



Sierra Vista City Council
Meeting Agenda
[June 11, 2020](#)

Call to Order

5:00 p.m., City Hall Council Chambers, 1011 N. Coronado Drive, Sierra Vista, Arizona

Roll Call

Invocation

Pledge of Allegiance

[Item 1](#) Acceptance of the Agenda

City Manager's Report: Upcoming Meetings, Bid Openings and Bid Awards

Public Hearing

[Item 2](#) Land Use Assumptions and Infrastructure Improvement Plan for the updated Development Fees

New Business

[Item 3](#) Resolution 2020-029, Designation of David Felix as Authorized Agent for Arizona Department of Emergency and Medical Affairs (DEMA) Reimbursements

[Item 4](#) Approval of the City Council Regular Meeting Minutes of May 28, 2020

[Item 5](#) Resolution 2020-030, Amendment of City Board & Commission Guidelines

[Item 6](#) Resolution 2020-031, Intergovernmental Agreement between the City of Sierra Vista, the Cochise County Sheriff's Office, and the Cochise County Community College District to operate the Southeastern Arizona Law Enforcement Training Academy (SEALETA)

Call to the Public

Comments and Requests of the Council

Adjournment

For special needs and accommodations, please contact Jill Adams, City Clerk, 72 hours prior to the meeting or activity at (520) 458-3315 or through the Arizona Relay Service at 1-800-367-8939, or by simply dialing 7-1-1.



City Council Public Hearing: IIP & LUA Assumptions

Sierra Vista, Arizona
June 11, 2020

Bethesda, MD | 301.320.6900

TischlerBise.com

Buy-In Approach (Past)

- New growth is “buying in” to the cost the community has already incurred to provide growth-related capacity
- When Applicable
 - Near build-out
 - Community has oversized facilities in anticipation of growth
- Other Common Names
 - Recoupment
 - Cost Recovery

Plan-Based Approach (Future)

- Usually reflects an adopted CIP or master plan
- Growth-related costs are more refined
- Will be scrutinized more closely by development community

- **Components**
 - Facilities (cost recovery)
 - Apparatus (cost recovery)
- **10-Year Repayment**
 - Facilities: \$593,000
 - Apparatus: \$440,000

- **Components**
 - Park Improvements (cost recovery)
- **10-Year Repayment**
 - Park Improvements: \$3.1 million

- **Components**
 - Police Facilities (cost recovery)
- **10-Year Repayment**
 - Police Facilities: \$921,000

- **Components**
 - Arterials (plan-based)
 - Improved Intersections (plan-based)
- **10-Year Demand**
 - Arterials: 0.5 lane miles, \$600,000
 - Improved Intersections: 1.0 additional, \$300,000

IIP Summary

Description	Total Cost	Remaining	Growth Share
Fire Station Cost Recovery	\$8,560,534	\$766,052	\$592,940
Fire Apparatus Cost Recovery	\$3,951,016	\$568,136	\$439,749
Park Improvement Cost Recovery	\$13,694,175	\$3,346,352	\$3,104,227
Police Station Cost Recovery	\$8,560,534	\$917,421	\$920,582
Arterials	\$599,911	\$599,911	\$599,911
Improved Intersections	\$300,000	\$300,000	\$300,000
Development Fee Study	\$59,850	\$59,850	\$59,850
Total	\$35,726,021	\$6,557,722	\$6,017,259

Development Fee Fund	Balance	10-Yr Revenue
Fire Development Fees	(\$1,334,188)	\$1,044,659
Park Development Fees	(\$3,346,352)	\$3,119,190
Police Development Fees	(\$917,421)	\$932,552
Street Development Fees	\$123,159	\$920,858
Total	(\$5,474,802)	\$6,017,259

Land Use Assumptions

Projections based on recent development and projects in the development process.

Sierra Vista, Arizona	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	10-Year Increase
	Base Year	1	2	3	4	5	6	7	8	9	10	
Population	45,527	45,696	45,907	46,119	46,331	46,543	46,755	46,967	47,179	47,391	47,603	2,076
Housing Units												
Single Family	15,808	15,879	15,950	16,021	16,092	16,163	16,234	16,305	16,376	16,447	16,518	710
Multi-Family	5,101	5,101	5,135	5,168	5,201	5,235	5,268	5,301	5,335	5,368	5,401	300
All Other Units	1,327	1,327	1,327	1,327	1,327	1,327	1,327	1,327	1,327	1,327	1,327	0
Total Housing Units	22,236	22,307	22,412	22,516	22,620	22,725	22,829	22,933	23,038	23,142	23,246	1,010
Employment												
Industrial	1,754	1,765	1,776	1,787	1,797	1,808	1,819	1,830	1,841	1,852	1,863	109
Commercial	5,633	5,670	5,708	5,746	5,783	5,821	5,859	5,896	5,934	5,972	6,009	377
Office & Other Services	10,769	10,859	10,950	11,040	11,130	11,220	11,311	11,401	11,491	11,581	11,672	902
Total Employment	18,156	18,295	18,433	18,572	18,711	18,850	18,989	19,127	19,266	19,405	19,544	1,388
Nonres. Floor Area (x1,000)												
Industrial	899	906	913	919	926	933	939	946	953	959	966	67
Commercial	3,404	3,420	3,437	3,453	3,469	3,485	3,501	3,517	3,533	3,549	3,565	161
Office & Other Services	6,351	6,381	6,412	6,442	6,473	6,503	6,533	6,564	6,594	6,625	6,655	304
Total Nonres. Floor Area	10,655	10,708	10,761	10,814	10,867	10,920	10,974	11,027	11,080	11,133	11,186	532

New development includes:

2,076 people in 1,010 new housing units

1,388 jobs in 532,000 square feet of new nonresidential development.

Timeline

- **11 June 2020**
 - Public Hearing on IIP & LAU
- **23 July 2020**
 - Council votes to Adopt IIP & LUA
- **27 August 2020**
 - Public Hearing on proposed fees
- **8 October 2020**
 - Council votes on proposed fees
 - Council votes on proposed new tax rate
- **1 January 2021**
 - New fees and tax rate go into effect

June 3, 2020

MEMORANDUM TO: Honorable Mayor and City Council

THRU: Charles P. Potucek
City Manager

FROM: David J. Felix, CPA
Chief Financial Officer

SUBJECT: REQUEST FOR AGENDA ITEM PLACEMENT
RESOLUTION 2020-029, Designation of David Felix as
Authorized Agent for DEMA reimbursements

RECOMMENDATION

The City Manager recommends approval.

INITIATED BY

David J. Felix, Chief Financial Officer

BACKGROUND

The Federal Emergency Management Agency (FEMA) and the Arizona Department of Emergency and Medical Affairs (DEMA) require the City Council to Designate an Authorized Agent to be in charge of compiling and filing reimbursements under Disaster Relief Act. This resolution, with the attached form, will make the Chief Financial Officer the Authorized Agent.

RESOLUTION 2020-029

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; APPROVING THE DESIGNATION OF APPLICANT'S AGENT FORM SUBMISSION TO THE ARIZONA DEPARTMENT OF EMERGENCY AND MEDICAL AFFAIRS, WHICH DESIGNATES THE CITY'S CHIEF FINANCIAL OFFICER AS THE CITY'S AGENT FOR APPLYING FOR CERTAIN PUBLIC ASISTANCE; THE MAYOR AND CHIEF FINANCIAL OFFICER DELIVER SAID APPLICATION ON BEHALF OF THE CITY OF SIERRA VISTA, ARIZONA. AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, it is in the best interest of the City of Sierra Vista to accept State and Federal funds when appropriate and advantageous,

WHEREAS, the Arizona Department of Emergency and Medical Affairs requires the City designate an Authorized Agent to receive grant funding.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

SECTION 1

The settled policy of accepting State and Federal funding when appropriate and advantageous, be, and hereby is, reaffirmed.

SECTION 2

With the form hereto attached, the City of Sierra Vista, Arizona designates the Chief Financial Officer as its Authorized Agent, to execute applications on behalf of the City for the purpose of obtaining financial assistance under the Disaster Relief Act.

SECTION 3

The City Manager, City Clerk, City Attorney, or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this Resolution.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE
CITY OF SIERRA VISTA, ARIZONA, THIS 11TH DAY OF JUNE, 2020.

