

Sierra Vista City  
Council Work  
Session Minutes  
March 7, 2023

1. Call to Order

Mayor McCaa called the March 7, 2023, City Council Work Session to order at 3:00 p.m., Council Chambers, City Hall, 1011 N. Coronado Drive, Sierra Vista, Arizona.

Mayor Clea McCaa – present  
Mayor Pro Tem Carolyn Umphrey – present  
Council Member William Benning – present  
Council Member Gregory Johnson – present  
Council Member Angelica Landry – present  
Council Member Marta Messmer - present  
Council Member Mark Rodriguez – present

Others Present:

Chuck Potucek, City Manager  
Victoria Yarbrough, Assistant City Manager  
Adam Thrasher, Police Chief  
Brian Jones, Fire Chief  
Emily Scherrer, Library Director  
Matt McLachlan, Community Development Director  
Sharon Flissar, Public Works Director  
Barbara Fleming, Chief Human Resources Officer  
Judy Hector, Marketing and Communication Manager  
John Healy, Sports Coordinator  
Mike Cline, Management Analyst  
Gabriel Squires, Public Works Internal Operations Manager  
Adam Curtis, PIO  
Jill Adams, City Clerk  
Chris Klassen, Fire Department  
Bryan Jeffries  
Sierra Vista Fire Fighters

2. Presentation and Discussion:

A. March 9, 2023 Council Meeting Agenda Items (agenda attached)

Mayor McCaa stated that on the agenda for March 9, 2023, is the call to order, roll call, invocation by Pastor Justin McPeak, Thunder Mountain Church, the Pledge of Allegiance led by the Girl Scouts, and under awards, there is the proclamation for the Girl Scouts.

In response to Mayor McCaa, Mr. Potucek announced that the Employee Service Awards Annual Banquet is on Thursday, March 9, 2023, at 11:30 a.m. at the Ethel Berger Center. He reported that staff is tracking the food tax bill in the Legislature. It has made it through one house; but has not yet made it through the second one. It is anticipated that it will and then it will

be up to the Governor, as to whether that is signed or not. So far, all the bills that have made it through, she has been vetoing. This bill is of great interest to the City of Sierra Vista since the City will be losing about over \$3 million in general fund revenue if that makes it through. Lastly, he reported that the RFP for transit drivers has been drafted and sent out to the Federal Transit Administration for their review.

Item 2.1 Discussion and Possible Action of the Special City Council Meeting Minutes of February 21, 2023 – There was no discussion.

Item 2.2 Discussion and Possible Action of the Work Session Minutes of February 21, 2023– There was no discussion.

Item 2.3 Discussion and Possible Action of the Regular City Council Meeting Minutes of February 23, 2023 – There was no discussion.

Item 2.4 Discussion and Possible Action of Resolution 2023-011, Appointment of Stephen Peterson to the Industrial Development Authority – There was no discussion.

Item 3 Public Hearing for Consideration of funding requests for Program Year 2023 Community Development Block Grant (CDBG) Annual Action Plan – Mr. McLachlan stated that the purpose of the public hearing on Thursday, March 9, 2023, is to receive input on proposed projects and activities for the use of Community Development Block Grant funding, which was announced to be just over a quarter \$1,000,000 for the upcoming program year. The CDBG program provides annual grants on a formula basis to strengthen and revitalize neighborhoods through housing rehabilitation, infrastructure improvements and the provision of public services. Each activity must qualify as meeting one of three national objectives. One, which is most relied upon benefiting low to moderate income persons, either on an area wide or a limited clientele basis, two, preventing or eliminating areas of slum and blight, and three, meeting an urgent community development need, usually connected with the natural and man-made disasters.

A routine application process is followed that begins with a broad distribution of the notice of funding availability, followed by a pre application meeting where feedback on proposed projects and programs is provided, as well as responding to questions. Applicants will present their proposals to Council on Thursday, March 9, 2023. Staff is seeking preliminary feedback and guidance on how the funding should be distributed. Staff will use that information to draft the annual action plan, which will be presented to Council at the first meeting in April. That will be put out once staff has a consensus for a 30-day public comment period. The final draft will come back to Council in May. It will then be submitted to HUD. They have a 45-day review period and usually by the end of the summer, early fall, the City will receive the grant and can begin the award process.

HUD restricts how funding can be used. There is a 15 percent cap on public services this year that equates to about \$37,500.00 There is a 20 percent cap on the use of administration, which equates to about \$50,000. The City is entering its final year of the Five-Year Consolidated Plan, which was amended three times during the pandemic to incorporate Cares Act funding. This document will need to be reviewed and updated by this time next year to reestablish goals and strategies for Community Development Block Grant funds for the next five years, which is why staff is requesting administration funds with this year's budget.

