



Sierra Vista City Council
Meeting Agenda
March 23, 2023

Call to Order

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

Roll Call

Invocation – Reverend Donna Smith, Graceful Passages for Vets

Pledge of Allegiance

Item 1 Acceptance of the Agenda

Presentations and Awards

Fire Department Employees of the Year

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

Item 2 Consent Agenda

Item 2.1 Discussion and Possible Action of the City Council Work Session Minutes of March 7, 2023

Item 2.2 Discussion and Possible Action of the Regular City Council Meeting Minutes of March 9, 2023

New Business

Item 3 Discussion and Possible Action of Resolution 2023-013, Donation of Surplus Field Lights, Light Bars, and Switch Boxes to the Sierra Vista Unified School District

Item 4 Discussion and Possible Action of Resolution 2023-014, Directing the City Manager to negotiate a draft Memorandum of Understanding for City Council consideration with the Professional Fire Fighters of Sierra Vista, IAFF L4492

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.

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 stated that they want to stay as a nonregulatory commission, and they do not want the Tourism Commission. Council Member Johnsons 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.

Clea McCaa II, Mayor

Minutes prepared by:

Attest:

Maria G. Marsh, Deputy Clerk

Jill Adams, City Clerk

Sierra Vista City Council
Meeting Minutes
March 9, 2023

Mayor McCaa called the March 9, 2023, City Council Regular Meeting to order at 5:00 p.m., City Hall Council Chambers, 1011 N. Coronado Drive, Sierra Vista, Arizona.

Roll Call:

Mayor Clea McCaa II – 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
Laura Killberg, Parks, Recreation and Special Events Manager
Sharon Flissar, Public Works Director
Matt McLachlan, Community Development Director
Chanel Kirkpatrick, Public Works External Service Manager
John Healey, Sports and Aquatics Supervisor
Judy Hector, Marketing and Communications Manager
Adam Curtis, PIO
Nathan J. William, City Attorney
Jill Adams, City Clerk

Invocation – Pastor Justin McPeak, Thunder Mountain Church, led the invocation.

Pledge of Allegiance - Girl Scout troops, Brownie 419, Junior 104, and Cadette Senior 1224, led the Pledge of Allegiance.

Awards and Presentations

A Proclamation declaring March 12 through 18, 2023 as the 111th year of Girl Scouts in the United States was presented to Girl Scout troops, Brownie 419, Junior 104, and Cadette Senior 1224.

Item 1 Acceptance of the Agenda

Council Member Messmer moved that the agenda for the Regular City Council Meeting of March 9, 2023, be approved. Council Member Johnson seconded the motion. The motion unanimously carried, 7/0. Mayor McCaa, Mayor Pro Tem Umphrey, Council Members Benning, Johnson, Landry, Messmer, and Rodriguez voting in favor.

City Manager's Report: Mr. Potucek announced the regularly scheduled work session on March 21, 2023, at 3:00 p.m. in the Council Chambers, which is important because staff is kicking off

the City's Fiscal Year 2024 budget, revenue projections and debt service requirements. There will be future meetings that will cover other various aspects of the budget as well. The next Council Meeting is scheduled for March 23, 2023, at 5:00 p.m. also in the Council Chambers. He reported that the RFP for transit driver services hiring was sent to the Federal Transit Administration for review; although, the situation seems to be improving a little in that area. However, there is a lag in terms of training. The site prep for the prefab bathrooms at Arbenz and Veterans Parks was scheduled to start on February 27, 2023; therefore, that project is underway and estimated completion time is the end of May. Following right behind that then will be the prefab restrooms that will be built on those sites with an estimated completion of June 2023, which was in the budget. The quote that came in for the new restroom for the Fleet Services Center totaled \$65,000 over budget; therefore, staff is trying to obtain two other quotes to see if the cost can be lower. Lastly, the City received the sales tax report for January that shows that the overall report was up. The actuals over budget are 6.7 percent year to date. In comparison with Fiscal year 2022, that month was up 8.89 percent, almost three percent over last year. However, the bad news is when looking a little deeper into the numbers, the general sales tax numbers for basic goods, food, etc. was only up 2.84 percent, which is the bulk of the City's sales tax revenue. Staff will watch this going forward and will probably be ratcheting down the sales tax projections for next year's budget. In closing, he noted the importance of the food tax to the City's revenue base, which is still making its way through the Legislature. Therefore, the City has been asked to sign in opposition to that.

Item 2 Consent Agenda

[Item 2.1](#) Discussion and Possible Action of the Special City Council Meeting Minutes of February 21, 2023

[Item 2.2](#) Discussion and Possible Action of the Work Session Minutes of February 21, 2023

[Item 2.3](#) Discussion and Possible Action of the Regular City Council Meeting Minutes of February 23, 2023

[Item 2.4](#) Discussion and Possible Action of Resolution 2023-012, Appointment of Stephen Peterson to the Industrial Development Authority

Council Member Johnson moved that the Consent Agenda consisting of the Special City Council Meeting Minutes of February 21, 2023, the Work Session Minutes of February 21, 2023, the Regular City Council Meeting Minutes of February 23, 2023, and Resolution 2023-012, appointment of Stephen Peterson to the Industrial Development Authority, be approved. Mayor Pro Tem Umphrey seconded the motion. The motion unanimously carried, 7/0. Mayor McCaa, Mayor Pro Tem Umphrey, Council Members Benning, Johnson, Landry, Messmer, and Rodriguez voting in favor.

Public Hearing

[Item 3](#) Consideration of funding requests for Program Year 2023 Community Development Block Grant (CDBG) Annual Action Plan

Mr. McLachlan stated that the City is at the beginning of the process in deciding how to use next year's Community Development Block Grant funds, over a quarter \$1,000,000. The input that will be received during the hearing will be factored into the Annual Action Plan presented at a second public hearing at Council's first meeting in April 2023. Staff is proposing one capital

project and the Community Development Department has received three applications for public services from three nonprofit agencies.

Mr. McLachlan stated that there is a 15 percent cap on public services, which equates to about \$37,500 that can be allocated for that use. All the applications satisfy the HUD's national objective of benefiting low to moderate income persons over the past four program years, the bulk of the funds; but then allocated towards public infrastructure and facility projects, followed by public services, housing rehabilitation and small business assistance. During the pandemic less than one percent was allocated towards administration on the City's projects; however, staff is recommending that \$162,575 be used to install fire hydrants at the Montebello Subdivision, which was annexed into the City in 2010, one of the City's CDBG target areas where 72 percent of the population are in the low to moderate income bracket.

According to the City's Fire Marshall, 10 to 14 fire hydrants are urgently needed and will significantly reduce the risk of fire loss within the area, and it should also help to lower property insurance premiums. Staff is also requesting that \$50,000 be set aside for planning and updating the City's Consolidated Five-Year Plan, and other regulatory compliance measures.