FREDERICK W. MUELLER
Mayor

ATTEST:

JILL ADAMS
City Clerk

APPROVED AS TO FORM:

NATHAN WILLIAMS
City Attorney

PREPARED BY:
DAVID J. FELIX, CPA
Chief Financial Officer

**ARIZONA DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS
DESIGNATION OF APPLICANT'S AGENT FORM**

The intent of this **DESIGNATION** is to appoint an **APPLICANT'S AGENT** for the following:

Select program(s) Public Assistance HMA Mitigation Program SEC Mitigation

Select duration Until further notice Only Event _____ From _____ to _____

Applicant: _____

CERTIFICATION

I, _____, duly appointed and _____ of
(Authorizing Official's Name) (Title)

_____, do hereby certify that the information below is true and correct,
(Applicant)

based on a resolution passed and approved (**attached**) by the _____
(Governing Body)

of _____ on the _____ day of _____,
(Applicant) (day) (month) (year)

_____ has been designated as the Applicant's Agent
(Name of Designated Applicant's Agent)

to act on behalf of _____
(Applicant)

(Authorizing Official's Signature) (Title) (Date)

This document MUST be accompanied by a copy of the Resolution or Meeting Minutes by your governing board which designated the Applicant's Agent.

Designated Applicant's Agent

Name _____

Title/Official Position _____

Full Mailing Address _____

Email Address _____

Daytime Telephone Number _____ Cell _____
(Please include area code and extension if not a direct number)

For DEMA Use Only

Received By: _____
(Initials & Date)

March 2020

Form #AZ PA 204-4



Sierra Vista City Council
Meeting Minutes
May 28, 2020

Mayor Mueller called the May 28, 2020 City Council Meeting to order at 5:00 p.m., Council Chambers, City Hall, 1011 N. Coronado Drive, Sierra Vista, Arizona.

Roll Call: due to health concerns related to COVID-19, the meeting was held remotely.

Mayor Rick Mueller – present
Mayor Pro Tem Rachel Gray – present
Council Member William Benning – present
Council Member Gwen Calhoun – present (5:06 p.m.)
Council Member Sarah Pacheco – present
Council Member Carolyn Umphrey - present
Council Member Kristine Wolfe – present

Others Present:

Chuck Potucek, City Manager
Victoria Yarbrough, Assistant City Manager
Adam Thrasher, Police Chief
Brian Jones, Fire Chief
Laura Wilson, Leisure and Library Services Director
Sharon Flissar, Public Works Director
Matt McLachlan, Community Development Director
Jeff Pregler, Planner
Nathan Williams, City Attorney
Jill Adams, City Clerk

Invocation- Mayor Mueller conducted the invocation.

Pledge of Allegiance – Council Member Wolfe led the Pledge of Allegiance.

Item 1 Acceptance of the Agenda

Mayor Pro Tem Gray moved that the Agenda for the Regular City Council Meeting of May 28, 2020 be approved as written. Council Member Benning seconded the motion. The motion passed by a 6/0 vote of Mayor Mueller, Mayor Pro Tem Gray, Council Members Benning, Pacheco, Umphrey and Wolfe. Council Member Calhoun not present.

City Manager's Report: Mr. Potucek explained that the reason why the Council Meeting is through WebEx is largely since an employee is in the testing mode for COVID. As a result of that, it was determined to have all City lobbies closed; however, the outdoor activities will continue. The employees that were coming back to work, will continue to telecommute. As a result of this, the status of future meetings is unknown. There is a work session scheduled for 3:00 p.m. on June 9, 2020 and a Council Meeting for 5:00 p.m. on June 11, 2020. Also scheduled are budget work sessions on June 16, 17 and 18, 2020 at 3:00 p.m. in Council Chambers. He announced that the Governor had a press conference, where he announced that they are still in Phase I and there are no guidelines in terms of going to Phase II. He is pressing

forward in trying to open the schools on time, which will require a lot of work with the various school districts and State Superintendent of Schools.

He also reported that the State received \$2.8 Billion in CARES Act funding. The City has been in contact with the Governor's Office to see how that money is going to be disbursed and at long last, the City was notified that it will receive approximately \$4.9 Million in allocations to assist the City through the challenging time. The City will be able to use that funding to pay for police/fire salaries and burden directly as of March, when the pandemic started and in moving forward. This will help the City with the budget going into next year. The proposal on how these funds will be used will be presented to Council during the budget work sessions. He also reported that he and Ms. Yarbrough met with the School District Board to make the City's proposal regarding the Rothery property, which will be presented to Council during a meeting in June. Lastly, he reported that the City is out for quotes due on June 12, 2020 for the house that has been vacant and gutted at 3064 Quail Run Drive to be demolished.

Mayor Mueller announced that Council Member Calhoun has joined the Council Meeting, 5:06 p.m.

Mayor Pro Tem Gray stated that she has picked up her budget book and announced that if Council call Ms. Mathias, she will set a budget book out for them to pick up. Mayor Mueller noted that due to the recent change of the \$4.9 Million and proposed plan by staff, there are changes in the first section of the budget that will be affected. He added that hopefully the changes can be clarified when meeting with staff during the one on one sessions.

In response to Council Member Benning, Mr. Potucek stated that staff plans to proceed with the one on one meetings with Council Members.

Item 2 Consent Agenda

Item 2.1 Approval of the City Council Special Meeting Minutes of May 12, 2020

Item 2.2 Approval of the City Council Regular Meeting Minutes of May 14, 2020

Council Member Benning moved that the Consent Agenda consisting of the City Council Special Meeting Minutes of May 12, 2020 and Regular Meeting Minutes of May 14, 2020, be approved. Council Member Umphrey seconded the motion. The motion passed by a unanimous vote of Mayor Mueller, Mayor Pro Tem Gray, Council Members Benning, Calhoun, Pacheco, Umphrey and Wolfe.

Public Hearing: There was no response.

Item 3 Resolution 2020-025, Request for a Conditional Use Permit, Haven Health of Sierra Vista, 660 S Coronado Drive

Council Member Umphrey moved that Resolution 2020-025, a Conditional Use Permit, Haven Health of Sierra Vista, 660 S Coronado Drive, be approved. Council Member Benning seconded the motion.

Mr. Pregler stated that the City received a request from Haven Health of Sierra Vista to expand their nursing services on the property located at 660 S Coronado Drive, the northwest corner of Coronado and Busby Drive. The expansion includes constructing a 10,000 square foot addition to the existing building, which will include 40 additional beds. Overall, the number of beds on the property will be 131. The property is currently zoned Multi-Family Residence (MFR) and

according to the Development Code, a nursing facility is required to obtain a conditional use permit if located within an MFR Zoning District. The nursing care facility is existing and defined as a legal nonconforming use. However, once a nonconforming use is enlarged as is the case in the situation, the legal nonconforming status is lost and the use at that point needs to conform to the requirements of the current Development Code. This is the reason for the conditional use permit.

Staff analyzed the expansion of the proposed use to determine if it was appropriate for the site and came up with the following findings:

- Parking, the applicant will be providing a total of 81 spaces on the site, which does meet the minimum parking requirements for a nursing care facility per the Development Code requirements.
- Traffic generation, Haven Health provided staff with the proposed traffic generation of the 30 additional beds. According to the analysis, they estimate that each patient typically averages two to three visit per week and with the addition of 40 beds, the increased traffic would be between 11.4 and 17 cars per day. Given the fact that Coronado Drive is an arterial roadway, which is nowhere near capacity, the roadway will have ample capacity to handle the minimum increase in traffic generated by Haven Health.
- Access, there are currently three access points into the site. Two from Coronado and one from Busby Drive. The accesses will allow for appropriate traffic flow entering and exiting the site as well as for emergency access.
- Compatibility with surrounding uses, the Bonita Vista Apartments directly to the north and the Bella Vista Apartments directly to the west. Both, of these apartment complexes will generate more traffic and more intensive than Haven Health. The facility is compatible with the adjacent uses.
- Consistency with the General Plan, the request is consistent with Goal 12.7, which is to increase housing choices that serve all age groups and needs.

Staff notified all property owners within 500 feet of the property and in addition an ad was published in the newspaper along with a sign posted on the property. Staff received a verbal comment from an individual, Angelica Thomas, who had concerns about the increase in traffic generated by Haven Health and an increase in speeding along Coronado Drive. To-date, no other comments have been received.

The Planning and Zoning Commission hear this item on May 19, 2020 and unanimously voted to approve the request by a vote of 6/0.