Over the past four program years, the bulk of the funds have gone towards public infrastructure and facility projects, followed by the provision of public services, housing rehabilitation and small

business assistance during the pandemic, less one percent that has gone towards administration.

Three applications were received by the deadline, Friday, March 3, 2023. They will each have about 10 minutes to present their proposals and to respond to any questions by the Council. In terms of the City Project, staff is recommending that next year's allocation be used to install fire hydrants in the Montebello Neighborhood, which was annexed into the City in 2010. This is one of the target areas for CDBG investment. Over 72 percent of the residents qualify as low to moderate income according to the most recent census estimate. According to the City's Fire Marshall, 10 to 14 fire hydrants strategically spaced within the subject division is urgently needed, which will significantly reduce the risk of fire loss, and it should also help the lower property insurance premiums.

In terms of outside agency requests, the United Way is seeking funds for rent, utility payment assistance, hotel, motel, vouchers for homeless individuals, food distribution, books for first grade students at Carmichael Elementary, and employment assistance services. The Cochise Family Advocacy Center is requesting funds for providing trauma focused services to victims of violent crimes, and the southern Arizona legal Aid Organization is requesting funds for outreach and education and available free civil legal services to low-income residents within the community. All three fulfill CDBG eligibility required criteria.

Staff suggests that due to the administrative work involved that Council limits the number of outside agency requests to one, potentially two applications. The United Way request is for the full amount; therefore, if Council wanted to try to fund another nonprofit, staff encourages that Council hear the presentations and ask questions and then decide on how the public services dollar should be allocated.

In response to Mayor Pro Tem Umphrey, Mr. McLachlan stated that the application was provided late on Friday, March 3, 2023, and it is not uncommon with the smaller nonprofits to struggle with the application requirements. He stated that if Council considers funding their request, staff can work with them on the remaining sections to determine if they can meet those requirements.

Mayor Pro Tem Umphrey asked if the roads need to be torn up to install the fire hydrants. Mr. McLachlan stated that staff has the water utility maps and it was thought that it would not be necessary to tear up the roads, but since streetlights are being done in that same neighborhood, it does look like there will be trench and patch on a section of the road that adds about \$2,000 to the cost of each hydrant.

Item 4 Discussion and Possible Action of Resolution 2023-012, Dissolving Non-Regulatory Departmental Advisory Commissions – Ms. Yarbrough stated that under Council's current Strategic Leadership Plan, Council had a goal to look at the reinvigoration and reevaluation of nonregulatory commissions. After a year and a half of looking at this and three different Council work sessions in September, November and most recently in February, what came out of that discussion and looking at various options were three of the agenda items being presented. Overall, the consensus that staff took coming out of those work sessions were to create several new Council Advisory Commissions that focused on General Plan elements to reestablish as Council Advisory Commissions to Commissions that would maintain the same focus area, and then finally to dissolve the current nonregulatory commissions, which currently advised departments and are appointed by the City Manager.

Ms. Yarbrough stated that it seemed to make the most sense to dissolve all the nonregulatory commissions first, before creating new commissions, and then reestablish the two commissions whose focuses were unchanged. The new commissions that would be established would go back to advising Council and being appointed by Council. The nonregulatory commissions that would be dissolved would be the Airport Commission, Arts and Humanities Commission, Commission on Disability Issues, Commission on Cultural Diversity, the Economic Development Commission, Environmental Health Commission, Library Advisory Commission, Tourism Commission, West End Commission, and the Youth Commission.

Council Member Johnson asked if the City Council would reappoint those members that are currently on the nonregulatory commissions. Ms. Yarbrough stated that staff did not want to assume that Council was going to approve each of the three actions. If Council approves these three actions, staff will sit down and meet in the next week and discuss the logistics of how to transition these Commissions back to Council Advisory Commissions, and then bring the Council Handbook and the Commission Handbook to Council's next work session on March 21, 2023 and discuss those details. However, at this point, she would foresee asking the existing Commissioners if they would like to be on the newly created commissions, assuming Council moves forward with that action and find out who is still interested and bring those back to Council for appointment.

Mayor Pro Tem Umphrey asked if there was discussion about the Economic Development Commission wanting to stay as is because the way that the resolution is written, they would become a Council Advisory Commission.

Council Member Benning asked if the Economic Development Commission does not want to stay as is. Mayor Pro Tem Umphrey stated that the way the resolution is written, the Economic Development Commission would become a Council Advisory Commission. Council Member Benning stated that this is what they want, but they do not want the Tourism Commission underneath them. Council Member Johnson stated that this is a unique Commission.