United Way is seeking \$37,500 for emergency subsistent payments and other programs to help people in need. The Cochise Family Advocacy Center has also submitted a request and has provided a revised budget of \$35,724.00 for the provisions of trauma focused services to victims of violent crimes. The Southern Arizona Legal Aid Organization is requesting funds for outreach and education.

Dr. Reed with United Way thanked Council for the opportunity to help because the bulk of the funds that they get are for low- and moderate-income families in the community. He provided a power point presentation that depicted the breakdown of their \$37,500 request and explained that United Way continues to assist with rent and utilities, the bulk of what they are asked for by people in need. He noted that none of the money for rent and utilities assistance goes directly into the recipients' hands. A check is written, and it goes directly to the landlord or to the utility service.

For the food assistance, United Way tries to do it at key times depending on when the CDBG funds are provided. For instance, the beginning of summer when everybody is getting ready to go on summer break from school because a lot of the kids do not have anything to eat, and if it was not for school, they would not have breakfast nor lunch. Sometimes if it is during the holidays, United Way makes sure that they have plentiful Thanksgiving and Christmas baskets. United Way still has CDBG money that was set aside for spring break to make sure that the kids can continue to eat during that time. They also provide for other nonprofits, i.e., Peaches Pantry and Saint Vincent de Paul.

United Way has a box for books for the Summer Reading Program for the entire County. They provide books for first graders because that is one of the key places between 1st and 2nd grade to get those reading scores and start getting people thinking more about reading and education. They want to continue the program and include the 3rd graders at Carmichael School.

For the homeless hotel vouchers, United Way works with Good Neighbor Alliance. Dr. Reed noted that the homeless community is growing in the area. He explained that when Good Neighbor Alliance does not have enough room at heir facility, they provide hotel vouchers to get them off the street.

United Way also provide employment assistance to people who need help with resumes, showing them how to dress, and how to interview. In closing, Dr. Reed stated that although the United Way of Sierra Vista is for the whole County, he is the entire employment staff; therefore, he is requesting administrative costs. He works with Mr. McLachlan and provides monthly reports of everything that is going on at United Way.

Council Member Landry thanked Dr. Reed for being present and breaking down his request. She voiced her appreciation at all the information that he provided about the different categories.

Council Member Johnson stated that what really stuck out in looking at his application was breakdown of the people that were helped. There were 345 families receiving rental assistance which included 261 children, 214 families received utility assistance and right on down the road. He voiced his appreciation at the documentation because it shows the impact that United Way has in using these CDBG funds to the best and highest use.

Council Member Rodriguez stated that he appreciates the part about the job assistance, resume writing, etc. He shared that the Youth Commission has discussions about doing interviews, the big gap when it comes to people going to interviews now than in the previous years where it is kind of like a given what you need to know, what you need to wear, etc. He asked Dr. Reed if United Way needs clothes, ties, etc. Dr. Reed stated that Untied Way could always use more; however, the Salvation Army and Fort Huachuca provide donations, and United Way sometimes works with Dillard's.

Mayor Pro Tem Umphrey thanked Dr. Reed for all the work that he has done with the previous CDBG monies that he helped to distribute and worked with the City's community partners. She suggested that United Way partner with Better Work because it would be right in line when people graduate that program/complete the hours.

Mayor McCaa thanked Dr. Reed and stated that United Way does an amazing job as far as collaboration with all nonprofit entities in Sierra Vista.

Ms. Thrush with Lory's Place, Cochise Family Advocacy Center, thanked Council for the opportunity to come and speak to them about their application. She stated that Lory's Place provides services to victims of violent crimes, which range from rape, assault, sexual assault, child abuse, the whole gamut, human trafficking as well as services for victims who were witness to homicides and suicides. She further stated that she is aware that her application packet was thin and apologized for that.

She shared that recently there was an article in the Herald Review that stated that there were in 2021, 26 rapes/sexual assaults reported in Sierra Vista, and in 2022 it was the same. Therefore, she went back through Lory's records and found that for 2022, Lory's place had 159 victims that were provided services that ranged from six years old to age 62. Of those, some were sexual abuse, neglect, or all the above. Lory's place even had clients that were witnesses to homicide of a family member. The numbers are staggering and when there is a difference from what is being reported and what is happening, it is a huge difference. Lory's Place works very hard to try to take care of that victim, providing them the services that they need, but also talking to them about the healing process, which involves reporting and telling their story. However, victims are afraid to report it to law enforcement and they do not know about Lory's Place. Lory's Place has been working very hard for the last two years to get the word out there and join in a lot of different events where they can tell people who they are and what they do.

Ms. Thrush stated that their request for CDBG Funds is to help them with the marketing costs, to get the word out there, and to help with the operational costs that they currently have. Things are very tight due to inflation, and Lory's Place is coming to a very difficult situation in the next few years because most of their funding comes from the Victims Of Crime Act (VOCA). However, their budget is going to be reduced by 50 to 55 percent over the next years, starting in Fiscal Year 2024. Therefore, Lory's Place must seek many other ways in which they can continue to provide the services that they provide. Lory's Place is the only facility of its sort in Cochise, Graham, and Greenlee County, but a good percentage of that is in Sierra Vista, which is why Lory's Place is applying for CDBG funds to help them with the situation.

Council Member Rodriguez thanked Ms. Thrush for her presentation and stated that he was at Lory's Place during the Chamber's Business at Twilight, and he always thought that Lory's Place was a secretive place that nobody knew about where it was at for reasons, but on the other side of that, Lory's Place needs to be put out to people that need it. It is a hard balance to either keep it tucked away but letting the people that are in need know where it is at. He applauded Ms. Thrush on the marketing side of that and commented on the workspace that Lory's Place because they do not have a big old desk area, it is a little corner that they just workout of. The whole operation works like that, and he really appreciate that they focus more on the victims as they have the biggest rooms at Lory's Place, the playroom, the exam room, the video room, etc. is for the victim and that can be seen at Lory's Place.

Ms. Thrush stated that Lory's Place's mantra/motto is that their number one priority is the victim and what they need. Lory's Place does not house people there, they only provide services to them and coordinate directly with Good Neighbor Alliance and the Forgach House and other places. They also work with a couple of the hotels. She explained that when Lory's Place was designed, the founder of it and her family designed the main entry as a lobby area with a window that is bulletproof glass, where somebody will talk to people coming in to find out what they need. Then they are let in through a door that puts them in a hallway. The second door does not open until that first door closes; therefore, they have control of who can get inside the building just in case someone comes there looking for someone that they have abused. It is totally secure, and this way they can leave them locked in there until law enforcement can respond.

Council Member Landry thanked Ms. Thrush for being present and sharing with Council an important service that they provide in Sierra Vista. She noted that when something happens it is very scary and people do not know what to do, they do not want to report it because there is a lot of fear, and it is wonderful to have a safe place and to know that there are people out there that can help.