Tom Coffman and Tanner Nickle, representing the applicant, were introduced. Mr. Coffman stated that they took over the building two years ago and have done everything that they could from a staffing point. Haven's culture is to take niche markets and turn buildings that basically have been selling by other operators and eventually turn them into five-star facilities, a rating by the Department of DHS Office of Long-Term Care. He added that 18 facilities are operated across Arizona with around 2,200 employees. Their goal has always been to reinvest into the community and have been waiting for the right time, but COVID has changed a lot of things for them regarding their operations. The facility in Sierra Vista has created opportunity for them and they are ready to move forward with the physical plan improvements that were put into place long before COVID. They like being the provider of choice in the communities that they serve, and it is time to improve the building. The goal is to add 40 new beds with private baths along with the renovation of a large portion of the facility that is not handicapped accessible. This way the residents will be able to have the ADA accessible bathrooms. They are also creating a

larger gym for therapy, taking the office space out of the main real estate area and moving them to other areas, created away from nursing so that all of the nurses have access to just beds. The showering capabilities are being improved along with nurse call capabilities, fire alarms and electrical services to bring 80 percent of the building under emergency power. This is a major investment into the community and a plan that is close to \$4 Million.

Mayor Mueller thanked Mr. Coffman for his investment in the City, especially upgrading the living quarters for many of the City's seniors who needed the ADA accessible amenities.

The motion passed by a unanimous vote of Mayor Mueller, Mayor Pro Tem Gray, Council Members Benning, Calhoun, Pacheco, Umphrey and Wolfe.

New Business

Item 4 Resolution 2020-026, Accepting a Grant from the Federal Aviation Administration (FAA) for Pavement Sealing and Rehabilitation

Council Member Pacheco moved that Resolution 2020-026, acceptance of a grant from the Federal Aviation Administration (FAA) for pavement sealing and rehabilitation, be approved. Council Member Umphrey seconded the motion.

Ms. Flissar stated that this agenda item will accept a grant from the Federal Aviation Administration (FAA) in the amount of \$100,204 for the design of pavement rehabilitation work at the airport. The work area is along an apron and taxiway, directly adjacent to the terminal. The design will determine the most appropriate repair method for each area given the pavement condition and use characteristics. However, the apron is expected to require some amount of reconstruction whereas the taxiway will likely only need a seal coat. The design is expected to be completed within the current calendar year and construction will then be programmed into the following federal fiscal year. It is anticipated that the construction will qualify for a federal grant as well. The current design grant will be 100 percent federally funded with no required state or local match. Airport grants typically require and approximate 4.5 percent match from the State and local entities with the remaining federal contribution being 91 percent. Due to the CARES Act, all 2020 grants are 100 percent federally funded and no match is required.

Council Member Pacheco asked for clarification for the grant in the budget because it states that the full amount goes towards the noise program implementation for development and zero funds for planning. Ms. Flissar stated that the grant form is a standard document sent by the FAA and that was not generated by the City. The FAA gives the City the grant offer and there are a lot of unusual federal provisions, everything from noise to wildlife and it is what they call their assurances. The bottom line is that this is a design grant for the apron and the taxiway area and that is what the scope of the project will cover.

Council Member Pacheco asked how the City can be assured that the City will get a construction grant after doing the design grant. Ms. Flissar stated that there is not a hard and set guarantee, but it is close to 100 percent as it can get. The reason for this is that the City submits a five-year Airport Capital Improvements Plan (ACIP) to the FAA every year. This outlines the City's funding priorities for the coming five years. The FAA has a good heads up on which projects the City is going to be submitting on. They have told the City verbally that there are no issues with a construction grant next year, but it is unsure how COVID could potentially change things in the budget and it is hard to determine at this time due to the level of uncertainty. At this point and time, the City is not foreseeing any issues and the design gets the

City through that phase of the project and prepped for construction no matter what the future holds.

Council Member Pacheco thanked Ms. Flissar for reaching out to the Airport's stakeholders and commission members because they appreciate being kept in the loop and that communication between them and the City is important.

The motion passed by a unanimous vote of Mayor Mueller, Mayor Pro Tem Gray, Council Members Benning, Calhoun, Pacheco, Umphrey and Wolfe.

Item 5 Resolution 2020-027, Authorization to take legal action against Jodi Silva

Council Member Calhoun moved that Resolution 2020-027, Authorizing legal action against Jodi Silva, be approved. Mayor Pro Tem Gray seconded the motion.

Mr. Williams stated that between 2016 and 2018 the City was required to perform several acts of abatement, maintenance-type services at the property located at 140 E Freihage Drive, owned by Jodi Silva. Some of the abatement included the cleanup of overgrowth, removal of litter, trash, debris, the taking care of an abandoned swimming pool and trimming a dying pine tree that threatened to fall over onto powerlines behind the house. The cost of the abatement activity constitutes a lien on the property pursuant Arizona Law and Sierra Vista City Code.

Ordinarily, the City waits until the property sells, or the City works with the property owner to repay the lien in accordance with the City's Code. The City attempted to reach out to Ms. Silva many times through herself, caregivers and money managers or people who might have a role in assisting Ms. Silva with her property and received no response nor assistance. Earlier in the year, the City received notice that Ms. Silva's home was going into tax lien foreclosure and in order to preserve the City's own liens and not have those extinguished by that tax lien foreclosure, made the decision to redeem those taxes and preserve the City's lien. Under the City's Code, if liens are not paid within a certain amount of time, in equal annual installments, the City has the right to foreclose its abatement liens but in order to do that, the Council has to authorize the City Attorney to take that action.

Mr. Williams stated that it is the City's goal to try to resolve these situations short of litigation, a last resort attempt to pursue any kind of further legal action. However, at this point no response has been made by Ms. Silva or anyone having a role in assisting her. This is the logical next step pursuant to the City Code. The approval of Council will authorize the City Attorney to pursue legal action against Ms. Silva, which will include a demand letter and her execution of either a quit claim deed or promissory note for the repayment of the liens up to and including a foreclosure action in the City's right to foreclose the City's liens against the property.

Council Member Wolfe thanked Mr. Williams and noted that this is a much better explanation than what was received during the work session. However, she is unsure of how the City recoups its money. She asked if the City puts it to auction because at this point, instead of the \$4,000, the City must recoup approximately \$12,000. Mr. Williams stated that there are a couple of options that can be pursued. One is to have the County Sheriff auction the property after the City goes through the foreclosure if the City receives the foreclosure judgment through the court. The other option, which is the option that he suggests, is put that control into the City's hands so under the City's Code, the City has the authority to ask the court to grant the City ownership of the property and then the City would turn around and auction it.

Council Member Wolfe asked if the property owner would receive any remaining proceeds after the City subtracts its \$12,000 from the total amount from the sale of the property. Mr. Williams stated that it can be one of the options that can be pursued. This depends on how the City proceeds through the foreclosure action. If the City proceeds as if this were a mortgage, the scenario described is what would take place, but if the City proceeds under its Code, then the City would keep any excess proceeds and place them into the Abatement Fund.

Council Member Wolfe asked what is generally done with the Abatement Fund because she does not feel comfortable keeping proceeds over and above what the City spent. Mr. Williams stated that this is the first time that the City has been faced with a situation where there may be excess proceeds because of the foreclosure action. This is a unique situation because most of the time when these situations occur, the properties are either under water or there are other liens that come before the City's liens.

Council Member Wolfe asked if this issue would come back before Council if there are excess proceeds. She added that she understands the abatement process, but she is concerned over the excess proceeds. Mr. Potucek stated that because is a new precedence setting, the issue would probably need to come before Council to establish a policy or precedence on how these funds would be handled. This case is difficult because the current owner's condition is unknown. This will take a while, but it seems that the appropriate thing to do is to take what is owed to the public and then take the proceeds to the individual, who in this case may need those funds. If this is done, the City could then establish that as a matter of Council policy to address these situations in the future.

Council Member Wolfe stated that her major concern is in what will be done with the excess funds and she will support this if Council is voting on this issue with the understanding that in the future it will come back before Council, and that Council will make a policy at that time.

Mayor Pro Tem Gray asked if there is a mortgage on the property. Mr. Williams stated that he is not aware of a mortgage. Mr. Potucek asked if there are any other liens on the property. Mr. Williams stated that he is not aware of any other liens.

Council Member Benning stated that he shares the same sentiment that Council Member Wolfe has, but he would like to make sure that staff will track the City's expenditures on the property from the beginning to the end so that those fees are deducted from the sale of the house.