Mr. Potucek stated that Mr. Boone spoke with him after their last meeting with regards to the Economic Development Commission and their desires moving forward in terms of how they operate. He had the impression from that meeting that the Economic Development Commission members would not want to be formalized as a City Council Commission, that they really wanted their status to say the same as they were. Some of them mentioned the potential conflicts that they might have in their current jobs with making formal recommendations to the Council. They preferred to stay as they are, continue to operate as they are. This Commission would simply be removed from this action for Thursday, March 9, 2023, and then move them into category of staying as they are.

Ms. Yarbrough stated that they would not need to be changed, if Council desires to make that change, they would just be removed from this item, and then nothing would change from their status.

In response to Mayor McCaa, Council Member Johnson stated that he would prefer that they be an Advisory Commission to the Council; however, with the current members that he has met, he would defer to them in their respective roles on that Commission. He added that he would go along with their wishes because that is the wisest thing to do. There are very influential people in the City that are members of that Commission. Mr. Potucek added that they are also very willing to serve under their current conditions.

Item 5 Discussion and Possible Action of Resolution 2023-013, Establishing New Council Advisory Commissions – Ms. Yarbrough stated that this item will create as new City Council Advisory Commissions the Transportation Commission, Neighborhoods Commission, Economic Development Commission (strike out), Environmental Stewardship Commission and the Arts and Humanities and Cultural Diversity Commission. The Economic Development Commission would retain its current focus but focus on the General Plan elements for economic vitality.

The Transportation Commission would include the existing Airport Commission and would focus on the Connectivity General Plan Element: streets, bicycling, pedestrian, and transit.

The Neighborhoods Commission would include the current West End Commission, and they would focus on General Plan Element: community preservation and revitalization.

The Environmental Affairs Commission would become the Environmental Stewardship Commission, focusing on environmental sustainability.

The existing Parks and Recreation Commission, which is not included in the proposed action because they are already a City Council Advisory Commission, would focus on General Plan Element: public facilities and services.

The existing Arts and Humanities, Cultural Diversity Commission, and the Library Commissions would become the Arts, Humanities and Cultural Diversity Commission, focusing on General Plan Element: public facilities and services.

Throughout this process, staff heard that there was a need for more focus and directive missions for the commissions. Staff is recommending that their missions be to make recommendations to Council on the General Plan process, recommendations to Council on strategic planning goals and initiatives, recommendation to Council on major projects or initiatives related to the Commissions, conducting research on proposals relevant to the Commission's focus areas, and receive staff updates on progress regarding relevant to the General Plan and Strategic Plan goals.

Council Member Messmer stated that the Tourism Commission was discussed at the last work session and since then, she has been to several events or meetings, and at every single one of those functions, she heard about tourism and advertising the City of Sierra Vista in different manners. Therefore, she would like to have the Tourism Commission added because it is still needed. It is important to the City and for Council to make sure that the citizens have the word on how the City is advertised.

Mayor Pro Tem Umphrey stated that she believes that this Commission would have to be on its own since the other Commissions did not seem interested.

Council Member Benning asked about the number of constituents on each Commission. Ms. Yarbrough stated that currently there are five commissioners. The Council Advisory Commissions remained at seven; therefore, staff was going to look at how many members are on each Commission. Nobody is going to be invited to leave a Commission when combined. They would all be existing members. Staff was going to see how many members they have before making a recommendation on keeping it at five or going back to seven.

Council Member Benning stated that he asked because he is sure that there will be commissioners that do not want to be part of the new commissions. He added that if the

Neighborhood Commission will include the rest of Sierra Vista, the membership should be broadened; however, he does not want to kick anyone off that has been working hard and being part of the West End Commission. On that same note, if there is someone that is interested that is on the East End of town, the North End of town, or on the skirts of the town, he does not want to tell them that they cannot be a commissioner because they are not in the West End. Lastly, he stated that he wants to make sure that there is room for all parties interested without taking from parties that have been doing that certain mission.

Mr. Potucek stated that before this change was made, there were seven members, and he believes that part of this discussion and process, there has been trouble filling commission seats. It could be because of the change, or because of the pandemic, or whatever reasons. Therefore, he would personally like going back to seven members. There was a mechanism prior to this, where nonvoting membership was allowed if people wanted to participate on those commissions. If the commissions were expanded to seven, and had the nonvoting component, he believes that this would meet Council Member Benning's request in terms of adding more people to the mix.

Council Member Benning asked if nonvoting members could participate in discussions during the meetings. Ms. Adams stated that nonvoting members are allowed to participate in the discussions, but they cannot vote, nor do they count towards a quorum.