Mayor Pro Tem Umphrey also thanked Ms. Thrush and stated that they are offering an important and unique service to the County, and she is aware that they partnered with the Police Department and the Cochise County Sheriff's Department. However, she would like to see a more detailed application.

Mr. Moore with Southern Arizona Legal Aid, a nonprofit law firm, stated that he appreciates having the opportunity to be Council. He explained that he is the managing attorney at Southern Arizona Legal Aid in Bisbee, but he thinks that it is long overdue that they presented themselves in Sierra Vista. Their organization started back in 1951 and in 1976, they started providing services in Cochise County. All their services are offered to low-income families and their services are free, pro bono. They do housing, family law, consumer protection,

immigration, and they even have a presence on the reservations. They serve nine counties and 11 reservations.

Mr. Moore stated that a lot of people look at them for help, and he gives great homage to the Police Department, the Fire Department, the nurses, and the doctors. They are called first responders, but people do not realize that nonprofit organizations are first responders too because they get the call when somebody is in a domestic violence situation, or somebody is being evicted and they got a five-day notice, and they must go to court. Southern Arizona Legal Aid is an extension of United Way because when United Way gets that money and there is somebody that is about to be evicted, and the landlord does not care, Southern Arizona Legal Aid is the attorneys that runs into court and asks the judge to stop the eviction because they now have money coming from United Way. Southern Arizona Legal Aid works with VOCA out in their Tucson office. Southern Arizona Legal Aid has about 60 of employees at their Tucson office. They have noticed that most of the cases throughout cover Greenlee Graham and Cochise County, and most of the cases in Cochise County are from Sierra Vista and Douglas. They serviced 130 clients last year.

Southern Arizona Legal Aid is requesting \$5,734 to educate the public because the public hears about them, but they do not see them. They want to be in the Forgach House, the College, the Good Neighbor Alliance, and host a legal roundtable so that the nonprofits can come together with judges and attorneys to talk about the needs, and where to prioritize services. Southern Arizona Legal Aid We wants to do outreach because they are the extension of these organizations. They do not see they in court talking to the judge leveling the playing field for these families. In closing, he stated that he thinks that they can be a great partner for the City and bring even more resources.

Council Member Landry thanked Mr. Moore for being present and putting in an application.

Council Member Johnson stated that it is a very modest request, and he was surprised when he saw the paperwork and went through it. One of his questions was about the number of clients that they serve, which was answered - over 130 clients in the area. He added that it is important, as an attorney himself, interfacing with not only the Police Department but various nonprofits, and he applauded Mr. Moore's efforts.

Council Member Rodriguez thanked Mr. Moore for being present and noted that when one hears about free legal, it is not a good thing; but in this case, it is obvious that he is an advocate and people do reach out to him and need his help. He noted that he has seen Southern Arizona Legal Aid set up at Community Connect over at the Ethel Berger Center and he hopes that he will have some metrics about the clients. He thanked him for serving the vets at the Warrior Health Center and noted that the fundraising that they do does not go toward outreach.

Mayor Pro Tem Umphrey stated that she is grateful that Southern Arizona Legal Aid is still pursuing to set up shop in Sierra Vista because they do service a lot of folks. She shared an experience that she had about 10 years ago, where a neighbor of hers had lost her job and needed help, and only spoke Spanish. She started calling around and found legal aid, where they had someone who spoke Spanish that worked it out directly with her and helped her. She did not know about Southern Arizona Legal Aid and now realizes that there is need for this outreach.

Council Member Benning stated that people know that he is big on nonprofits and does a lot with nonprofits and shared that he is currently the Vice President of the United Way; therefore,

when Council votes, he will recuse himself. He also shared that at Lory's Place he was there in the beginning, helped build the playroom, finance, and pay for the playground. He also agrees with Mr. More in that without Southern Arizona Legal Aid and organizations like that, other organizations could not continue to work. He stated that all three of the nonprofits said something that he loves to hear, that he pushes as well as everyone on Council and the Mayor - collaboration. He further stated that unfortunately, the Council has \$37,500 to give away, which means if it is all given to one person, two people are going to go home saying, you know what, should have, could have, let me try better next time. Instead, Council could give Southern Arizona Legal Aid a little bit more than \$5,734, and give \$6,000, split the difference amongst the other two, \$15,750. This way everybody goes home a winner and keeps doing good things in Sierra Vista. He noted that Council has done this before and has even had the City come up with some money, i.e., paying for a parking lot.

Mayor McCaa thanked the organizations and noted that he will have to recuse himself because his wife, Ramona is the President of the United Way. He stated that he looks forward to servicing all, but it is a hard vote. Council will discuss this and decide in a couple of weeks.

Mr. Potucek stated that Mr. McLachlan will inform the Council as to the next steps in the process, and the staff will certainly make themselves available to the applicants to see if they can find an amicable recommendation that meets with the Council's desires. Mr. McLachlan stated that this is a public hearing and asked if there was any input from the public. Council Member Johnson stated that there was no response from the public.

Mr. McLachlan stated that historically the City has funded one nonprofit application. There are three compelling requests, and staff will do the paperwork that is required, if the Council desires to go with all three. Staff is recommending to Council to decide how to allocate the \$37,500. One proposal is to grant \$6,000 and split the balance between the United Way and Cochise Family Advocacy Center. Staff would not be opposed to that, but there needs to be discussion.

Council Member Johnson asked about the total funds available. Mr. McLachlan stated that for public services, \$37,500.

Council Member Johnson asked if the rest would go into fire hydrants projects. Mr. McLachlan stated that he is correct to include administration. He further stated that the input that staff receives will be factored into the draft Annual Action Plan that will come back to Council at their first meeting in April. There will be a second public hearing and then staff will put that out for a 30-day public comment period. Final action on the annual Action Plan will be at Council's first meeting in May and submitted to HUD. HUD then has a 45-day review period and if there are no issues, then the City can expect the grant agreement late summer, early fall, usually late September, early October.

New Business

[Item 4](#) Discussion and Possible Action of Resolution 2023-013, Dissolving Non-Regulatory Departmental Advisory Commissions

Council Member Landry moved that Resolution 2023-013, dissolving the Airport Commission, Arts and Humanities Commission, Commission on Disability Issues, Environmental Affairs Commission, Tourism Commission, Library Advisory Commission, Youth Commission, and the West End Commission as Department-led Non-Regulatory Commissions, be approved. Mayor Pro Tem Umphrey seconded the motion.

Ms. Yarbrough stated that assessing the roles of commissions was part of City Council's current Strategic Leadership Plan; therefore, this item and the next two items are the result of that evaluation and multiple work sessions of discussion on how to better address the commissions and their roles. The first step in this chain of actions is to dissolve the departmental advisory commissions. Council will then establish several commissions with a more focused mission, and then finally reestablish several current department advisory commissions as Council Advisory Commissions. This resolution is going to dissolve the following Department Advisory Commissions: Airport Commission, Arts and Humanities Commission, Commission on Disability Issues, Commission on Cultural Diversity, Environmental Affairs Commission, Library Advisory Commission, Tourism Commission, West End Commission, and Youth Commission, which all currently advise the departments and are appointed by the City Manager. The Economic Development Commission was removed from this item, and it will remain as a Departmental Advisory Commission.