Mayor Mueller agreed in that cost recovery is reasonable. The City should get out what was put in and the decision will depend on what the person's position is at a future discussion, but it is apparent that the property owner may need some assistance with the remaining funds, which he believes is the proper thing to do.

The motion passed by a unanimous vote of Mayor Mueller, Mayor Pro Tem Gray, Council Members Benning, Calhoun, Pacheco, Umphrey and Wolfe.

Item 6 Resolution 2020-028, Dissolution of the City Council Advisory Bodies known as the Airport Commission, Arts & Humanities Commission, Cultural Diversity Commission, Commission on Disability Issues, Environmental Affairs Commission, Library Advisory Commission, Tourism Commission, Youth Commission, and the West End Commission and Re-establishing them as Departmental Commissions of the same names

Council Member Wolfe moved that Resolution 2020-028, dissolution of the City Council Advisory Bodies known as the Airport Commission, Arts & Humanities Commission, Cultural Diversity Commission, Commission on Disability Issues, Environmental Affairs Commission, Library Advisory Commission, Tourism Commission, Youth Commission, and the West End Commission and re-establishing them as Departmental Commissions of the same names, be approved. Council Member Benning seconded the motion.

Ms. Adams stated that over the past year, the Mayor performed an in-depth evaluation of the role of the various City boards and commissions and presented his review and recommendations at a series of work sessions beginning in November 2019 through February 2020. After extensive discussion and input from commissioners, who were allowed to speak at work sessions, the Council appears to have reached consensus on the change of the role of many of the City's commission to nonregulatory presence that is not a Council appointed advisory body. Approval of the resolution would accomplish that.

Ms. Adams pointed out that after discussion at the work session, the Administrative Directive was amended to include the provision that any changes to commission statements of the nonregulatory commissions going forward will be approved by Council.

Mayor Mueller stated that he provided Council with a copy of an email that he received from Mr. Faulkner, Chairman of the Environmental Affairs Commission, along with his response. He further stated that he informed Mr. Faulkner that his statement would be placed on the record.

Mayor Mueller asked Council if they did not object to Mr. Faulkner's email being placed into the record. There was no objection.

Council Member Calhoun stated that she does not understand Mr. Faulkner's statement, but thinks that it should be discussed. Mayor Mueller stated that Mr. Faulkner feels the need to come back before Council and talk about the one commission that he leads, Environmental Affairs Commission. Based on previous discussions on the result of the previous endeavor to try to amend/change the commissions, it was decided to go through the process of evaluating the commission. Since November 2019, he was asked by the Airport Commission to meet with them and talk to them about this, which resulted in some changes. He also met with the West End Commission and Arts and Humanities Commission and explained what was going on. There has been ample time for the Environmental Affairs Commission to come forward and talk to Council to share their concerns. Mr. Faulkner did speak at a couple of Council Meetings and shared his concerns, but he still thinks that there is more to be done on making improvements for his commission. However, he has not offered specifics. Lastly, he explained that he wants to get proper input, but once the Council gets to a point where there is consensus, the time for the input is over and it is time for the Council to make a decision. Mr. Faulkner has not given a solid reason for extending the process.

Council Member Calhoun stated that Mr. Faulkner referred to policy on how the Council is to conduct this and asked if Council followed policy related to the changes being made to the commissions. Mayor Mueller stated that all written policies were followed, and the Council has been more than generous with commission input. If for some reason Mr. Faulkner was a new commission chair or he had people change on the commission that had a different opinion than before, he should have expressed concerns early on. There was a lot of work done on this that resulted in a significant improvement.

Council Member Calhoun asked if it was ascertained as to whether Council will be able to keep up with what is going on with these work groups along with a review on how efficient they are operating. Mayor Mueller noted that Mr. Potucek stated that in his monthly report, there will be reports from each of the commissions that have met and what they are working on and what they are proposing. There will be feedback to Council on their activities through the Executive Report.

Council Member Calhoun stated that her reasons for bringing this up is to provide information to anyone listening and to make sure that Mr. Potucek's statement becomes record for the meeting. She added that on account of Mr. Faulkner's letter, she will be voting against the proposed resolution.

Council Member Wolfe stated that one issue that will be huge and beneficial for the commissions is that membership is being dropped down to five people. She added that a lot of her commissions have had problems getting a quorum and have not been able to meet. There may be more input because the commissions will be able to meet due to the reduction of the number of members. Mayor Mueller added that this removes a huge administrative burden for the staff as well. It is a cleaner process and, in a year, or two, results will indicate as to whether this is a more effective process.

Mr. Potucek stated that he feels that this will be a more productive way to run the commissions and noted that Council Member Wolfe is correct in that quorums have been an issue. It is hoped that the commissions will effectively operate the same way that they are now. This will not change, but it is incumbent on him to present to Council not only the information in terms of what is happening in those meetings and reporting to Council in the Executive Report, but to let Council know if there are other issues that come up. Lastly, he stated that Council Member Wolfe pointed out that there are a couple of commissions that currently do not have memberships. If there are issues on bringing people on board to participate, then those issues will be brought back before Council so that there can be discussion on whether they want to keep that group going at that point.

Mayor Mueller noted that there needs to be recruitment for those commissions because the last point of the discussion was that they were valued, and that Council needs that input. The Youth Commission is also included in this because that piece still needs to get organized.

Council Member Pacheco stated that she was told by a commissioner that they were surprised, but many discussions have taken place with the commissions and Council did take into account some of the desires that they had, i.e. the concern that there would not be a connection between the commission and the Council by making it departmental. Council established a feedback channel for the commissions, which she feels was not there before. Lastly, she voiced her appreciation at the change in the directive for members to be included from the Greater Sierra Vista Metropolitan Area that lifts the City limit boundary requirement for membership. She further stated that the new setup will allow for greater flexibility with regards to the Open Meeting Law, minutes, quorums, and a posted agenda, which can be challenging. This is a change of the operating procedures and not a change of the commission's function to make them more effective.

Mayor Mueller stated that nothing in the document is going to change the ability for a citizen or a member of a commission, to talk to the Mayor and Council Members about issues before a commission or other issues that they may have within the community.

Council Member Calhoun stated that the comments made by Council Members and Mr. Potucek were helpful to her and she hopes that it helps others understand the changes. Although, she is not opposed to change, she still has a gut feeling about this issue and is still having trouble with it.

The motion passed by a 6/1 vote of Mayor Mueller, Mayor Pro Tem Gray, Council Members Benning, Pacheco, Umphrey and Wolfe. Council Member Calhoun voted no.

Call to the Public – There was no response.

Comments and Requests of the Council

Council Member Calhoun stated that she is saddened in having someone near Council being affected by COVID-19. She wished those affected in the area a quick recovery.

Council Member Wolfe asked everyone to be safe, added that she hopes that everyone had a good Memorial Day and that they were all were thinking about what the holiday is about.

Mayor Mueller wished Council Member Wolfe a Happy Anniversary.

Council Member Benning sent prayers to Minneapolis and anyone affected by the Ash Canyon Fire. He asked everyone to be careful, safe and to listen to authorities as far as COVID goes in having another staff member going through the testing process. He further stated that the pandemic is not over, people must be patient in everything that they do and be respectful for one another.

Council Member Umphrey had nothing to report.

Council Member Pacheco thanked the Southern Arizona Veterans Memorial Cemetery and Fort Huachuca for the great virtual ceremonies during Memorial Day to remember those who have passed fighting for the country. In closing, she asked everyone to stay safe.

Mayor Pro Tem Gray thanked Mayor Mueller for speaking to the Governor about the State Care Act funding. She added that she is pleased with the way that this was rolled out and happy to see that the cities will get some direct funds to help with costs.

Mayor Mueller stated that he briefly looked at the budget book and noted that there will be changes on the \$4.9 Million. He further stated that he spoke to Fire Chief Jones about the Ash Canyon fire, who told him that Fire Chief Savage had reported that the fire is under control. He added that this is fire season and cautioned everyone since it is going to get hot/dry. He also stated that it is regrettable that the City had a situation where the lobbies had to be closed again. The lobbies will open in the future as this is nothing to worry about because it is more of an overabundance of caution. This is to make sure that the City employees are taken care of as well as anyone that comes into the City to do business. The City is doing exactly what the business community is doing, while doing a great job in taking care of their customers and protecting their workers and providing service - the way that the community will live for several months. Lastly, he stated that he has heard discussions about schools opening, which will be a challenge.

Council Member Pacheco stated that the School Board has put out a survey to all parents of children in Sierra Vista schools regarding the reopening of schools and currently gathering that feedback. She encouraged parents of school children to participate.