Item 6 Discussion and Possible Action of Resolution 2023-014, Re-establishing Council Advisory Commissions – Ms. Yarbrough stated there were two existing Department Advisory Commissions that did not fit neatly into, or with any of the proposed newly created commissions, Commission on Disability Issues, and the Youth Commission. Staff is recommending that those be recreated as Council Advisory Commissions as is, and not being combined or refocused in any way.

Item 7 Discussion and Possible Action of Resolution 2023-015, Authorizing Application for an Environmental Water Resources Project Grant from the Bureau of Reclamation – Ms. Flissar stated that this agenda item will authorize staff to apply for an Environmental Water Resources Projects Grant through the Bureau of Reclamation. It is important to note that this item is for the application only. Funding is not guaranteed, and the grant process is expected to be highly competitive, as all grants lately have been. If the application is successful, an additional action would likely be required to accept the grant. The City of Sierra Vista is applying for this grant on behalf of the Cochise Conservation and Recharge Network, and the City was selected as the lead agency due to the grant requirements. The grant requires Tier 1 applicants to have water or power delivery authority and the City has water delivery authority. The grant also requires the applicant to be registered as a potential recipient on federal websites and due to the City's application history, and success with other grants, staff already has the required registration. The Riverstone Project is one of several recharge projects implemented or planned by the Cochise Conservation and Recharge Network. When full buildout is achieved, the projects will help to sustain the riparian environment along the San Pedro Riparian National Conservation Area or SPRNCA. The Riverstone Project was recently able to obtain design funding through the Sentinel Landscapes Readiness and Environmental Protection Integration Challenge Program (REPI Challenge), and the current grant application would be for construction funding. The grant total project costs cannot exceed \$6 million with the required match from partner agencies of 25 to 50 percent. Based on the application criteria, staff believes the project will qualify for the lower 25 percent match. In addition, the REPI Challenge Grant and in-kind contributions can be used to offset the required match.

Mayor Pro Tem Umphrey asked if the total cost of construction will exceed \$6 million. Ms. Flissar stated that the absolute cap for this grant is \$6 million. Projects with a project cost of above \$6 million are not eligible for this grant.

Mayor Pro Tem Umphrey asked if the \$925,000, received through REPI, in addition to the grant that was awarded for the Coyote Wash. Mr. Potucek stated that Coyote Wash was the first REPI Grant that was awarded last year. Ms. Flissar stated that Fort Huachuca's Sentinel Landscape has been successful on REPI Challenge two years in a row. The first year was the Coyote Wash Project. The City received notice within the last month that the City was successful for the Riverstone Project.

Council Member Rodriguez asked about the match required. Ms. Flissar stated that the \$1.5 million is the estimated match based on the maximum project cost of \$6 million. Staff is going off the 25 percent, which they believe that the City will qualify. They have been told that REPI Challenge is somewhat of an unusual situation and the feds are still trying to figure it out. The fact that REPI Challenge money can be used as a match on a federal project is a highly unusual situation.

Council Member Benning asked who makes up the CCRN and what is their percentage? Ms. Flissar stated that the Cochise Conservation Recharge Network has a variety of signatories, City of Sierra Vista, Cochise County, City of Bisbee, Fort Huachuca, BLM, and the NRCD. The likely contributions towards this project would obviously be the ones that it would most directly benefit. She added that she does not believe that the City of Bisbee would be a primary contribution towards this. The City of Sierra Vista would then be going to its partners and reporting what it has available after the total project cost is known, the gap in funding, and what is needed to make up that difference.

#### B. Discussion on Meet and Confer

Chris Klassen stated that he has been a firefighter for 14 years and has been with the City of Sierra Vista for 12 years, nine years as the President of the Professional Firefighters of Sierra Vista, which has 48 members, and a member on the Employee Council from 2013 until 2018. He pointed out that this request is in no way a reflection of the fire administration. The firefighters are not upset with the fire administration or the City administration. They are looking at a common way within the State to do some communication and collaboration with the Council and staff. He further stated that Meet and Confer allows the employees to be a part of the policy making procedure. The firefighters are straightforward and involved individuals within the community and within the fire department within the City itself. It will give them a little more investment into their own jobs within the Fire Department and within the City. In the long-term goal of it, it kind of gives them a playbook to go forward when he is gone, Council is gone, the Fire Chief is gone, or the Mayor is gone. There will be something established for the future firefighters, a playbook and no big surprises that come up, where some things are taken away, or some things are given or not.

Mr. Klassen stated that he is aware that the Employee Council is a part of the process within the City and noted that there have not been any meetings since the Personnel Rules and Regulations were revamped. The Employee Council is a good idea, but it is difficult to navigate through as a representative for one department because there are seven different departments within the Employee Council. He further stated that he learned, when he was a part of the Employee Council, that the representatives changed quite frequently. They were always trying to get the new representatives that came in up to speed on what topics were being worked on.