The motion unanimously carried, 7/0. Mayor McCaa, Mayor Pro Tem Umphrey, Council Members Benning, Johnson, Landry, Messmer, and Rodriguez voting in favor.

[Item 5](#) Discussion and Possible Action of Resolution 2023-014, Establishing New Council Advisory Commissions

Council Member Rodriguez moved that Resolution 2023-014, establishing the Transportation Commission, Neighborhoods Commission, Environmental Stewardship Commission, and Arts, Humanities, and Cultural Diversity Commission, and Tourism be approved. Mayor Pro Tem Umphrey seconded the motion.

Ms. Yarbrough stated that this resolution will create new commissions, and each of these new commissions will include various focus areas including the current commissions: Airport Commission, West End Commission, Environmental Affairs Commission, Arts and Humanities Commission, Cultural Diversity Commission, and the Library Commissions, which will be folded into those new commissions and will all focus on or be connected to various General Plan elements. Their missions will be updated to make more recommendations to Council based on the General Plan Strategic Planning goals and initiatives, major projects and initiatives related to those commissions, to conduct research on proposals relevant to their focus areas, and to receive staff updates on progress regarding relevant General Plan and Strategic Plan goals.

The motion unanimously carried, 7/0. Mayor McCaa, Mayor Pro Tem Umphrey, Council Members Benning, Johnson, Landry, Messmer, and Rodriguez voting in favor.

[Item 6](#) Discussion and Possible Action of Resolution 2023-015, Re-establishing Council Advisory Commissions

Council Member Benning asked about the difference between item 5 and item 6. Ms. Yarbrough stated that item 5 establishes the commissions that have not previously existed, and they all have new names. Item 6 is different because the Commission on Disability Issues, Tourism and Youth Commission all currently exist as Departmental Advisory Commissions and previously existed as Council Advisory Commissions of the same name; therefore, Council is reestablishing them.

Council Member Benning moved that Resolution 2023-015, re-establishing the Commission on Disability Issues, Youth Commission, and Tourism Commission as City Council Advisory Bodies of the same names, be approved. Council Member Messmer seconded the motion.

Ms. Yarbrough stated that the Commission on Disability Issues, Tourism Commission and Youth Commission all currently exist as Departmental Advisory Commissions and previously existed as Council Advisory Commissions of the same name. Therefore, this resolution reestablishes them as Council Advisory Commissions of the same name.

The motion unanimously carried, 7/0. Mayor McCaa, Mayor Pro Tem Umphrey, Council Members Benning, Johnson, Landry, Messmer, and Rodriguez voting in favor.

[Item 7](#) Discussion and Possible Action of Resolution 2023-016, Authorizing Application for an Environmental Water Resources Project Grant from the Bureau of Reclamation

Mayor Pro Tem Umphrey moved that Resolution 2023-016, authorizing the application for an Environmental Water Resources Project Grant from the Bureau of Reclamation, be approved. Council Member Johnson seconded the motion.

Ms. Flissar stated that this agenda item will authorize staff to apply for an Environmental Water Resources Projects Grant through the Bureau of Reclamation and noted that this item is for the application only. Funding is not guaranteed, and the grant process is expected to be highly competitive. 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 award of \$925,000 and in-kind contributions can be used towards the match.

The motion unanimously carried, 7/0. Mayor McCaa, Mayor Pro Tem Umphrey, Council Members Benning, Johnson, Landry, Messmer, and Rodriguez voting in favor.

Call to the Public

Mr. Wallace stated that the Economic Garden just blew him away because he had never heard about it and proceeded to define it as an entrepreneurial approach to economic development that seeks to grow the local economy from within its premises, that local entrepreneurs create the companies that bring new wealth and economic growth to a region in the form of jobs, increased revenues, and a vibrant local business sector. Lastly, he praised United Way, Mr. Moore, Lori's Place, and the police force, and noted that there is a push that that is trying to

push the police force into a bad light. It is a push to make them not have a local presence, but to do what those from up high want them to do.

Comments and Requests of the Council

Council Member Messmer thanked Mr. Wallace for his comments, the nonprofits for their presentations, and reported that at the Joint Services Meeting there was discussion about the Better Bucks Work Program, which had four of its workers were moved into full time employment. She also announced the Cultural Diversity Commission Meeting and noted that they have a couple of events scheduled.

Council Member Johnson thanked the Girl Scouts, a great organization, shared that he was a Boy Scout, and noted that March 8, 2023 was International Women's Day. In closing he stated that it was great having the Girl Scouts lead Pledge to the flag and wanting to serve their communities.

Council Member Landry thanked Mr. Wallace for his comments, announced the San Pedro Kiwanis' Shamrock Fun Run or Walk scheduled for Saturday, March 11, 2023, at 8:00 a.m. (information is available at [kiwanisshamrock5k.eventbrite.com](https://www.kiwanisshamrock5k.eventbrite.com)). She encouraged people to participate as it is a great event that they put on for the support of scholarships and school programs that help the youth in the community. Lastly, she shared that the weekend is special to her because Mr. Landry and she are celebrating their 11th anniversary. She wished him a Happy Anniversary and noted that it is great to be married to her best friend, somebody who is a great partner. In closing she shared that she came to Sierra Vista years ago from a domestic violence situation; therefore, Sierra Vista is a special place to her, where she found a great life with amazing people in the community, amazing friends, an amazing support system, and where she found the love of her life as well.

Council Member Rodriguez congratulated Council Member Landry and her husband, an old battle buddy of his, congratulated all the City's employees that got their pins for 35, 10, 15, 20, and 25 years of service. He noted that a lot of places do not see that anymore; therefore, he appreciates all the people that have hung out in the City for that long and do amazing things. He gave a shout out to the winners of the Yes Fair, put on by SSVEC, congratulated Manuel Castillo from Veritas who had Battle of the Octanes and won, congratulated Buena High School, the middle school and Fort Huachuca, who had people that won as well. Lastly, he thanked their parents, instructors, or teachers for pushing them as well as the local supporters that funded the event and provided the prize money.

Council Member Benning stated that he attended the grand opening for the Economic Garden, a great facility, thanked Mr. Wallace for his comments, acknowledge Mr. Symington, who is on the IDA, congratulated the City's employees, and thanked the three organizations that came to talk to Council for their passion, which is forefront in everything they do and say.

Mayor Pro Tem Umphrey stated that the Employee Awards Luncheon was fun, where she noticed that as the years of service went up, the more excited the people were coming up on stage. She added that Mayor McCaa made a funny comment about it almost being like the Price is Right. She voiced her appreciation for all the hard work that the employees have put in over those years, a combined 474 years among the 55 employees being recognized. She announced that the following is spring break, and she hopes everyone has a good time, fun time because the schools are going to be taking a break. She announced that the Cove will hold a spring

break tsunami bash night from 7:00 p.m. until 10:00 p.m. on Friday, March 17, 2023, Saint Patrick's Day.

