



# Town of Huachuca City

The Sunset City

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## ORDINANCE NO. 2019-14

**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 2.30 “OFFICERS IN GENERAL,” CHAPTER 2.35 “OFFICERS,” CHAPTER 2.55 “POLICE DEPARTMENT,” AND CHAPTER 2.70 “ANIMAL CONTROL,” TO CHANGE THE DUTIES OF THE POLICE CHIEF, TOWN MANAGER, TOWN CLERK, FINANCE CLERK AND TOWN COUNCIL; REMOVE PROVISIONS FOR K-9 OFFICERS; HAVE POLICE OFFICERS’ AND ANIMAL CONTROL OFFICERS’ PAY RATES ESTABLISHED BY THE POLICE CHIEF AND TOWN MANAGER; AND AUTHORIZE THE POLICE CHIEF TO HIRE POLICE OFFICERS AND ANIMAL CONTROL OFFICERS BASED ON NEED AND BUDGET AVAILABILITY.**

**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 change the duties of the police chief, town manager, town clerk, finance clerk and town council; remove provisions for k-9 officers; have police officers’ and animal control officers’ pay rates established by the town manager; and authorize the town manager to hire police officers and animal control officers based on need and budget availability; 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 September 12, 2019, and at a subsequent meeting on September 26, 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 2.30 “OFFICERS IN GENERAL,” Section 2.30.020 “Treasurer and collector of taxes,” is amended as follows, with deletions in ~~strike through~~ and additions in underlined text, as follows:

**2.30.020 Treasurer and collector of taxes.**

The finance clerk shall act as treasurer, ~~and the marshal shall act as collector of taxes.~~

**SECTION 2.** The Code, Title 2 "ADMINISTRATION AND PERSONNEL," Chapter 2.35 "OFFICERS," Section 2.35.020 "Town marshal," is amended as follows, with deletions in ~~striketrough~~ and additions in underlined text, as follows:

**2.35.020 Town marshal.**

The marshal shall be the chief of police and shall ~~be collector of all taxes of the town; provided, that the collection of such taxes may be administered by the clerk. He shall~~ perform such duties as may be required of him by law and as the council may deem necessary.

**SECTION 3.** The Code, Title 2 "ADMINISTRATION AND PERSONNEL," Chapter 2.55 "POLICE DEPARTMENT," Section 2.55.010 "Created - Composition," is amended as follows, with deletions in ~~striketrough~~ and additions in underlined text, as follows:

**2.55.010 Created – Composition.**

There is hereby created a police department for the town which shall consist of a chief of police who shall also serve as town marshal, and as many ~~policemen~~ police officers as may from time to time be deemed necessary by the council chief of police, based upon need and budget availability, for the safety and good order of the town.

**SECTION 4.** The Code, Title 2 "ADMINISTRATION AND PERSONNEL," Chapter 2.55 "POLICE DEPARTMENT," Section 2.55.020 "Appointment of officers," is amended as follows, with deletions in ~~striketrough~~ and additions in underlined text, as follows:

**2.55.020 Appointment of officers police chief.**

The chief of police shall be appointed by the council and shall serve at the pleasure of the council. ~~The council shall appoint as many policemen as may from time to time be deemed necessary for the safety and good order of the town.~~

**SECTION 5.** The Code, Title 2 "ADMINISTRATION AND PERSONNEL," Chapter 2.55 "POLICE DEPARTMENT," Section 2.55.030 "Compensation of officers," is amended as follows, with deletions in ~~striketrough~~ and additions in underlined text, as follows:

**2.55.030 Compensation of officers.**

The chief of police ~~and the policemen of the town~~ shall be compensated as determined by the council. The chief of police shall not receive any perquisites, commissions or

compensations for his services as chief of police, or town marshal or tax collector, except as the council may prescribe. Compensation of police officers will be determined by the chief of police, based on budget availability and approval of the town manager.

**SECTION 6.** The Code, Title 2 "ADMINISTRATION AND PERSONNEL," Chapter 2.55 "POLICE DEPARTMENT," Section 2.55.080 "Canine officer pay policy," is repealed in its entirety and replaced to read as follows:

**2.55.080 Repealed and reserved.**

**SECTION 7.** The Code, Title 2 "ADMINISTRATION AND PERSONNEL," Chapter 2.70 "ANIMAL CONTROL DEPARTMENT," Section 2.70.020 "Members," is amended as follows, with deletions in ~~strike through~~ and additions in underlined text, as follows:

**2.70.020 Members.**

Members of the department shall include the animal control ~~officer~~ officers and such deputies as may be authorized by the ~~mayer and common council~~ chief of police based upon need and budget availability. The animal control ~~officer~~ officers shall report to the chief of police.

**SECTION 8.** The Code, Title 2 "ADMINISTRATION AND PERSONNEL," Chapter 2.70 "ANIMAL CONTROL DEPARTMENT," Section 2.70.030 "Salaries," is amended as follows, with deletions in ~~strike through~~ and additions in underlined text, as follows:

**2.70.030 Salaries.**

Salaries of the members of the department shall be such sums as designated by the ~~mayer and common council~~ chief of police based on budget availability and approval by the town manager.

**SECTION 9.** 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 10.** 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 11.** 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 10th DAY OF OCTOBER, 2019.

[Signatures follow]

  
Johann Wallace, Mayor

ATTEST:

  
Janine Collins, Town Clerk



Approved as to Form:

  
Thomas Benavidez, Town Attorney