He also noticed that the chairman and the secretary of that group were also changing. It was constant education and trying to come to a consensus on what topics they wanted to work on. It was very difficult to move anything forward, and a lot of times there was no time frame or follow through. However, the process that the firefighters are looking at is almost curtailed through their area, employees within the Fire Department. It is nothing adversarial, but the firefighters are a special group, they work different hours, longer hours, they do different things, and Meet and Confer is for them to get that kind of stuff solidified, which is a very common practice throughout the State.

Mr. Klassen stated that change is difficult, and this would be a big change, and maybe it will open the door for other departments to pursue this. He further stated that he is sure that everyone will see future leaders come out of the Meet and Confer process. He introduced Brian Jeffries, newly retiree from Mesa Fire, who was a firefighter for 30 years, past president of the Professional Firefighters of Arizona for over 20 years, and who has assisted with 33 different organizations in this process to have it implemented. He also served as a city council member in the City of Phoenix, was the mayor's chief of staff, and led efforts to reform public safety pension.

Mr. Jeffries stated that an important point that Mr. Klassen talked about is in getting leaders and organizations together, to work together and collaborate. The reform of the public safety pension saved citizens \$1.5 billion in that process that did not come from one person because a variety of organizations worked together that included the Firefighters Association, the police officers, the Arizona League of Cities and Towns, the Reason Foundation, etc. This really bodes to the essence of what he is going to talk about, bringing stakeholders together to create a better organization and Meet and Confer does that.

Mr. Jeffries shared that he has been involved with 33 different government organizations in the State of Arizona in bringing Meet and Confer to fruition. This is sort of an evolution of when you have an organized employee group and how they can improve their communications with their employers. All the principles of Meet and Confer were designed in Arizona by stakeholders trying to solve problems. This is not something that was borrowed from some other place, it was in Arizona, which has developed over decades. Meet and Confer is being used by government organizations throughout Arizona for 40 years. The basic tenets are communication, accountability, and government transparency that is the part that people do not often think about.

Meet and Confer started back in the 60s and 70s and there were several government organizations in the State of Arizona that were going through some significant strife. There were a lot of big problems between firefighters and some of the managers, which led to the Phoenix firefighters almost going on strike during that time frame. The Tucson firefighters did go on strike; but everybody got together and realized that they could not have this. The firefighters certainly did not want to do that, but they felt like they were not being listened to, and management could not have that. More importantly, the community could not have that because firefighters take care of citizens 24/7, no matter what. A lot of experts and stakeholders got together to try to form solutions, and that is when Meet and Confer was born. There were also a lot of issues with the school districts back then as well. The only solution anyone normally knew of in those days was collective bargaining and that was traditionally used in the private sector. There were some challenges with that because employers and employee unions were going at one another in an adversarial style. In government/ public service, these are not the type of tools that anyone wants. There is a tenant that is important in government, and it was put right into the State Constitution - a local government should not abdicate decision making to a third



party, to a judge, to an arbitrator. In collective bargaining, that is what happens, when there is not an agreement it does go to an arbitrator, a judge. Council was elected to make decisions for their constituents and Council should be making those decisions. The developers of the State of Arizona saw that as well, and they put it right into the Constitution, which is why traditional collective bargaining is illegal in the State of Arizona. It does not say collective bargaining is illegal, but it says any process that abdicates your decision making is illegal. An adversarial style is not conducive to effective public employee, employer relations. Therefore, they came up with Meet and Confer, based on what is known as an interest-based style of working together. It is people sitting down and looking at the issues, talking and collaborating to come to some common ground and some solutions.

The agreement is a Memorandum Of Understanding (MOU) and under the law that is a handshake. It is a gentle person's agreement, and it is not enforceable by the courts. This is never going to go to court and lawyers are not needed. The MOU has all its final decision-making power with Council, and it ends with Council. Council gets to make the decision, can accept, reject, modify any terms of the agreement and if necessary, change those. In an economic crisis, things happen and sometimes changes need to be made that is common and is easily accommodated by Meet and Confer.

This is an interest-based process, a partnership style of negotiating, where they talk, look for mutual understanding, focus on goals, the concerns of all parties, labor and management list and explain their needs, and the ensuing discussion revolves around ways to meet those needs. It is very positive in parts of more congenial atmosphere and in the modern world many agreements are done this way. All parties are expected to work together and on occasion, which rarely happens in the State of Arizona has gone to impasse. If there are issues that do, where there is an impasse, it comes to Council for a final decision. The firefighters get to come before Council to talk and give a presentation on how it works. In today's world they do not really get that opportunity very often. Council is handed the budget books and all the stuff is contained somewhere within all the budget documents, which is very difficult when employees come to Council with key issues, and they often never get addressed in a proper way. Meet and Confer provides a structure for doing that and it gives accountability for that. The groups get together with management each year or every other year, depending on how it is structured, and go through proposals on things that the firefighters, or any other employee groups want to talk about.

