



# TOWN OF HUACHUCA CITY

The Sunset City

**MEETING MINUTES OF THE  
HUACHUCA CITY TOWN COUNCIL  
August 11, 2022 AT 6:00 PM  
COUNCIL CHAMBERS  
500 N. GONZALES BLVD.  
HUACHUCA CITY, AZ 85616**

## AGENDA

### **A. Call to Order – Mayor 6:00pm**

- a. Pledge of Allegiance

**Mayor Wallace.**

- b. Roll Call and Ascertain Quorum

**Roll Call.**

**Present: Johann Wallace, Jeffrey Ferro, Cynthia Butterworth, Keith Settlemeyer, Christy Hirshberg, Debra Trate, Town Attorney Thomas Benavidez (Not voting), Town Manager Harvey (Not voting), Town Clerk Brandye Thorpe (Not voting).**

**Absent: Jean Smelt.**

- c. Invocation  
**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.

### **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 July 28, 2022.
- C.2 Consider approval of the Payment Approval Report.

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

**Motion:** Items listed on the Consent Agenda, **Action:** Approve, **Moved by** Johann Wallace, **Seconded by** Jeffrey Ferro.  
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]:** Consideration and adoption of a revised nepotism policy concerning hiring relatives of current Town officers and employees. The revised policy would allow for the Town to hire a family member of another employee, so long as they wouldn't be working within the same department, and the current employee is not a Department Head or higher official. The revised policy would still prohibit any current Town employees or officers from involving themselves in the process of hiring a relative.

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

Mayor Wallace asks if we are revising it to be in line with state law. Manager Harvey confirms that we are.

Councilmember Butterworth advises that she noticed it states as long as current employee isn't a department head and she doesn't see why it would matter if the Chief of Police had a relative that wanted to work at the landfill.

Mayor Wallace clarifies the question as follows: If Chief's son were to be hired to work at the landfill, would it be a problem.

Attorney Benavidez advises that under this policy it wouldn't be permitted. He further states that the Town is really small and there may be a perception of impropriety if that were to happen. He states that our current policy is way more prohibitive.

Mayor Wallace asks again if this revision is in line with state law.

Attorney Benavidez advises it is still more restrictive than state law. He states that state law would allow what is being discussed. He says that for a large city, it would be easy to show that there is no impropriety, but for such a small town, there is less separation of the departments to make that an easy task.

Councilmember Settlemyer states that we are grasping for responsible people to fill positions and if a department head has a responsible relative who is qualified, he doesn't see why it would even have that appearance.

Councilmember Trate advises that several years ago, she was looking into a management position with Sierra Vista, and her son works in facilities and as long as she wasn't supervising him, they could have hired her. It depends if people make a big deal of it. As long as they don't work directly together, she doesn't have an issue with it.

Councilmember Butterworth asks how family member is being defined.

Attorney Benavidez advises that family member goes out to include aunts and uncles, but does not include cousins. It is pretty broad.

Mayor Wallace asks how many times our current nepotism prevented us from hiring someone.

Manager Harvey advises that in the last two years, it has been an issue and she came and asked for permission for an exception to the policy. She would say probably three times a year and that is generally lifeguards. She also states she respects the opinion of Attorney Benavidez but at the same time she understands Councilmember Butterworth's point. We do struggle to fill open positions and going all the way out to aunts and uncles could present a problem for us in the future. It could keep us from being able to hire someone in the future. She also believes that because of the strict policy, in the past, it's possible that people haven't even applied since they know it isn't allowed.

Mayor Wallace states that he is willing to make this change now and see if there is a change or evidence that comes from this that shows we should take another look to align with state law. He states that Attorney Benavidez makes a good point with the perception piece, a previously this was a problem, no perception involved, it was happening. So, he is okay with peeling back the policy a little bit but still keeping that one piece in there regarding department heads. We'll see how that affects us.

Manager Harvey asks Attorney Benavidez if it is an issue for a hiring, could it be brought back to Council for an exception if that piece is left in. He states that it would be fine to do that.

Councilmember Trate asks if it is going to be Aunts and Uncles? Manager Harvey references the policy, which was thought to be in the packet. The policy was not in the packet, so Manager Harvey exits the room to get the policy so Council can review it.

The policy is pulled up on the screen and reviewed.

Councilmember Trate asks what happens if people have been living together for years and are not married, but everyone assumes they are. Attorney Benavidez states that the Town would have to look at the situation and determine if there is a conflict. One may need to be reassigned, or if that is not possible, the last employee hired would have to be terminated.

Councilmember Butterworth states that the same would be true if two people meet at work and decide to be together.

**Motion:** The revised nepotism policy, **Action:** Adopt, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.

Motion passed unanimously.

**E.2 Discussion and/or Action [Suzanne Harvey]:** Approval of a contract with Ms. Ann Roberts, Esq., for criminal prosecution services in the Town's Municipal Court.

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

Mayor Wallace advises that there isn't a contract to review. Attorney Benavidez and Manager Harvey are still working on this based off the guidance from the last Council meeting.

**E.3 Discussion and/or Action [Suzanne Harvey]:** After Action Review of the Town's 4<sup>th</sup> of July event.

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

Manager Harvey gives a presentation regarding the event and gives Council some feedback about what went well and what could be better based on information provided by staff. She also shares a video captured by Sheila Foraker of the event.

**E.4 Discussion and/or Action [Stephanie Fulton]:** After Action Review of the Town's Back to School/National Night Out event.

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

Stephanie Fulton and Chief Thies both give presentations from their portion of the event. There is discussion about what went well and what could be better.

## **F. Reports of Current Events by Council**

Councilmember Butterworth advises of the food distribution next Friday. SVMPO meetings not scheduled for a couple of months.

Councilmember Settlemyer states he wants to make sure everyone is aware of the business meeting on the 18<sup>th</sup>.

Councilmember Trate is still working on the speaker event in September.

Mayor Wallace went to the Military Affairs Luncheon last week. He gave an update about Town happenings. Next month is another luncheon. He has been personally inviting businesses to attend the meeting on the 18<sup>th</sup>.

### G. Adjournment

**Motion: 7:12pm, Action: Adjourn, Moved by Johann Wallace, Seconded by Christy Hirshberg. Motion passed unanimously.**

Approved by Mayor Johann R. Wallace on September 7, 2022.

---

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 August 11, 2022. I further certify that the meeting was duly called and a quorum was present.

---

Ms. Brandye Thorpe,

Town Clerk