Mayor McCaa thanked Better Work, an outstanding program, that was out with Mr. McLachlin picking up trash to clean the community, thanked the Girl Scouts for their commitment, voiced his excitement at the reestablishment of the commissions because he looks forward to visiting each Commission to see their progress, and applauded the Youth Commission that is doing remarkable things. In closing, he also applauded the employees, his first awards presentation, and agreed with Mayor Pro Tem Umphrey in that it was like the Price is Right atmosphere. He also thanked Texas Roadhouse who did a great job on the food that they provided.

Adjournment

Mayor McCaa adjourned the March 9, 2023, meeting of the Sierra Vista City Council at 6:13 p.m.

Clea McCaa II, Mayor

Minutes prepared by:

Attest:

Maria G. Marsh, Deputy Clerk

Jill Adams, City Clerk

March 16, 2023

MEMORANDUM TO: Honorable Mayor and City Council

THRU: Charles P. Potucek, City Manager
Victoria Yarbrough, Assistant City Manager
Laura Wilson, Parks, Recreation, and Library Director
Kennie Downing, Chief Procurement Officer

FROM: Laura Killberg, Parks, Recreation, and Library Manager

SUBJECT: Request for Agenda Item Placement
Resolution 2023-013, donation of surplus Field Lights, light bars
and switch boxes to Sierra Vista Unified School District

Recommendation:

The City Manager recommends approval.
The Chief Procurement Officer recommends approval.
The Director of Parks, Recreation and Library recommends approval.

Background:

The Department of Parks, Recreation, and Library is in possession of surplus field lights and lighting accessories from various City ballfields from when these lights were changed out from Halogen to LED in 2019 as part of the Schneider Phase One energy savings initiative. The surplus items include eleven (11) light bar assemblies, seventy-eight (78) light head fixtures with bulbs, three (3) switch boxes, miscellaneous loose bulbs and thirty-three (33) power boxes. These components were fully functioning at the time of their decommissioning from the Civic Center Sports Complex. These components have not been in use since November 2019 when the new equipment was installed and are currently stored outdoors at the Pedro Castro Maintenance Center.

At the time the lights were decommissioned, the Sierra Vista Unified School District expressed interest in receiving the City's surplus field lighting equipment for use on the district's practice ball fields. The current value of the equipment is approximately \$62,500. Although these items were not yet offered at auction, staff feels there is likely to be little interest in purchasing this equipment. Donating the surplus field lighting equipment to the Sierra Vista Unified School District benefits the district to further their athletic programs, save taxpayer dollars from avoiding the purchase of brand-new field lighting equipment at significant cost, and also provide benefits to the students, their parents, and the City of Sierra Vista as a valued community partner. The Sierra Vista Unified School District and the City have a long history of partnership and cooperative agreements.

Budget Appropriation:

N/A

RESOLUTION 2023-013

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; REAFFIRMING ESTABLISHED POLICY; DONATING ELEVEN LIGHT BAR ASSEMBLIES, SEVENTY EIGHT LIGHT HEAD FIXTURES WITH BULBS, MISCELLANEOUS HALOGEN BULBS, THREE SWITCH BOXES AND THIRTY THREE POWER BOXES TO THE SIERRA VISTA UNIFIED SCHOOL 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 Sierra Vista Unified School District needs field lighting for sports fields; and

WHEREAS, the City of Sierra Vista Department of Parks, Recreation and Library has eleven light bar assemblies, seventy eight light head fixtures with bulbs, miscellaneous halogen bulbs, three switch boxes, and thirty three power boxes which have been declared as surplus; and

WHEREAS, the City of Sierra Vista is supportive whenever possible of the Sierra Vista Unified School District and has a long history of cooperative agreements and policies with the District;

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

SECTION 1

That the City Council hereby reaffirms settled policy, to donate surplus equipment and tools to other nearby entities.

SECTION 2

That the City Council hereby donates eleven light bar assemblies, seventy eight light head fixtures with bulbs, miscellaneous halogen bulbs, three switch boxes, and thirty three power boxes to the Sierra Vista Unified School District.

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 23RD DAY OF MARCH 2023.

Clea McCaa II
Mayor

ATTEST:

Jill Adams
City Clerk

APPROVED AS TO FORM:

Nathan J. Williams
City Attorney

PREPARED BY:
Laura Killberg
Manager, Parks, Recreation and Library

March 13, 2023

MEMORANDUM TO: Honorable Mayor and City Council

FROM: Charles P. Potucek, City Manager

SUBJECT: REQUEST FOR AGENDA ITEM PLACEMENT
RESOLUTION 2023-14, Directing the City Manager to
negotiate a draft Memorandum of Understanding for City
Council consideration with the Professional Fire Fighters of
Sierra Vista, IAFF L4492

RECOMMENDATIONS:

The City Manager does not recommend approval.

BACKGROUND

The Professional Fire Fighters of Sierra Vista, IAFF L4492, presented at the March 7, 2023, work session regarding meet and confer. The Mayor directed staff to place this item on the March 23, 2023, Council meeting agenda.

The draft resolution and draft Memorandum of Understanding provided by Chris Klasen, President of the Professional Fire Fighters of Sierra Vista, IAFF L4492, are attached.

BUDGET APPROPRIATION

Undetermined.



A Resolution Instituting the Meet and Confer Process

Section 1. Findings and Purpose

1. **Whereas**, the members of the community served by the Sierra Vista Fire and Medical Services have a fundamental interest in the development of harmonious and cooperative relations between elected officials, administrators and the employees of the Sierra Vista Fire and Medical Services; and
2. **Whereas**, the City of Sierra Vista recognizes the fundamental rights of public employees to organize into associations; and
3. **Whereas**, the City of Sierra Vista recognizes that engagement in the principles and procedures of full communications between public employers and public employees can alleviate various forms of strife and unrest; and
4. **Whereas**, strikes, work stoppages, slow downs, employer lockouts and other concerted efforts designed to disrupt Fire Department services are contrary to the public good and are strictly prohibited.
5. The City Council of Sierra Vista Arizona hereby resolves that it is the purpose of this resolution to:
 - A. Obligate the Sierra Vista City Council, administrators, department employees and their representatives, acting within the framework of the law, to enter into discussions with affirmative willingness to resolve issues, disputes relating to working conditions, wages, benefits and hours of work.
 - B. Promote harmonious employer-employee relations by providing a uniform basis for recognizing the right of public employees to join, or refrain from joining, organizations of their own choice and to be represented by such organizations in their dealings with the City of Sierra Vista and/or the Fire Department in accordance with the provisions of this policy.
6. The result of agreements regarding wages, hours and working conditions, between the employer and its employees will be drafted into a written Memorandum of Understanding (MOU) that will be in place for a period to be determined. Such MOU shall become effective upon approval by the city council of Sierra Vista.

