



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. 2019-11

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, AMENDING THE TOWN CODE TITLE 2 "ADMINISTRATION AND PERSONNEL," CHAPTER 2.35 "OFFICERS," SECTION 2.35.015 "TOWN MANAGER," TO ALLOW THE TOWN MANAGER TO SELECT HIS OR HER DESIGNEE IN THE TOWN MANAGER'S ABSENCE AND TO ALLOW THE TOWN COUNCIL TO SELECT A DESIGNEE DUE TO THE TOWN MANAGER'S INCAPACITY OR SEPARATION; AND TO REQUIRE COUNCILMEMBERS TO GO THROUGH THE TOWN MANAGER TO CONSULT WITH TOWN EMPLOYEES REGARDING TOWN BUSINESS.

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. section 9-303 and Ordinance No. 2016-014, the Town Council has established the office of town manager; and

WHEREAS, the Town Council wishes to amend the Code to allow the town manager to select his or her designee in the town manager's absence and to allow the Town Council to select a designee due to the town manager's incapacity or separation, and to require councilmembers to go through the town manager to consult with town employees regarding town business; 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 April 25, 2019, and at a subsequent meeting on May 9, 2019.

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

SECTION 1. The Code, Title 2 "ADMINISTRATION AND PERSONNEL," Chapter 2.35 "OFFICERS," Section 2.35.015 "Town Manager," Subsection (F) "Absence or Disability," is amended as follows, with deletions in ~~strike through~~ and additions in underlined text, as follows:

F. Absence or Disability. ~~In the event of the absence or disability of the town manager, his or her powers and duties shall devolve upon the town clerk, unless otherwise directed by the council.~~ To perform the

duties of town manager during the temporary absence or disability of the permanent town manager, the town manager may designate by letter, filed with the clerk, a qualified administrative officer of the Town to be chosen from current employees thereof. In the event of the incapacity or separation of the town manager, the council may, by formal action, appoint someone to perform the duties of the manager until the manager has returned to capacity or until a new town manager is appointed.

SECTION 2. The Code, Title 2 “ADMINISTRATION AND PERSONNEL,” Chapter 2.35 “OFFICERS,” Section 2.35.015 “Town Manager,” Subsection (H) “Council-Manager Relations,” is amended as follows, with deletions in ~~strike through~~ and additions in underlined text, as follows:

H. Council-Manager Relations. ~~The council and its members shall deal with the administrative services of the town only through the manager, and neither the council, nor any member thereof, shall give orders or instructions to any employee other than the manager.~~ The manager shall take his or her orders and instructions from the council only when promulgated at a duly convened meeting of the council, and no individual councilmember shall give any orders or instructions to the manager, except for purpose of inquiry. The council and its members shall deal with the administrative services of the town solely through the town manager, and neither the council nor any member thereof shall give orders to any subordinates of the town manager, either publicly or privately, without the permission of the town manager. Any town business-related discussions between a councilmember and employees shall be approved by the town manager in advance, in writing.

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, section 2.25.080, 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 9TH DAY OF MAY, 2019.

[Signatures follow]


Johann Wallace, Mayor

ATTEST:


Matthew Williams, Interim Town Clerk

Approved as to Form:


Thomas Benavidez, Town Attorney