The Firefighters Association brings a lot of resources to the table and Meet and Confer has helped a lot of cities with a lot of different challenges, Opeb obligations, PSOB obligations, bringing in deferred comp plans that are less expensive, lots of different solutions in those ways.

Not all employees may choose to want to participate in this process. This does not create any closed-door policies. If management has an open-door policy, they can communicate with anybody at any time. Meet and Confer does not stop any of that, it does not close any communications, but organizations sort of already have Meet and Confer in a way from a legal perspective. Many years ago, the Arizona Legislature passed a law, ARS 231411 that states public safety employee organizational rights, public safety employees serving in any city, town, county, or fire district in this State have the right to join employee associations, which comply with the laws of the State and have the freedom to present proposals and testimony to the governing body of any city, town, county or fire district and their representatives. A person shall not be discharged, disciplined, or discriminated against because of the exercise of these rights.

The point is that they already have the right to come before Council and make presentations.

Meet and Confer gives a structure to that, because if there is a myriad of issues that the employees are having that they want to be considered by city government, allowing them to meet with staff and work on those things ahead of time before they are brought before Council is an important element. This is a process that allows for input and collaboration before something eventually goes before the Council, and that helps the employees become more educated along the way, but it also helps bring a structure when it comes before Council.

Some of the advantages of Meet and Confer is that management can effectively address a variety of issues with diverse employee groups because employees are not a one-size-fits-all in any city or any organization. It also allows some flexibility for economic changes, an important element, especially if going through downturns and it is a conduit for employee employer communications. It significantly expands employees' understanding of budget, policy issues, improves leadership development, and increases transparency through an MOU. An MOU is very easy to understand, and it is all in one place. Cities often spend a little too much on consultants to do pay studies, but when it comes to the firefighters, all that is needed is the MOU from all the local fire departments because most of them have them, and all that is needed is to go page by page and do direct comparisons. It is simplified and very transparent, not buried in all the annals of city stuff.

The disadvantages are the additional responsibilities for management. They must take time to sit down and spend time with the employees in going through policies, and sometimes there is an expanded role for management that they may not always want to take on. Sometimes they can take more time, but occasionally it can put demands on payroll, benefits administrations, etc.

Arizona is a right to work state which means that in the State of Arizona nobody can be forced to join an employee association. It does not prohibit Meet and Confer. All it means is that employees are free to join or not join. Meet and Confer does not force anyone to join an association, and it is perfectly legal in a right to work state, which is why this has been done.

Mr. Jeffries displayed a slide containing the agencies that use Meet and Confer and noted that he has been involved in passing 33 of these in cities, towns, and fire districts throughout the State of Arizona. The list also included community college districts, school districts, fire districts, cities, and towns. Most of the areas that have full time employees in the State of Arizona have Meet and Confer.

Mr. Jeffries shared that through the Great Recession he worked with several cities who were planning on laying off employees throughout the city. The people generally who were excluded from those layoffs were the public safety folks; however, what was a terrible thing to go through, yet an enlightening one as well, were all the amazing ideas that came through Meet and Confer because some of ideas had not been contemplated by management. Management in many of these cities had a plan, including brownout fire stations. It included laying off employees, cutting of benefits, but in going through several of the Meet and Confer processes, they had a meeting with all the employees, who had all kinds of great ideas about how to save the city money. Not a single person got laid off and people were willing to give up voluntary pay cuts. They were willing to do anything because they cared about their service. Meet and Confer is how that was processed.

A real challenge for police officers and firefighters is that they retire younger because it is a younger person's sport that puts these folks at a real disadvantage because they have a retiree healthcare problem. Retiree healthcare is very expensive, and they end up spending all their

pensions just trying to have healthcare. However, the association has a healthcare trust that was built for them that they can participate in. That is a benefit that they can bring to the city that the city may not normally have.

Mr. Jeffries displayed a slide with quotes from the Goodyear Council City Manager, former City Manager from Tempe, City Manager from Chandler, Glendale, Gilbert, Lake Havasu, Bullhead City, Tempe, Phoenix, Mesa, etc. He noted that a lot of them are older because he has not done a Meet and Confer presentation in a while because he is running out of places to do it. He added that often a council member or a mayor may at first be a little trepidatious about it, but then they pass it, and then two or three years, it ended up being no big deal.

Meet and Confer takes training and preparation like anything new. There is an organization, the Federal Mediation and Conciliation Service, that will do training for a city to go through this process for free. They are a federally funded organization, and they do a really good job at prepping everybody, both labor and management for the process - training is at no cost to the organization.