Section 2. Recognition

1. The City of Sierra Vista recognizes the Professional Fire Fighters of Sierra Vista, IAFF Local 4492 as the executive representative of regular, civilian ems and non-probationary sworn firefighters, in all classifications up to and including the rank of Captain. All other classes above the rank of Captain, contract workers, part-time, temporary and seasonal employees are excluded.

Section 3. Employee Organizations

1. The agreements between the City of Sierra Vista and the Professional Firefighters of Sierra Vista (PFFSV), International Association of Firefighters (IAFF) 4492 will be drafted into a written MOU, signed by the authorized representatives of the employee organization and authorized representatives from the city of Sierra Vista.
2. Authorized representation by the Professional Firefighters of Sierra Vista shall be determined by a majority vote of the employees of the group and a list of the employees of the group shall be submitted to the City of Sierra Vista in writing.

Section 4. Meeting and Confering

1. The designated employee organization may submit a written proposal to the City of Sierra Vista, through the Fire Chief for the purpose of meet and confer by a mutually agreed upon date.
 - A. The Meet and Confer process covers wages, hours benefits, and working conditions, which may include: salary or wage rates or other forms of direct monetary compensation; policy issues; time off (paid and unpaid leaves); insurance benefits; total hours required of an employee on each workday or work week, including overtime, call-in or call-back time; health and safety; training; personnel records review; process for employees discipline and grievance; meet and confer procedure; and rights of the employee group.
 - B. Individual personnel cases of hiring, promotion, or transfer of employees, the type of discipline, or the grounds for promotion, discharge, suspension, or discipline will not be part of the meet and confer negotiations. Personnel policy issues as stated in 1A are subject to Meet and Confer negotiations.
2. Upon receiving a proposal from the recognized employee organization, within a mutually agreed upon time-frame, the Fire Chief or designee and representatives of the recognized employee organization shall begin "meeting and confering" at mutually agreed upon locations and times. The purpose of the meetings are to develop a written Memorandum of Understanding (MOU) relating to working conditions, wages, benefits and hours as defined in 1A. Meeting ground rules shall be initially presented by the City of Sierra Vista and upon agreement by both parties shall be adhered to while meeting and confering. The groups will continue meeting and confering until no other action or movement is occurring. Both parties to the meeting and confering shall discuss the status/progress with their decision-making body to receive direction on the unresolved items. The Fire Chief shall again meet with the governing body and share the status of the meeting and confering, including the unresolved areas. After receiving direction from the governing body the Fire Chief will meet again with the employee group with hope of resolving the outstanding issues. This process will continue as long as progress is being made. Either party can declare an impasse when no further movement is agreeable to either party.
3. Any areas which were not agreed upon shall be outlined as areas in dispute and shall be subject to mediation.
4. A list of three mediators will be requested from federal mediation and reconciliation services or the American Arbitration services, with each party to the meet and confer process eliminating one name. The

remaining mediator will be used. The Fire Chief, employee organization representatives, and the mediator will meet as necessary to reach an agreement.

- A. The cost of the mediator will be shared equally by the City of Sierra Vista and the Professional Firefighters of Sierra Vista.

- 5. If an agreement still cannot be reached after having the assistance of a mediator, the City Council will have the final decision on the area(s) in dispute.
- 6. The designated labor organization representative and the City Manager shall initial all areas of agreement. The recognized labor organization agrees to accept all final decision of the City Council of Sierra Vista, on the areas still in dispute; however, the recognized labor organization will not be obligated to initial areas not agreed to. The areas of agreement, including the City Council's final vote on areas of dispute, shall constitute the Memorandum of Understanding for the defined period.

DRAFT

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE CITY OF SIERRA VISTA
AND
PROFESSIONAL FIREFIGHTERS OF SIERRA VISTA
IAFF, L4492

FISCAL YEARS
2023-2024

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ARTICLE 1 Preamble

- 1.1 The parties through their designated representatives, met and conferred in good faith in order to reach agreement concerning wages, hours, working conditions, and non-health related benefits of the employees of the City of Sierra Vista Fire & Medical Services.
- 1.2 The parties hereby acknowledge that the provisions of the Memorandum of Understanding (“MOU”) are not intended to abrogate the authority and responsibility of the municipal government of the City provided for under statues of the State of Arizona, the Sierra Vista City Charter, or ordinances of the city; and
- 1.3 The purpose of this MOU is to promote and ensure harmonious and cooperative relations between the Employee Organization and the City, and to set forth the wages, hours, working conditions and non-health related benefits of the Represented Employees.

NOW THEREFORE, for the term specified, the parties agree to incorporate the terms of this MOU into the City’s proposed budget to the City Council with their joint recommendation in order for the Council to consider incorporation into the City budget for the fiscal years reflected herein.

ARTICLE 2 Recognition

- 2.1 The City recognizes the Employee Organization as the exclusive representative of regular, civilian ems and non-probationary sworn firefighters, in all classifications up to and including the rank of Captain. All other classes above the rank of Captain and all Fire & Medical Services employees are excluded.
- 2.2 The City recognizes the Organizational Cooperative Process. This labor management process is to facilitate positive labor management relationship and provide overall community benefit. It provides a forum for the discussion of mutual concerns and issues that may have a significant impact on service delivery. Furthermore, the process is intended to be an incentive to assure enhancement of the community by establishing the expectation that the Employee Organization and its members will participate in community-based programs.

ARTICLE 3 Management Rights

- 3.1 The Employee Organization recognizes that Arizona and Federal law restricts and protects certain activities of the Employee Organization.

- 3.2 All management rights not expressly addressed by specific provisions of the Memorandum of Understanding shall remain within the exclusive purview of the City's management, including the unilateral and exclusive rights to operate, administer, and manage its municipal services and workforce performing those services.
- 3.3 The Employee Organization recognizes that the exclusive rights of the City shall include, but not limited to the right to determine the organization of City government and the purpose and mission of its constituent agencies. The City shall set standards of service to be offered to the public and through its management officials, exercise control and discretion over its organization and operations, establish effective administrative regulations and employment rules consistent with law and specific provisions of this MOU, direct its employees, take disciplinary action for just cause, relieve employees from duty due to lack of work or other legitimate reasons, determine the methods, means, and personnel by which the City's services are to be provided, including the right to schedule and assign work and overtime, and otherwise act in the interests of efficient service to the community. Nothing herein shall be construed to diminish the provisions of the Ordinance or to alter the rights, obligations, and restrictions set forth in Arizona or Federal law.

ARTICLE 4 Employee Rights

- 4.1 As provided in the Ordinance, Represented Employees have the right to participate on behalf of, or engage in activities on behalf of, the Employee Organization and have the right to refrain from such activity.
- 4.2 All Represented Employees have the right to have the Employee Organization serve as their Meet and Confer representative without discrimination based on membership or non-membership in the Employee Organization.
- 4.3 Represented Employees shall have the right to present their own grievance of any issue not covered by this MOU in person to the appropriate management authority.