Mayor Mueller added that the School Board has started the discussion/education process to make sure that they are successful in protecting the kids, teachers, bus drivers and others. Lastly, he voiced his appreciation at everyone's efforts and noted that when Council meets again at the next work session, the next step on the commissions will be added for discussion along with policy and procedure guidelines for boards/commissions.

Adjournment

Mayor Mueller adjourned the May 28, 2020 meeting of the Sierra Vista City Council at 6:00 p.m.

Mayor Frederick W. Mueller

MINUTES PREPARED BY:

ATTEST:

Maria G. Marsh, Deputy Clerk

Jill Adams, City Clerk

April 13, 2017

MEMORANDUM TO: Honorable Mayor and City Council
THRU: Charles P. Potucek, City Manager
FROM: Jill Adams, City Clerk
SUBJECT: REQUEST FOR AGENDA ITEM
PLACEMENT RESOLUTION 2020-030
Amendment of City Board & Commission
Guidelines

RECOMMENDATION:

The City Manager recommends approval.

INITIATED BY:

Jill Adams, City Clerk

BACKGROUND

On April 13, 2017, Council adopted Policies and Procedure Guidelines for City Boards and Commissions when it approved Resolution 2017-026. These guidelines were intended to provide a resource for the Council Advisory Bodies on operational and statutory matters.

As a result of the approval of Resolution 2020-028 which dissolved several of the City Commissions with the intent to re-establish them as Non-Regulatory commissions attached to City Departments and subject to the provisions of the City Manager's Administrative Directive CMG-CMG-2020-098. This required the amendments to the Guidelines to reflect these changes.

RESOLUTION 2020-030

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; REAFFIRMING SETTLED POLICY RELATING TO CITIZEN PARTICIPATION IN THE GOVERNMENTAL PROCESS; AMENDING THE COUNCIL GUIDELINES FOR ADVISORY BODIES; AND AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, the City Council has created several advisory bodies to assist in the pursuit of good government; and

WHEREAS, general Guidelines were established for these advisory bodies as Exhibit A of Resolution 3685 and amended by Resolution 4415, 4656, 4695, 2007-153; and 2017-026; and

WHEREAS, Resolution 2020-028, approved by Council on May 28, 2020, dissolved several Council Advisory Commissions; and

WHEREAS, it is necessary to update the Guidelines to reflect the changes to the City Commission system.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF SIERRA VISTA, ARIZONA AS FOLLOWS:

Section 1

The City Council policy of citizen participation in the form of advisory bodies is reaffirmed.

Section 2

The guidelines on citizen participation on advisory bodies, last updated by Resolution 2017-026, are hereby amended and are attached hereto as Exhibit A. These guidelines supercede all previous guidelines and individual bylaws established by the various advisory bodies and are in effect for any advisory body not established by State Statute or governed by Articles of Incorporation.

Section 3

That the City Manager, City Clerk, and the City Attorney or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this resolution.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY
OF SIERRA VISTA, ARIZONA THIS 11th DAY OF JUNE 2020.

Frederick W. Mueller
Mayor

Approved as to Form:

Attest:

Nathan J. Williams
City Attorney

Jill Adams
City Clerk

Prepared by:
Jill Adams, City Clerk

CITY OF SIERRA VISTA

REGULATORY BOARD and COMMISSION

PRACTICE AND PROCEDURES GUIDELINES

Adopted November 9, 2017
Amended June 11, 2020



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INTRODUCTION

The City of Sierra Vista has 4 official City Council advisory bodies, which includes 2 commissions, a municipal property corporation, and an industrial development authority. The City Council creates and appoints members to these bodies to provide them with advice and recommendations related to specific subjects. In addition to the City Council advisory bodies, the City of Sierra Vista has 9 departmental commissions created to provide advice and recommendations to department directors on specific subjects. ~~These guidelines provide guidance and information to better help the commissions meet these roles.~~

These Practice and Procedure Guidelines are designed to assist the members of the City Regulatory Boards and Commissions, and City Staff by providing:

- (1) top-down guidance to the Commissions on Council expectations
- (2) a source of documentation regarding best practices and procedures
- (3) improved transparency
- (4) feedback to Council and Department Heads

ROLES, RESPONSIBILITIES and MEMBERSHIP

The primary role of City boards and commissions is to provide increased public input and citizen participation in the determination of City policies and procedures, and to advise the City Council and City Staff on matters of importance to the City. The boards and commissions review and make recommendations to the City Council and City Staff within their scope of responsibility as defined in the City Code, the Arizona Revised Statutes, and City Administrative Directives. They perform as a citizens' advisory arm of the City, focusing attention on specific program areas of the City. These bodies serve as vehicles for public input into City programs and policies. On specific matters referred by the City, the board or commission serves as an important reviewing body of the City.

City Commissions may advise the City on policy but should not represent themselves as policy-making bodies.

Individual members of commissions may not speak publicly on behalf of a commission or the City without preclearance by the City Manager and should be careful that any actions are not perceived as speaking on behalf of an official commission, the Council, or the City..

Each board or commission has a mission statement set forth in the organizing document for the commission. These mission statements, approved by the City, provide general direction to the members regarding the nature of their commission activities.

All commissions are comprised of five members; boards vary from five to seven members. The City Council appoints all voting members of the Council Advisory boards and commissions by resolution of the City Council. Members of the departmental commissions are appointed by the City Manager. A complete list of City Boards and Commissions and their respective missions is attached hereto.

For the majority of City boards and commissions, membership eligibility is determined by the location of an individual's residence within the Greater Sierra Vista Community Metropolitan Area. Some commissions and boards (Planning and Zoning Commission, Industrial Development Authority, Personnel Advisory Board, and the Municipal Property Corporation) require residency within the incorporated city limits. Use of a post office box address or business mailing address for membership application is not permitted.

The Council appointment process is set forth in the Council Guidelines for Advisory Bodies most recently updated and adopted by Resolution 2017-026.

Commissioners are expected to attend all regular meetings. After three consecutive unexcused absences, the Commission may vote to recommend retention or removal of the absent Commissioner. The removal of a Commissioner is not effective until passed by Council Resolution.

Commissions may also have Associate members. Associate members may be part of commissions by vote of the commission, without Council approval. These members do not have voting rights and do not count towards a quorum at meetings. A Commission may vote to approve as many associate members as it deems necessary. Associate members have no restriction on residency, and may participate in all discussion and activities of the commission. Associate members may serve for a term of two years from the date of the approval of their application by the commission, must reapply for new terms, and have a term limitation similar to appointed commissions of three consecutive terms.

Each Regulatory Commission has a Council Member appointed by the Mayor to act as liaison between the Commission and the City Council. The role of the Council Member is to communicate to the Board or Commission relevant actions of the Council to their Commission and communicate to City Council concerns and issues on behalf of the Commission.

A City Staff member is assigned as liaison to each board and commission. It is the job of the staff liaison to facilitate the business of the commission, provide administrative support, and answer questions. Commissions may request assistance of Staff but cannot assign tasks to the staff.

REGULATORY COMMISSION MEETINGS, WORK SESSIONS, AND RETREATS

Regular Meetings

City regulatory boards and commissions meet at a regularly scheduled day, time, and location. Commissions meet once per month or on an as needed basis. The commission chairman is responsible for establishing meeting times and dates. Boards meet as required by the workload.

Other Locations

The Commissions may elect to meet at other locations. Upon such decisions, the City Clerk shall give public notice of the date, time, and location of such meeting in accordance with all provisions of Arizona Revised Statutes.

Cancelled Meetings

1. When cancelling a regularly scheduled meeting, a notice will be posted at least 24 hours in advance, as required by the state statutes.
2. Meetings are cancelled when they fall on a legal holiday, there is a lack of a quorum, or there is no business to be considered.
3. The Chairman may choose an alternate date to make up the cancelled meeting if necessary.

Work Sessions, Special Meetings, Retreats, and Committee Meetings

City Commissions occasionally schedule work sessions, special meetings, retreats, or committee meetings when working on special projects. Work sessions, special meetings, retreats, and committee meetings are subject to the open meeting laws, are noticed and posted pursuant to A.R.S. and are recorded. Retreats can be scheduled for discussions that require more time than allowed at a normal work session, such as strategic planning.

Commissions can schedule work sessions, retreats, and committee meetings for discussion and presentations only, and voting is not permitted.