Mr. Jeffries stated that he is aware that Council brought in an attorney to talk about this recently, and Mr. Pierce is a friend of his. He knows both him and his dad. However, attorneys will often try to tell a city is that the city is going to have to spend a lot of money on attorneys and that is a lot of nonsense. If a city is using attorneys to do this process, then they are doing it wrong because this is about an organic process for labor and management within the city to work together. He suggested that Council read the MOUs in the state of Arizona, they are plain language, and there is not a lot of legalese in there. They do not ever go to court because the final decision-making is on Council. The language that has been proposed is language that has been used in cities all over the State of Arizona and has been vetted numerous times. He added that the City of Sierra Vista's attorney would easily know how to implement it within the scope and frame of the City's ordinances and resolutions. Lastly, he stated that someone who gets paid to do labor relations would certainly want to sell the idea that a lot of lawyers are needed to do this. Meet and Confer does not abdicate Council's local decision-making by any stretch of the imagination. It provides increased transparency in the employment relations and government. Strikes or any kind of job actions and all that are strictly prohibited right into the language. Nobody must join an association if they don't want to. It has a proven track record in the State of Arizona of success, helping organizations be successful, and the City can have training and preparation for it for no fee whatsoever to the organization.

Council Member Benning stated that he had the pleasure of sitting through a Meet and Confer presentation four years ago when he was running for Council. He further stated that he has been pondering the underlying issue and if there is an issue to address within the City's staff that Council is not seeing and not being brought to Council's attention. He then commended Mr. Jeffries and voiced his appreciation for having cleared some of his questions. However, he requested to talk to the youngest member on the force and asked why he joined the Sierra Vista Fire Department, if he looked at the benefits and everything that is provided, and what Meet and Confer means to him.

Mr. Phil Weschler, firefighter/EMS, stated that he moved to the area after leaving the corporate world, worked in healthcare for a long time, and shared that he is a hunter. He was hunting with some people in another charity organization that happened to be firefighters, one a Battalion Chief, and the other an engineer, which he got to really know that sold him on the fire service. The City of Sierra Vista was the only place that he ever applied. He further stated that he was self-employed after leaving the corporate world and the benefits were a big motivator. Lastly, he

explained that Meet and Confer will open lines of communication if there is an issue, and he is not saying there is. He added that he really enjoys his job. He has worked in the corporate world and has been in management and has had just under 200 employees under him; therefore, he knows what it is like to be at the top and at the bottom, not heard or maybe have an issue pushed.

In response to Council Member Benning, Mr. Weschler stated that he has heard about the Employee Council and its purpose. He commented that it is interesting that an e-mail was pushed out when the firefighters were going for Meet and Confer. He has heard from people who are on the Employee Council and not just from Chris Klassen that there was one incident where the members had been discussing an issue for two months, and the person in charge of the Employee Council at the time said that he did not know why the members were still discussing the issue because it had already been decided upon unbeknownst to the Employee Council.

Council Member Benning thanked Mr. Weschler for answering his questions and all the firefighters for being present.

Council Member Rodriguez stated that the participation shows a lot and relayed to the firefighters that the Mayor and Council know how important this is to them. People are in the room in numbers, and it is good to see that. He further stated that that it is good to hear both sides and everyone present needs to hear both sides. He shared that he has never gone through this before; therefore, the more information he has, the more aware he is. He has talked to people from other places to see how it has worked for them, and Mr. Jeffries pointed out a lot of those same things that he found out himself. He noted that paying members are not a representative in this process and the City is fortunate in this case because for the most part everybody is present as well as the EMS people, members of the union anyway. There is no us versus them in this scenario and it does not mean that the Council is giving away the farm. The Council still votes and that is still the process.

Council Member Rodriguez explained that the MOUs are still voted on by the Council and noted that the people that he has talked to have told him that they have not gone to arbitration or impasse, but that this must be in the MOU. He was also told that an MOU should be done in a non-election year to keep it non-political, and to use one or three years because this way it is not a political cycle that is tied to an election by anybody. He voiced his appreciation at anything that is positive for employees, and the more education on the budget and policy is good because the budget books that Council receives are not easy to figure out, the firefighter piece of the pie is a lot. Council talks about transparency all the time and how to better provide that to the constituents, and he likes that Mr. Jeffries hit that point because Council is always trying to find ways that they can put stuff out there to make it transparent. The City is currently not providing policies in one place, and more importantly for people that work different hours and shifts. The City tries to say that everybody is a city employee, but he wonders if they are. They are different, firefighters and police officers, and they must be paid the same across the board because that is how the City is run. Unfortunately, other cities can throw bonuses and poach Sierra Vista's firefighters and police officers, which has been seen in the Valley. An MOU lays it all out there and it is a simple document. Lastly, he stated that it is going to take some work to get there, but he thinks that it is work that sounds like is needed due to the feedback he has received. The Council needs to fix the City's policies and Meet and Confer will do that. The 457 and 401 plans that are not being done in the City and saving money does not make sense either. In closing, he voiced his appreciation at the comments regarding the Employee Council because everybody that he has talked to has given him a different perspective.