ARTICLE 5 Employee Organization Rights

- 5.1 The Employee Organization, as the authorized representative, has the exclusive right to serve as the Meet and Confer representative of the Represented Employees, as certified in accordance with the Ordinance.
- 5.2 Except as provided herein, all of the business of the Employee Organization that requires involvement of employees shall be conducted during non-work time. Employee Organization shall provide the City with no less than three days notification (one-shift) in order to avoid disrupting, delaying, or otherwise interfering with the operations of the City or efficiency of those operations.

- 5.3 The elected Local Chapter President may be assigned solely to Employee Organization activities and released from his/her duties by the Fire Chief. The Local Chapter President may with the permission of the Fire Chief, at his/her discretion, designate one other represented employee to be assigned solely to Employee Organization activities and released from his/her duties.
- 5.3.1 The Local Chapter President and other employees shall be full time, paid members of the Sierra Vista Fire & Medical Services. The Local Chapter President and other employees will continue to receive compensation including benefits for services rendered to the City, and the City shall make all contributions to the Public Safety Personnel Retirement System required by law so as to maintain the Local Chapter President's and other employee's full eligibility under the Public Safety Personnel Retirement System.
- 5.3.2 The Local Chapter President and other employees shall participate in all appropriate training requirements necessary to maintain membership in the department.
- 5.3.3 The Local Chapter President and other employees agree to be bound by the Department's rules, regulations, and orders, including proper notification when utilizing sick or vacation leave.
- 5.4 Upon written request to the Director of Human Resources, the City shall provide the Employee Organization with non-confidential and readily available information that is necessary for the Employee Organization to prepare for an effective and efficient meet and confer process, including the City's analysis of its financial status.
- 5.5 The Employee Organization shall print and provide a copy of the MOU to each represented Employee. The costs of producing and distributing an adequate number of copies of this MOU shall be borne by the Employee Organization.
- 5.6 *Payroll Deductions.* The City shall allow payroll deduction for Employee Organization dues to be deducted from the paychecks of Represented Employees on a bi-weekly basis insofar as permitted by law.
- 5.6.1 The City agrees to deduct and remit to the Employee Organization authorized deductions from Represented Employees who have signed and approved authorization forms for such deduction on a form provided by the City.
- 5.6.2 The amount of dues deducted from the Represented Employee's paycheck shall be paid to the Employee Organization on a bi-weekly basis, less any administrative costs incurred by the City.

ARTICLE 6 Prohibition of Strikes and Lockouts

- 6.1 Represented Employees shall not engage in strikes, sympathy strike, work stoppage, slowdown, walkout, picketing. Concerted failure to report to work, refusal to cross a

picket line or any other activity, individually or concerted, that would interfere with or adversely affect the operations or mission of the City. The Employee Organization shall not, directly or indirectly, instigate, support, encourage, or participate in any strike, sympathy strike, work stoppage, slowdown, walkout, picketing, concerted failure to report to work, refusal to cross a picket line, or any other interference with employees' work or the City's operations and shall notify represented Employees of such prohibitions.

- 6.2 The City agrees that it will not lock out the Represented Employees as a result of the meet and confer process.

ARTICLE 7 Duration and Implementation

- 7.1 This MOU shall remain in full force and effect commencing on __/__/__ and suspended on __/__/__, provided that notice of reopening is given pursuant to the meet and confer process. If notice is not given, then this MOU shall automatically renew for successive one-year periods.
- 7.2 Except by mutual agreement of the parties and as allowed by the Ordinance, the City shall not be required to meet and confer concerning any other matters, covered or not covered herein, during the terms of this MOU.
- 7.3 In the unlikely event during the term of this MOU the City experiences a budget shortfall or faces legal requirements that, if not resolved during the budget year, would result in the layoff of Represented Employees, a reduction in the pay or benefits, or the curtailment of services provided to the City's citizens, this MOU shall be reopened.
- 7.3.1 This provision shall only apply if the general population of the City's employees is subject to the same or greater reduction of pay or benefits or resulting layoffs.
- 7.3.2 The City and the Employee Organization shall meet and confer in good faith for a period of no less than 30 calendar days in an effort to reach an accord on how best to address the City's shortfall.
- 7.3.3 Recommended modifications to the MOU shall be submitted by the City Manager directly to the City Council which shall make a final determination as to the implementation of the recommended modification.

ARTICLE 8 Hours of Work, Working Conditions, and Leave.

- 8.1 *Hours of Work.* The duty hours for Represented Employees assigned to Operations or Emergency Services, excluding 40 hours per week staff assignments, shall continue to be 56 hours per week. Represented Employees who work 56 hours per week will operate within a three-platoon shift system. Each shift shall continue 24 hours on-shift, 24 hours off-shift, 24 hours on-shift, 24 hours off-shift, 24 hours on-shift and 96 hours off-shift (3/4 schedule). Civilian EMS shall follow a 40 hour on shift and 128 hour off shift or 48

hour on shift or 120 hour off shift schedule. The work hours and schedule of any Represented Employee assigned to the 40-hour schedule shall be at the discretion of the Fire Chief.

- 8.2 *Absent with Relief Leave (AWR)*. Two Represented Employees may exchange shifts; however, shift exchanges shall not qualify any Represented Employee for overtime payments. All shift exchanges are subject to the approval of the Fire chief or his designee.
- 8.3 Vacation leave should be submitted 24 hours prior to leave time so operating and work flow adjustments can be made. The department may or may not grant use of the vacation leave for a particular time based on operating and staffing level considerations. Leave is requested and approved according to departmental procedure.
- 8.4 Sick leave will be charged to the Represented employee's leave time on an hour-for-hour basis. Should an employee exhaust all accrued sick leave, accumulated annual leave and compensatory time shall be automatically used.