Commissions can schedule special meetings if a regular meeting is rescheduled for any reason and contain actionable items for the Commission's consideration.

Notices of Meetings

1. Notices and agendas of meetings and work sessions are posted pursuant to A.R.S. § 38-431.02. The City has designated the following locations as official posting locations for all City notices: City Hall, the Oscar Yrun Community Center, the Sierra Vista Public Library, the Sierra Vista Aquatic Center, and on the City website at <http://www.sierravistaaz.gov/>.
2. The City Clerk's Office prepares and circulates a monthly meeting calendar that includes regulatory board and commission meetings.

Quorum

Consistent with City Code § 30.18¹, "A majority of the Commission shall constitute a quorum for transacting business." In a body of five members, three members constitute a quorum regardless of vacant positions.

Minutes

Each Board or Commission shall record meetings, work sessions, retreats, and committee meetings. Staff will forward the recording to the City Clerk within 72 hours of the meeting for posting on the City website.

The recording will be designated the official record of the meeting, and written minutes will not be prepared.

Conduct at Meetings

The parliamentary procedures outlined by Roberts' Rules of Order generally guide the conduct of regular and special meetings of City Boards and Commissions². It is the role of the Chair to conduct each meeting. It is his/her responsibility to maintain control of the meeting and insure the provisions of the Open Meeting Law are met.

Obtaining the floor: A member of the Board or Commission shall first address the Chair and gain recognition. Comments and questions should be directed through the chair and limited to the issue before the Commission.

¹ [City Code § 30.18](#)

² [Roberts' Rules of Order](#)

Interruptions: Once recognized, a Commission member is considered to “have the floor” and another Commission member may not interrupt the speaker except to make a point of order or inquiry. In such a circumstance, the Commission member holding the floor shall cease speaking until the point of order or inquiry has been resolved.

Discussion: A Commission member should not speak more than once on a particular subject until every other member has had the opportunity to speak. The Chair will normally allow other Commission members to speak first, then give his or her views and summarize.

Calling for the question: The Chair normally “calls for the question” when he or she is satisfied that all Commissioners have had an opportunity speak regarding an agenda item requiring a vote. The “call for the question” is to disallow further debate and to put the agenda item issue to an immediate vote.

AGENDAS

As presiding officer, the Chair is responsible to the Commission for setting the agenda for all regular meetings, special meetings, work sessions, and retreats. Preparation of Commission agendas is coordinated by the Staff Liaison and forwarded to the City Clerk’s office for posting.

Due to the specific nature of their duties, agendas for the various City Boards and the Municipal Property Corporation are prepared by the Staff Liaison and posted by the City Clerk’s office.

Agendas shall be prepared and forwarded to the City Clerk’s office a minimum of one week prior to the meeting date. Agendas and all back-up materials are provided to Commission members and liaisons electronically unless a paper copy is specifically requested.

Items are placed on an agenda under the following circumstances:

1. At the request of an individual or a non-quorum group of Commission members.
2. At the request of Council or Staff Liaison

Agendas may also contain items for liaison reports, special presentations and call to the public. It is the decision of the individual commission if these types of items are included on the agenda. If included, comments and presentations must be directly related to the business of the commission. Call to the public and comments on subjects not appearing on the agenda shall be treated as one-way communications. Members can request clarification on comments but discussions are not allowed.

OPEN MEETING, PUBLIC RECORD, and CONFLICT OF INTEREST LAWS

Open Meeting Law: The open meeting law was enacted to insure transparency of the activities of elected and appointed officials. A link to the Arizona State Ombudsman's Open Meeting Law Handbook is included in these guidelines. All members of Sierra Vista City Boards and Commissions are subject to the provisions of the State of Arizona Open Meeting Law, A.R.S. § 38-431. The City Clerk’s Office offers Open Meeting Law training annually. Commissioners are required to attend these sessions.

Public Record Laws: A.R.S. § 39-121.01³ requires Board and Commission members to document and preserve records "reasonably necessary or appropriate to maintain an accurate knowledge of their official activities and of any of their activities and any of their activities which are supported by monies from this state

³ [A.R.S. § 39-121.01](#)

or any political subdivision of this state." All documents created or maintained in the course and scope of the position as Board or Commission member constitute public records and are subject to disclosure, unless deemed confidential by statute or attorney opinion, upon request. This includes documents created and maintained on personal computers, tablets, phones, or traditional files not maintained by City employees on behalf of the Board and Commission members.

All public records have statutory and regulatory retention schedules. This includes all records created by the Board and Commission members. Board and Commission members are strongly advised not to retain documents evidencing conduct of City business in their possession or on their electronic devices. At the appropriate time, all records of the business of the Board or Commission should be transferred to the Staff Liaison and purged from private devices.

Conflict of Interest Laws

A.R.S. §38-501 through 38-511 establish the requirements of the Arizona [Conflict of Interest](#) Laws. Public Officers are required to declare a [Conflict of Interest](#) whenever that Officer or a member of their family has a substantial interest in any type of business of the City. If a [conflict of interest](#) exists, the Commission member is required to make the conflict public and refrain from participation in any vote or discussion. The form to record the conflict is available from the City Clerk. Completed forms will become part of the public record of the City and retained accordingly.

COMMUNICATIONS WITH MAYOR AND CITY COUNCIL MEMBERS

Commission liaison updates are placed on City Council Work Session Agendas during the second regular City Council Work Session each month.

Commissions may submit recommendations and requests to City Council for their consideration by memorandum through their Council Liaison at any time.

SPECIAL PROJECT TASKING

The City Council has established a process to assign special projects to a commission or multiple commissions. Proposed taskings will be included as a separate work session agenda during the Board and Commission Liaison Update agenda item on the Council work session agendas. These taskings represent special projects that may be outside of the Commission's normal activities. Taskings may be for one or multiple commissions.

Commissions assigned special projects will receive from Council a memo identifying the issue assigned. Commissions shall provide Council a work plan that includes a statement of scope, a schedule for accomplishing the task, an estimate of cost/opportunity cost, and the deliverable (idea/solution). At the conclusion of the project, the commission will submit a final report with recommendations to the Council for further action.

ADMINISTRATION

Administrative Support

General staff and administrative support to members of the Commissions is provided through the staff liaison of the department each Board or Commission is assigned to. Support includes assistance with agendas and meeting materials, minutes, recordings, and other assistance as needed.

Budget

Boards and Commissions do not participate in the preparation of the City Budget. Staff liaisons assigned to Boards and Commissions may solicit and consider budget recommendations that pertain to the mission of the Board or Commission, and include them in their proposed operating budget if appropriate.

Vehicles

If a Board or Commissioner is travelling in their official capacity, they are encouraged, but not required, to use the City fleet vehicles for all City related travel. Vehicle reservations are made through their Staff Liaison.

When using a private vehicle on official City business, the City's insurance is not primary for coverage in case of an accident. However, if an accident occurs, contact should be made with the City Clerk's Office as soon as possible regardless of whether vehicle is City or personal.

Websites, Media Relations, Outreach

The Public Affairs Office (PAO) maintains the City's website (<http://www.sierravistaaz.gov>) and social media sites. Pursuant to the City Administrative Directive⁴ (copy attached), City supported social media sites are maintained and updated by web stewards trained by the PAO. Requests for advertising can be made through the staff liaison.

Fundraising

Any fundraisers held by commissions, where items are sold or auctioned, must be first approved by the City Chief Financial Officer. Funds raised in this manner are revenue, and in order to be used in the current fiscal year, must have funds budgeted against the revenue in the current year's budget.

Commissions may also seek donations of money or items. A donation occurs when the donor receives nothing in return for their gift beyond acknowledgment of the donation. Donations are processed by the City Finance Department and are reserved for programs or departments specified by the donor. A City donation form is used to document the receipt of these funds.

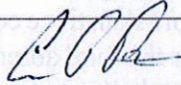
NON-REGULATORY DEPARTMENTAL COMMISSIONS

Pursuant to Resolution 2020-028— Non-regulatory commissions assigned to City departments are governed by City Manager Administrative Directive. Non-Regulatory Departmental Commissions are not subject to open meeting law requirements that relate to public meetings, agendas, and minutes. Operational guidelines specific to these commissions are attached to the Administrative Directive.

⁴ [City Administrative Directive](#)



Administrative Directive

Responsible Supervisor – City Manager	Dept. of Origin City Manager	Guideline Code CMG-CMG-2020-98	No. of Pgs 4
Effective Date – 05/28/20			
City Manager Approval: 		Date: 5/29/2020	

Title: City of Sierra Vista Non-Regulatory Commissions

I. Purpose

The purpose of a commission is to provide a detailed review of specific issues and to increase public input and citizen participation in the determination of city policies and procedures.