Mayor McCaa thanked Mr. Jeffries for his presentation and noted that they have a mutual friend, Alvin House, who he has been talking with about the process.

Fire Chief Jim Tucker from Rincon Valley Fire District shared his perspective on Meet and Confer. He stated that Rincon Valley Fire District has been doing this for about three or four years and they are a small fire district with two fire stations and serve just under 20,000 district residents and approximately 14,000 residents outside of the fire district that they provide ambulance transports to. He shared his Meet and Confer Agreement that has five statements that say that they agree that they are going to meet monthly with their union leadership group. They are going to report on their meeting with their union leadership group to the fire board and let them know what they are talking about. It also gives the union group an opportunity to address the fire board if they do not agree with something. He stated that the benefit is the removal of the us versus them mentality and it is something that he had been trying to do within his organization. It provides a cooperative relationship between the union group and the management. Lastly, it has not had a financial impact for them.

Former Council Member Gwen Calhoun stated that when she understood that this was going to happen, it reminded her of the late 70s, early 80s, when she was a school nurse at Sierra Vista Public Schools. She had the opportunity to Meet and Confer with the management of the school system as a school nurse and for the school nurses on what was important to them. At the time they were not connected to the Teachers Association, and it was wonderful to be heard. She added that she heard several times folks mention that to be heard was important to not only be listened to, but also to listen. Several others have talked about how much they learn in being involved in the process. It also helped her and the nurses to build positive relationships with management at the school system. In closing, she stated that it is important for the community to have the opportunity to see that kind of collaboration between the firefighters and whatever other department is involved and city management, City Council, and the staff. She encouraged Council to take another look at that list of advantages that Mr. Jeffries had in his presentation.

Mr. Klassen stated that regardless of the outcome, the firefighters of Sierra Vista will continue to do their job the best that they always do. He thanked the Mayor, City Council, and City staff.

Mayor McCaa thanked Mr. Jeffries, Mr. Klassen, and the firefighters. He noted that it is obvious how important this is to them.

Council Member Landry thanked everyone present and noted that this says a lot because everyone took their time and came to the Council work session. She also voiced her appreciation at everybody sharing their comments.

### C. Report on Recent Trips, Meetings and Future Meetings

Council Member Messmer announced the Culture Diversity Commission meeting on March 7, 2023, at 5:00 p.m. at the Library, and reported that at the Meet and Greet held at the Chamber of Commerce on Monday, March 6, 2023, there were about 30 people that showed up to speak with Council.

Mayor McCaa announced the Citizens Police Academy on March 7, 2023, at 5:30 p.m.

Council Member Benning announced the Parks and Recreation Meeting on March 7, 2023 at 5:30 p.m.

#### D. Future Discussion Items and Council Requests

Ms. Yarbrough stated that they are entering the busy season for Council's work sessions. On the list for March 21, 2023, is the first budget presentation on revenue and debt, the Fab Avenue concepts, a presentation by the Sister Cities Association, and the Council's handbook and our Commission's handbook.

Council Member Johnson stated that he received an e-mail from Congressman Ciscomani's Chief of Staff Becky Freeman and asked if the City will be pursuing any of the opportunities for federal monies. Mr. Potucek stated that the City has a lot of grant requests built into this year's budget. Some have been successful, some have not, but at least the City is prepared with applications already for a lot of these. Staff is going through the criteria that have been set forth. Also, there have been requests from the two senators received. Representative Ciscomani is very important to the City of Sierra Vista because he sits on the Appropriations Committee at the House and Ms. Yarbrough is going through the federal criteria by which some of these grants could be filed under.

Council Member Landry requested a work session for a breakdown of the Schneider Electric Project. Mr. Potucek stated that this is a timely request and noted that staff just had an update meeting with Schneider Electric; therefore, staff has all the schedules, projects, and it should be relatively easy for staff to put something together for Council.

Council Rodriguez asked for a park update on the bathroom situation with maintenance and vandalism.

#### 3. Adjourn

Mayor McCaa adjourned the March 7, 2023 work session at 4:30 p.m.

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Clea McCaa II, Mayor

Minutes prepared by:

Attest:

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Maria G. Marsh, Deputy Clerk

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Jill Adams, City Clerk