ARTICLE 9 Grievance Procedure

- 9.1 The City and the Represented Employee's agree that the procedure provided in this MOU will be the sole and complete remedy for grievances under this MOU. Grievances on issues outside the terms of this MOU may not be grieved under the provisions of this MOU. Grievances on issues contained in the Personnel Rules and Regulations will be processed in accordance with the Personnel Rules and Regulations Grievance procedure.
- 9.2 *Informal Resolution*. It is the responsibility of employees who believe that they have a bona fide complaint concerning violation of the MOU to promptly inform and discuss it with their Battalion Chief in order to, in good faith, endeavor to clarify the matter expeditiously and informally at the employee-immediate supervisor level.
 - 9.2.1 If such informal discussion does not resolve the problem to the employee's satisfaction, and if the complaint constitutes a grievance as herein defined, the employee may file a formal grievance in accordance with the following procedure.
- 9.3 *Definition of Grievance*. A "grievance" is a written allegation by an employee, submitted in a timely manner in accordance with this provision, alleging specific violations of the term of this MOU. The grievance will identify the article or articles of the MOU, which are alleged to be violated and the specific remedy requested. Failure to identify the said article or articles of the MOU and the specific remedy will automatically terminate the grievance.
- 9.4 *Procedure*. In processing a formal grievance, the following procedure will apply:

- 9.4.1 *Step 1.* The employee will reduce his/her grievance to writing by signing and completing all parts of the grievance form provided by the City, and submit it to his/her Battalion Chief as designated by the City within fourteen (14) calendar days of the initial commencement of the occurrence being grieved. Either party may then request a meeting be held concerning the grievance, or they mutually agree that no meeting be held. The supervisor will, within fourteen (14) calendar days of having received the written grievance, or such meeting, whichever is later, the second level or review will submit his/her response in writing to the grievant and the grievant's representative, if any.
- 9.4.2 *Step 2.* If the response of the first level of review does not result in a resolution of the grievance, the grievant may appeal the grievance by signing and completing the form and presenting it to the Deputy Fire Chief within seven (7) calendar days of the grievant's receipt of the level one response. Either party may request that a meeting be held concerning the grievance or may mutually agree that no meeting be held. Within twenty-one (21) calendar days of having received the written grievance, or the meeting, whichever is later, the second level of review will submit his/her response to the grievance to the grievant and the grievant's representative, if any.
- 9.4.3 *Step 3.* If the response of the second level of review does not result in resolution of the grievance, the grievant may appeal the grievance by signing and completing the form and presenting it to the Fire Chief within seven (7) days of the grievant's receipt of the level two response. Either party may request that a meeting be held concerning the grievance or may mutually agree that no meeting be held. Within twenty-one (21) calendar days of having received the written grievance, or the meeting, whichever is later, the third level of review will submit his/her response to the grievance to the grievant and the grievant's representative. If any.
- 9.4.4 *Step 4: Grievance Committee.* If the response of the third level of review does not result in resolution of the grievance, the grievant and the Employee Representative may submit the grievance to a Grievance Committee for review and recommendation within seven (7) calendar days of the receipt of the level three response. The Grievance Committee will include two (2) representatives of the City Manager who were on the negotiating committee and two (2) representatives of the Professional Firefighters of Sierra Vista that were on the negotiating committee. These four (4) individuals will review the grievance and make a recommendation for resolution of the grievance, within fourteen (14) calendar days of having received the appeal.
- 9.4.5 *Step 5: Arbitration.* If the response of the fourth level of review does not result in resolution of the grievance, the grievant and the Employee Representative may jointly invoke the Step 4 procedure. Department management and the grievant, or their designated representatives, will agree on an arbitrator, and if they are unable to agree on an arbitrator within a reasonable time, either party may request the Federal

Mediation and Conciliation Service to submit to them a list of seven (7) arbitrators who have experience in the public sector. The parties will, within seven (7) calendar days of the receipt of said list, select the arbitrator by alternately striking names from said list until one name remains. Such person will then become the arbitrator. The arbitrator so selected will hold a hearing as expeditiously as possible at a time and place convenient to the parties, and will be bound by the following:

- a. The arbitrator will not add to, detract from or modify the language of the MOU or of Department rules and regulations in considering any issue properly before him/her.
- b. The arbitrator will expressly confine himself/herself to the precise issues submitted to him/her and will have no authority to consider any other issue not so submitted to him/her.
- c. The arbitrator will be bound by applicable State and City law.
- d. The arbitrator will, within thirty (30) days from close of the arbitration hearing, submit a recommendation to both parties.
- e. The costs of the arbitrator and any other mutually incurred costs will be borne equally by the parties.

9.5 *Time Limits.* Failure of Department representatives to comply with time limits specified in Step 1 and 2 will entitle the grievant to appeal to the next level of review; and failure of the grievant to comply with said time limits will constitute abandonment of the grievance. Except, however, the parties may extend time limits by mutual written agreement in advance.

Article 10 Effect, Interpretation, and Savings Clause.

- 10.1 This MOU constitutes the entire agreement of the City and the Employee Organization, arrived at as the result of meeting and conferring. This MOU shall supersede all previous agreements, understandings, and prior practices related to matters included within this MOU.
- 10.2 The parties acknowledge that during the meet and confer process which resulted in this MOU, each had the opportunity to make proposals with respect to any subject or matter not removed by law as a subject matter of the meet and confer process, and that the understandings and agreements arrived at by the parties after the exercise of that right and opportunity are set forth in this MOU.
- 10.3 All provisions of this MOU and all terms used herein shall be interpreted in such a manner as to be consistent in all cases with the Ordinance. In the event of any inconsistent provision or use of a term, the Ordinance shall take precedent.

10.4 If any provision of this MOU is held to be contrary to law by a court of competent jurisdiction or government agency having authority over the provisions, such provision will not be deemed valid and subsisting except to the extent permitted by law, but all other provisions of this MOU will continue in full force and effect. The parties will meet within (60) days after a request by the City or the Employee Organization to discuss the invalidated provision.

The City of Sierra Vista

**Professional Firefighters of Sierra Vista
Local 4492, International Association
of Firefighters
(Employee Organization)**

Chuck Potucek, City Manager
President

Christopher Klasen, Chapter

Acknowledged by:

Brian Jones, Fire Chief

Clea McCaa, Mayor

Approved as to form:

City Attorney

DRAFT

RESOLUTION 2023-14

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; DIRECTING THE CITY MANAGER TO NEGOTIATE A DRAFT MEMORANDUM OF UNDERSTANDING FOR CITY COUNCIL CONSIDERATION WITH THE PROFESSIONAL FIRE FIGHTERS OF SIERRA VISTA, IAFF L4492; AND DIRECTING THE CITY CLERK, CITY ATTORNEY, OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS, TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THE RESOLUTION.

WHEREAS, the Mayor and City Council may desire to establish a new policy of negotiating Memorandums of Understanding with employee associations; and

WHEREAS, the Sierra Vista Code of Ordinances Chapter 31: City Manager, Section 07: POWERS AND DUTIES, Part (B) *Authority over employees* states it shall be the duty of the Manager, and he or she shall have the sole authority to control, order, and give directions to all heads of departments and to subordinate officers and employees of the city;

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

Section 1

The Mayor and City Council may establish a policy of the City of Sierra Vista to negotiate memorandums of understanding with employee associations.

Section 2

The Mayor and City Council direct the City Manager to attempt to negotiate a draft Memorandum of Understanding for City Council consideration with the Professional Fire Fighters of Sierra Vista, IAFF L4492, pursuant to his authority under § 31.07, Part (B), of the Sierra Vista Code of Ordinances.

Section 3

That 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 23rd DAY OF MARCH, 2023.

Clea McCaa II
Mayor

Approval as to Form:

Attest:

Nathan J. Williams
City Attorney

Jill Adams
City Clerk

PREPARED BY:
Victoria Yarbrough
Assistant City Manager