



Town of Huachuca City

The Sunset City

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ORDINANCE NO. 2018-02

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, AMENDING THE TOWN CODE, CHAPTER 2.130 "PERSONNEL POLICIES AND PROCEDURES" SECTION 2.130.350 "APPLICATION FORM" TO REQUIRE THAT A BACKGROUND CHECK BE CONDUCTED ON PROSPECTIVE EMPLOYEES.

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, Chapter 2.130 "PERSONNEL POLICIES AND PROCEDURES," provides policies and procedures for hiring employees to work 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 require that background checks be conducted on prospective employees; 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, Chapter 2.130 "PERSONNEL POLICIES AND PROCEDURES," Section 2.130.350, is amended as follows with deletions in ~~strikeout~~ and additions in underlined ALL CAPS text.

Chapter 2.130 PERSONNEL POLICIES AND PROCEDURES

2.130.350 Application form; BACKGROUND CHECK

Application shall be made on forms provided by the personnel officer. THE FORMS SHALL INCLUDE A NOTICE AND AUTHORIZATION FOR THE TOWN TO CONDUCT A BACKGROUND CHECK ON THE APPLICANT.

Such forms shall require information covering training, experience, EDUCATION and other pertinent information in conformance with equal employment opportunity guidelines. SUCH INFORMATION SHALL ALSO INCLUDE PAST AND PRESENT ADDRESSES, DATES OF EMPLOYMENT, AND GOVERNMENT-ISSUED IDENTIFICATION TO ESTABLISH LEGAL WORK AUTHORIZATION IN THE UNITED STATES.

All applications shall be signed by the person applying AFFIRMING THAT THE APPLICANT HAS PROVIDED COMPLETE AND ACCURATE INFORMATION ON THE TOWN'S FORMS. PROVIDING INCOMPLETE OR MISLEADING INFORMATION SHALL BE GROUNDS FOR TERMINATION OF EMPLOYMENT OR NOT EMPLOYING AN APPLICANT.

~~No inquiries with regard to race, sex, age, religion or other non-job-related subjects will be made.~~

~~Exception: All public safety (police department and fire department) applicants will be subject to background investigation. THE PERSONNEL DIRECTOR SHALL DETERMINE THE SCOPE OF SUCH INVESTIGATIONS AS BEFITS THE POSITION SOUGHT BY THE APPLICANT. SUCH INVESTIGATIONS MAY INCLUDE OBTAINING CRIMINAL HISTORY, DRIVING AND DRIVER'S LICENSE HISTORY AND CONSUMER CREDIT REPORTS ON THE APPLICANT, AS WELL AS VERIFYING ALL TRAINING, EDUCATION AND WORK HISTORY.~~

THE PERSONNEL DIRECTOR AND THE POLICE CHIEF SHALL ASSURE THAT ALL HIRING OF PUBLIC SAFETY PERSONNEL IS CONDUCTED IN ACCORDANCE WITH STATE AND FEDERAL REQUIREMENTS FOR BACKGROUND INVESTIGATIONS MANDATED BY LAW.

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