



TOWN OF HUACHUCA CITY

The Sunset City

**MEETING MINUTES OF THE
HUACHUCA CITY TOWN COUNCIL WORK SESSION
January 28, 2021 AT 6:00 PM
COUNCIL CHAMBERS
500 N. GONZALES BLVD.
HUACHUCA CITY, AZ 85616**

SPECIAL NOTICE: BY PROCLAMATION OF THE MAYOR DUE TO THE COVID-19 PANDEMIC, THE MAYOR AND COUNCIL WILL CONDUCT PUBLIC MEETINGS IN A REMOTE ACCESS FORMAT. THESE MEETINGS WILL BE LIVE-STREAMED. MEMBERS OF THE PUBLIC MAY ATTEND THESE MEETINGS BY GOING TO [OR CALLING TO]: <https://www.facebook.com/HuachucaCityAZ> or 520-844-2096. IN ADDITION, THE MAYOR HAS TEMPORARILY SUSPENDED CALLS TO THE PUBLIC AT THESE MEETINGS. HOWEVER, MEMBERS OF THE PUBLIC MAY SUBMIT WRITTEN COMMENTS TO THE TOWN CLERK TWENTY-FOUR HOURS IN ADVANCE OF THE MEETING. ADVANCE NOTICE OF THESE 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 6pm

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

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.

Roll Call.

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

B. Call to the Public – Mayor TEMPORARILY SUSPENDED – WRITTEN COMMENTS MAY BE SUBMITTED TO THE TOWN CLERK

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. New Business Before Council - Mayor

Public comment **TEMPORARILY SUSPENDED – WRITTEN COMMENTS MAY BE SUBMITTED TO THE TOWN CLERK** 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.

C.1 Discussion and Action [Chief Thies]: Discussion regarding the plan to establish a Civilian Review Board for the Police Department. The Council might direct staff concerning further development of the plan.

Motion: Item C.1, **Action:** Open for Discussion and/or Action, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.

Mayor Wallace hands it over to Chief Thies.

Chief Thies asks if there will be a Town complaint form and a separate complaint form for the Police Department.

Manager Harvey states that she thinks we should just use the Town's form.

Mayor Wallace agrees with Manager Harvey.

Chief Thies asks how far back complaints should be handled.

Councilmember Butterworth suggests 90-120 days. If you go back further, staff changes, memories change, Council changes.

Council agrees on 120 days.

Mayor Wallace asks Attorney Benavidez if that is something that can be put in the document, where the review board will only listen to complaints that are within a 120 day window.

Attorney Benavidez advises that he likes the idea of adding the timeframe. He thinks it should be included somewhere. He also states he would like everyone to be on the same page as to what the board will be authorized to do. It sounds like there is discussion about making a complaint directly to the board. He isn't sure if the board will then give it to the Town Manager or if people are thinking the board will conduct an investigation. Maybe the Chief could present

his vision of how this is going to work, so that everyone is clear about what this board will be able to do.

Chief Thies advises that all complaints should go through the same process. Where the complaint goes to the Town first. If it goes to the Civilian Review Board, it should be something that does not have a quick answer. Something that requires investigation. The whole process should start as a Town employee first and if necessary, migrate to the board. The board will be provided with any information they need to investigate.

Mayor Wallace asks what types of complaints Chief Thies sees coming before the board.

Chief Thies advises higher level complaints such as use of force.

Mayor Wallace asks if there is a list of situations where outside aid is automatically sought for investigations.

Chief Thies states that it has been done in the past.

Mayor Wallace states that there should be a standard process, in which certain situations automatically require the aid of other agencies for investigation, such as an Officer in an accident, or an Officer involved shooting. That should never go through the board.

Councilmember Butterworth advises she thought that the process would be if they had gone through the normal process of the Town Manager and the Chief of Police and they didn't feel it was resolved adequately, then it would go before the board, that the board would be an objective review to either validate the decision of staff, or to suggest other things staff should have done.

Attorney Benavidez advises the Councilmember was correct. Complaints should be handled administratively and if there is no satisfaction, the Town Manager can refer it to the board. I think we need to get Chief Thies' flow chart that was previously prepared right, so that everyone is on the same page as to how things will be brought before the board.

Chief Thies advises that in his flow chart it went to the Town Manager, then to Department Heads, then if there was no resolution, to the board, and if still not resolved, to the Council.

Councilmember Post asks if the 120 days is from the incident.

Mayor Wallace states that it is.

Councilmember Trate asks if we will have volunteers to do this.

Mayor Wallace advises that there is nothing in the draft that designates residency in Huachuca City. He is ok with that.

Attorney Benavidez advises that he feels the same and it could be a good thing to allow non residents.

Manager Harvey asks if it should be restricted from family members of staff and Council.

Mayor Wallace says it should be restricted in that way.

Councilmember Settlemeyer asks if there are at this time complaints more than 120 days old.

Mayor Wallace advises there are always complaints. Even though the Town gives the accurate information, if it isn't what somebody wants to hear they are still going to complain about it.

Councilmember Settlemeyer asks if this means, when the board is established, if there are complaints from more than 120 days previous, it will not go to the board.

Mayor Wallace advises it does mean that.

Councilmember Post asks if they will have other obligations other than just Police issues.

Mayor Wallace advises this is just for the Police, the other department complaints will be handled administratively.

Attorney Benavidez asks if the Town Manager is on board with the way this is heading.

Manager Harvey advises this is how she believes it should be handled.

Councilmember Trate asks how long they will have to resolve it.
Councilmember Hirshberg doesn't want a set time.
Manager Harvey states that the language could be "within a reasonable time", however she asks how often they will be meeting.
Councilmember Trate states she thought they would be meeting only when there was a complaint.
Manager Harvey states she thought they would meet regularly because they can do more than just review complaints, they can also make suggestions on other ways the Police Department could improve.
Mayor Wallace states they could review policies and give an objective opinion on how things should be done. Helping the Police Department is more than just with complaints. I think they can meet once monthly.
Manager Harvey asks if it would be inappropriate if a Town representative were to attend the meeting, not as a voting party but in case there are questions.
Mayor Wallace advises that there should be a liaison.
Attorney Benavidez agrees there should be a non voting member of the board from the Police Department.

D. Adjournment

Motion: 6:36pm, Action: Adjourn, Moved by Johann Wallace, Seconded by Christy Hirshberg. Motion passed unanimously.

Approved by Mayor Johann R. Wallace on February 11, 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 January 28, 2021. I further certify that the meeting was duly called and a quorum was present.

Ms. Brandye Thorpe,
Town Clerk

DRAFT