The purpose of this directive is to establish certain commissions and provide policy to describe the method of appointing members to the commission, rules of procedure, attendance requirements, how vacancies on the commission are filled, terms of office for members, and assignment of City staff to provide support.

II. Definitions

In Arizona Revised Statutes, the state government authorizes the creation of the Planning and Zoning Commission (A.R.S. 9-461.02). Other commissions are either created by municipal ordinance or resolution, or through administrative directive.

Commissions will be guided by the City Code of Ordinances, Resolutions, administrative directives, and the Boards and Commissions Booklet in carrying out its responsibilities.

The role of a staff liaison is to facilitate and enhance the commission's operation and effectiveness while acting as the link between the commission and the City Council. Responsibilities of the liaison include providing technical expertise, assistance with research, answering questions related to City policies and procedures, and coordinating the involvement of other departments or commissions as needed. An appropriate designee may be assigned, from time to time, in place of a Division Manager or Department Director. Staff liaisons are responsible for reporting recommendations and concerns of the commission to their Department Director for proper follow up with the City Manager and/or City Council.

III. Operational Guidelines and Functional Structure

Airport Commission, Arts & Humanities Commission, Cultural Diversity Commission, Commission on Disability Issues, Environmental Affairs Commission, Library Advisory Commission, Tourism Commission, Youth Commission, and the West End Commission are advisory bodies and authorized by this administrative directive. The Department Director or appropriate designee will serve as liaison to the correlating commission.

The structure of the commissions shall be as follows:

1. Commissions will consist of 5 members. Membership will be determined by the location of an individual's residence within the Greater Sierra Vista Community Metropolitan Area.
2. Commission members are appointed by the City Manager.
3. A commission member shall not be absent for more than three consecutive scheduled meeting times without a reasonable excuse. After the third absence during a one-year period, the remaining members of the commission shall vote to retain or recommend that the absentee member be relieved of his or her duties on the commission.
4. Vacancies on commissions are filled by recommendation from the Department Director.
5. The term of office for commission members shall be two years.
6. Commissions will elect a chair and vice-chair. Commission votes will only take place if a quorum is present.
7. Commission will meet not less than four times per year.

IV. Agendas and Meetings

Non-regulatory departmental commissions are not subject to the provisions of the State Open Meeting Laws and are not required to post agendas, record meetings, or prepare minutes. To encourage public involvement in the process, meetings and agendas will be posted on the City website and public attendance will be allowed at the meetings.

V. Mission Statements and Duties

Commissions should have a clearly written, Council approved, mission statement which describes the function the City expects the commission to perform, goals, responsibilities, and any legal obligations. The mission statement for each commission is included in this administrative directive.

Airport Commission

The mission of the Airport Commission is to provide public input and citizen participation on the policies and procedures that affect the operation and use of the Sierra Vita Municipal Airport; and assist the Public Works Director and Airport Manager to promote growth and expansion of airport services to the general public.

Arts & Humanities Commission

The purpose of the Arts & Humanities Commission is to assist and advise the Leisure and Library Services Director on matters relating to arts and humanities in the community; advise on art in public places; foster the acquisition and maintenance of facilities relating to arts and

humanities; foster programs that promote the cultural community of Sierra Vista; foster the development of short and long term plans relating to arts and humanities activities and facilities in the community; foster the City as a strong supporter of cultural activities for the community; and foster applications for grants and volunteer donors to assist in the development of arts and humanities activities or support for implementing planned activities.

Cultural Diversity Commission

The purpose of the Cultural Diversity Commission is to promote and improve relations and understanding amongst the many diverse ethnic and cultural segments of the City of Sierra Vista through advising and making recommendations to the Leisure and Library Services Director and City management on diversity issues; providing a forum for the community to address matter of concern or interest relating to cultural diversity and awareness; sponsoring educational activities to raise awareness and understanding of the communities diverse cultures; studying, developing, and implementing programs that enhance support, understanding, and community awareness; assisting in fund raising through grants and other resources that will support City programs and activities; and recommending membership to the commission that reflects the broadest levels of diversity in the community.

Commission on Disability Issues

The purpose of the Commission on Disability Issues is to act as a liaison between the City and disabled population of the City by assisting and advising the Community Development Director in the establishment of policies, procedures, rules, regulations, programs, and identifying the needs of the disabled; requesting the City to apply for grants on behalf of the disabled population; recognizing and promoting businesses and individuals that go above and beyond ADA requirements in support of the disabled population; providing input on review processes and public infrastructure improvements; providing information on disability and accessibility issues to the community; and advising the City in considering disability issues on decision-making processes affecting the disabled community.

Environmental Affairs Commission

The purpose of the Environmental Affairs Commission is to advise the Public Works Director on environmental issues, programs, and procedures relating to the following general categories: reduction, reuse, and recycling; energy conservation; environmental stewardship; waste management; community environmental education/outreach; environmental demonstration projects; and water conservation.

Library Advisory Commission

The purpose of the Library Advisory Commission is to advise the Leisure and Library Services Director on matters relating to library services and requirements; and assist the City in promoting library services to the public.

Tourism Commission

The purpose of the Tourism Commission is to advise the Marketing & Communications Manager on policies and strategies related to tourism marketing and visitor services.

West End Commission

The purpose of the West End Commission is to assist and advise the Community Development Director in the establishment of plans, policies, activities, and strategies relating to the revitalization and enhancement of the west side of Sierra Vista.

Youth Commission

The purpose of the Youth Commission is to advise the Leisure and Library Services Director and City Manager on matters of concern to the youth of Sierra Vista; to recommend and encourage action programs beneficial to the youth of the community; promote a better understanding and integration of youth and the local government; assist in the planning, operation, and evaluation of the local service delivery system for youth related services as consumers of these services; develop and encourage participation by youth in the communities in matters of interest to them and to foster community understanding and support of the projects, aims, and goals of the Youth Commission; and provide a common forum for discussion and coordination of youth activities.

VI. Administrative Directive History

(CMG-CMG-2020-98, originated 02/21/20, effective 5/28/20, signed 5/29/20).

June 5, 2020

MEMORANDUM TO: Honorable Mayor and City Council

THRU: Charles P. Potucek, City Manager

FROM: Adam D. Thrasher, Chief of Police

SUBJECT: REQUEST FOR AGENDA ITEM PLACEMENT
RESOLUTION 2020-031, Authorization to proceed with
Intergovernmental Agreement between the City of Sierra Vista,
the Cochise County Sheriff's Office, and the Cochise County
Community College District.

RECOMMENDATION

The City Manager recommends approval.
The Chief of Police recommends approval.

INITIATED BY

Adam D. Thrasher, Chief of Police

BACKGROUND

Cochise County Community College District, the Sierra Vista Police Department and the Cochise County Sheriff's Office are continuing a partnership to operate the Southeastern Arizona Law Enforcement Training Academy (SEALETA) on the Cochise College – Douglas Campus. This resolution authorizes an Intergovernmental Agreement whereby one SVPD officer would serve as a recruit training officer (RTO) at the academy when classes are in session. In addition, Cochise College agrees to reimburse the City of Sierra Vista up to \$10,000 per session for overtime for this officer while assigned to the academy. SVPD also agrees to allow the academy to utilize the SVPD defensive tactics room for training when needed. The purpose of the agreement is to enhance law enforcement services by offering a locally available, cost effective, Arizona Peace Officer Standards & Training (AzPOST)-approved law enforcement training academy.

With approval of the intergovernmental agreement by Council, the City can begin participation by assigning one officer to the academy for the next class in July 2020.

BUDGET APPROPRIATION

None.

RESOLUTION 2020-031

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; REAFFIRMING SETTLED POLICY TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH ANOTHER PUBLIC AGENCY; AUTHORIZING THE CITY TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE COCHISE COUNTY SHERIFF'S OFFICER AND THE COCHISE COUNTY COMMUNITY COLLEGE DISTRICT; AND AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, the City of Sierra Vista is authorized to enter into intergovernmental agreements with other agencies pursuant to Arizona Revised Statute 11-952;

WHEREAS, the City of Sierra Vista, the Cochise County Sheriff's Office, and Cochise County Community College District desire to enter into this agreement to enhance law enforcement services by offering a locally available, cost effective, Arizona Peace Officer Standards & Training (AzPOST)-approved law enforcement training academy through the cooperative efforts of all parties; and

WHEREAS, the City of Sierra Vista is able to meet the terms of the agreement; and

WHEREAS, the City of Sierra Vista desires to support and enhance law enforcement activities intended to provide AzPOST-approved basic training for new law enforcement officers.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

SECTION 1

The policy of the City of Sierra Vista, relating to entering into intergovernmental agreements when in the best interest of the citizens hereby is, reaffirmed.

