purchase or otherwise acquire any surplus supplies or property from the town.
- E. Unless otherwise provided by law or council direction, all proceeds from the sale of surplus supplies and property will be deposited into the town's general fund. Proceeds from sale of enterprise, federal or state grant or other special designation property will be reimbursed, less pro-rated selling expenses, to the appropriate fund, after completion of each sale.

**SECTION 2.** 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 in their entirety.

**SECTION 3.** 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 4.** As provided in the Code, Section 1.05.110, any person found guilty of violating any provision of the Code, including this Ordinance, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not to exceed one thousand dollars or by imprisonment for a period of not to exceed six months, or by both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as hereinabove described.

**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.

**PASSED AND ADOPTED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, THIS 11TH DAY OF JANUARY, 2018.**

  
Ken Taylor, Mayor

ATTEST:

  
Jennifer Fuller, Town Clerk

Approved as to Form:

  
Thomas Benavidez, Town Attorney