SECTION 2

An intergovernmental agreement, attached and made a part hereof as Attachment A, between the Cochise County Sheriff's Office, the Cochise County Community College District, and the City of Sierra Vista hereby is approved.

SECTION 3

The City Manager, City Clerk, City Attorney, or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this Resolution.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, THIS 11th DAY OF JUNE, 2020.

FREDERICK W. MUELLER
Mayor

ATTEST:

APPROVED AS TO FORM:

JILL ADAMS
City Clerk

NATHAN WILLIAMS
City Attorney

PREPARED BY:
ADAM D. THRASHER
Chief of Police

INTERGOVERNMENTAL AGREEMENT

BETWEEN

COCHISE COUNTY SHERIFF'S OFFICE

AND

SIERRA VISTA POLICE DEPARTMENT

AND

COCHISE COUNTY COMMUNITY COLLEGE DISTRICT

This Agreement is made by and between the Cochise County Sheriff's Office, through the Cochise County Board of Supervisors, hereinafter referred to as COUNTY, the City of Sierra Vista Police Department, hereinafter referred to as CITY, and Cochise County Community College District, hereinafter referred to as COLLEGE, each a Party and collectively, the Parties.

Recitals

Whereas, the County Sheriff and the City's Police Department desire to have a locally available, cost effective academy for training new law enforcement recruits so that they may become AZPOST certified; and

Whereas, the College desires to offer educational opportunities for County citizens and others to train them for gainful employment, and to that end desires to collaborate with the Sheriff and the City to establish such an academy.

Agreement

The purpose of this Agreement is to establish the southeastern Arizona law enforcement academy (the "Academy") through partnerships among COUNTY, CITY, and COLLEGE to provide a program for recruits referred to the program by the City Police Department, the County Sheriff, or any other Arizona law enforcement agency or self-sponsored, qualified individuals to obtain necessary training to be successful AZPOST certified law enforcement officers.

1. COUNTY shall provide access to its firing range, defensive tactics room, and related equipment at the Sheriff's facility in Bisbee. The County will provide general liability coverage for the use of these facilities; provided, however, that the College will provide instructional liability coverage and cause its insurance carrier to name the County as an additional insured on its policy and will indemnify the County for any liability arising in connection with instruction at any County facility.

2. COUNTY shall assign one qualified law enforcement officer to serve as the academy sergeant, ensuring delivery of AZPOST approved curriculum. COLLEGE shall reimburse the COUNTY for **overtime associated with the Academy up to \$12,000 per four-month academy**. COLLEGE shall provide the assigned sergeant a meal ticket for use during the academy.
3. The parties anticipate offering two academies in FY 2020-21. The first academy will begin on July 27, 2020, and end on November 19, 2020. The second academy will begin on January 11, 2021, and end on May 6, 2021.
4. CITY shall provide access to its Defensive Tactics room in Sierra Vista and related equipment.
5. CITY shall provide one recruit training officer (RTO) to serve as a participant counselor who, among other things, will serve as a liaison with AZPOST and oversee and mentor recruits. COLLEGE shall reimburse the CITY for **overtime associated with the Academy up to \$10,000 per four-month academy**. COLLEGE shall provide the assigned RTO a meal ticket for use during the academy.
6. COLLEGE shall provide facilities for the instruction and training of participants on the COLLEGE Douglas Campus located at 4190 W Highway 80, Douglas, AZ 85607, including one office, one classroom, access to an equipped fitness center, and an outdoor physical training course.
7. COLLEGE shall provide or arrange for instructors to teach AZPOST approved curriculum for the program.
8. COLLEGE shall provide access to housing for up to 16 participants at no charge with the purchase of a meal plan for the duration of the program at a rate of \$1,828.
9. The COUNTY will assist the COLLEGE in securing a suitable location for the driving skills development portion of the curriculum. Any vehicles used for this purpose will be owned or leased by the College.
10. Any law enforcement agency that participates shall pay a rate of \$3,250 per participant to the COLLEGE. This fee shall be paid within 30 days of the program start date. The COLLEGE shall waive this fee for up to three COUNTY and up to three CITY participants per academy.
11. Participants shall be enrolled in a minimum of one credit as a student at the college to provide accident coverage while participating in college provide instruction.
12. The term of this agreement shall be July 27, 2020, through May 6, 2021.

13. In the event that any one of the Parties believes that another has materially breached any obligations under this Agreement, such Party shall so notify the other Parties in writing. The breaching Party shall then have ten (10) working days from the receipt of notice to cure the alleged breach and to notify the non-breaching Party in writing that cure has been affected. If the breach is not cured within the ten (10) working days, the other Parties shall have the right to terminate this Agreement without further notice.
14. This Agreement may be cancelled pursuant to ARS 38-511, the pertinent provisions of which are fully incorporated herein by reference.
15. The Parties to this Agreement shall comply with all applicable laws and regulations, including those pertaining to equal employment opportunity and non-discrimination, and shall not engage in any form of illegal discrimination on the basis of race, sex, color, religion, national origin, ethnicity, age, handicap, or veteran status.
16. The Parties agree that should any part of this Agreement be held to be invalid or void, the remaining provisions shall continue to be valid and enforceable to the full extent permitted by law.
17. This Agreement shall be subject to and interpreted under the laws of the State of Arizona. Any controversy or claim arising out of or relating to this Agreement, its enforcement or interpretation, or because of an alleged breach, default, or misrepresentation in connection with any of its provisions, shall be submitted to arbitration, to be held in Cochise County, Arizona, in accordance with the Uniform Arbitration Act, A.R.S. § 12-1501 et. seq. The arbitrator shall be selected by mutual agreement of the Parties; if none, then by striking from a list provided by an organization such as the American Arbitration Association. In the event either Party institutes arbitration under this Agreement, the Party prevailing in any such arbitration shall be entitled, in addition to all other relief, to reasonable attorneys' fees relating to such arbitration.
18. All notices, or other correspondence between the Parties regarding this Agreement shall be mailed or delivered personally to the respective Parties at the following addresses:

IF TO COLLEGE: Dr. Wendy Davis
Vice President for Administration
901 North Colombo Avenue
Sierra Vista, AZ 85635
davisw@cochise.edu
520-515-3623

IF TO COUNTY: Sheriff Mark Dannels
Cochise County Sheriff's Office
205 N Judd Drive
Bisbee, AZ 85603

520-432-9500

IF TO CITY: Chief Adam Thrasher
Sierra Vista Police Department
911 Coronado Drive
Sierra Vista, AZ 85635
520-458-3311

19. The terms of this Agreement are intended only to define the respective rights and obligations of the Parties. Nothing expressed herein shall create any rights or duties in favor of any potential third-party beneficiary or other person, agency or organization.
20. In accordance with ARS 35-214, the Parties agree to retain all books, accounts, reports, and other records, and make such records available for inspection for a period of five years after completion of this Agreement.
21. The Parties do not contemplate joint acquisition of any equipment pursuant to this Agreement. Upon termination of this Agreement, equipment furnished or acquired by COLLEGE for the program shall be retained by COLLEGE, equipment furnished or acquired by COUNTY for the program shall be retained by COUNTY, and equipment furnished or acquired by the City for the program shall be retained by the City.
22. The parties agree that any dispute arising under this Contract involving the sum of \$50,000 or less in money damages only shall be resolved by arbitration pursuant to A.R.S. § 12-1501 et. seq. The decision of the arbitrator(s) shall be final.
23. The parties hereby warrant that they will at all times during the term of this Agreement comply with all federal immigration laws applicable to Contractor's employment of its employees, and with the requirements of A.R.S. § 23-214(A) (together the "State and Federal Immigration Laws"). The Contractor shall further ensure that each sub-Contractor who performs any work for the Contractor under this Agreement likewise complies with the State and Federal Immigration Laws.
24. This Agreement may be executed using electronic signatures, which shall have full force and effect as though signed with pen and ink.

COCHISE COLLEGE

J.D. Rottweiler, Ph. D
President

Date

