

## MINUTES

MINUTES OF THE SPECIAL SESSION OF THE MAYOR AND COUNCIL OF THE CITY OF BISBEE, COUNTY OF COCHISE, AND STATE OF ARIZONA, HELD ON TUESDAY, FEBRUARY 12, 2019 AT 5:30 PM AT THE BISBEE SENIOR CENTER, 300 COLLINS ROAD, BISBEE, ARIZONA.

THE MEETING WAS CALLED TO ORDER BY MAYOR SMITH AT 5:30PM.

### ROLL CALL

#### **COUNCIL**

Councilmember Gabe Lindstrom, Ward III Arrived at 5:32 PM  
Councilmember Joni Giacomino, Ward II  
Councilmember Bill Higgins, Ward I  
Mayor David M. Smith  
Councilmember Leslie Johns, Ward I  
Councilmember Joan Hansen, Ward II  
Councilmember Anna Cline, Ward III, Mayor Pro Tempore

#### **STAFF**

Robert Smith, City Manager  
Ashlee Coronado, City Clerk  
Daniel Duchon, Personnel Director  
Albert Echave, Police Chief  
George Castillo, Fire Chief

#### **CITY ATTORNEY**

THE FOLLOWING ITEMS WERE DISCUSSED AND/OR CONSIDERED AT THIS MEETING:

1. Discussion and Possible Approval of an updated Visitor Center/ Tourism and Marketing Manager job classification.

Daniel Duchon, Personnel Director

Mr. Duchon explained that there was an updated job description for the Tourism Marketing Manager position with a couple of options. He said that counsel could keep both the Visitor Center Manager position and the Tourism Marketing Manager position or they could eliminate the Visitor Center Manager job description altogether.

Mayor Smith explained the options to the public. He asked if there were any questions.

Fred Miller, Bisbee resident said that he appreciated the Special Session. He stressed the importance of tourism to our city. He said this was the Council's prime opportunity to transform the structure of the city's tourism efforts and bring it up-to-date. He supported changing the job description. He said that it would be more realistic to call it a Tourism Department instead of the Visitor Center. He explained some items that should be included in the description, he also wanted the salary range to be considered. He said he had a vested interest in this discussion. He hoped that the Council would see their way to update the whole department.

Kathy Sowden, Bisbee resident said that the salary range needed to be higher, the top end of the salary was less than the operations manager and HR manager. This position was probably as important as those. The description should also include more computer skills, may be some graphic capabilities or website capabilities. It would be a big mistake to hire someone who didn't have some sort of graphic design. She also suggested combining both visitor centers. She said right now we were wasting bodies because we were in two places. She

explained the positives that have come out of focusing on marketing the city. She urged Council to look at these issues.

Mayor Smith explained that the nationwide midrange for a Tourism Director is around \$52,000 year. Presently the salary range is \$39,235 - \$58,852.

Denise Loth, Bisbee resident said that she was a real estate agent here in Bisbee she discussed the importance of tourism in the real estate industry. At least 95% of her buyers were coming from other parts of the United States. They start out as tourist and they come back and they keep coming back, most of them are looking to retire and want to come here.

Stan Stern, Bisbee resident and iBisbee Committee Chair, over the last 4 ½ years of serving on the iBisbee Committee he concluded that tourism was the industry of Bisbee. The position really being considered by Council would be a Chief Marketing Officer of Bisbee. If done well it would produce additional sales taxes for Bisbee. He said we must find an individual that was trained in state art of social media as well as print media. This person must be able to draw attention worldwide to our community he said this was an important position

Councilmember Lindstrom said that he would like to see may be the iBisbee committee or an ad hoc committee come up with a description to be approved by Council.

Mayor Smith agreed with councilmember Lindstrom. He requested that this be presented at next Tuesday's regular Council meeting.

Councilmember Johns asked if merchants that were not on the iBisbee could be included. She also addressed the rumor of the new Council being anti-tourist. She said she was not anti-tourism. She did recognize that tourism was important to our economy. She said sometimes it was overlooked that without the residence of this town, we would not have a tourism industry. Taking care of our residents, was taking care of our tourists.

Councilmember Giacomino said that when interviewing people, we should request a portfolio of their past work. This would show us what their skill levels were and what they have done in the past.

Councilmember Cline said that she agreed with Councilmember Johns, tourism was important, but she was correct that community development as a whole was extremely important. Those factors have to work together for all of us to succeed.

Councilmember Hansen said that when the ULI was here they emphasized that tourism was what was making Bisbee. We do need community development however; tourism will be one of our most important areas.

Councilmember Higgins said that he would like to see us get this nailed down as soon as possible. He understood the importance of this. He agreed that there were other people that should be included in this.

Mayor Smith stated that he would like Mr. Duchon, the members of the iBisbee Committee and interested merchants get together for impute on this. He hoped that a final product would be ready to come before Council at the next regular meeting.

**2. Discussion and Possible Acceptance of the Resignation and Severance Terms of Robert Smith as City Manager.**

*Per ARS § 38-431.03(a)(1), the City Council may vote to go into executive session for discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of any public body.*

David M. Smith, Mayor

Councilmember Johns wanted clarification on the proposed motion, it was her understanding that Council could only vote on one item at a time.

Mayor Smith explained that Robert Smith has offered to resign under these severance package circumstances. It was one motion. We could either enter into executive session to discuss it and it would either be passed or not passed. The situation was not that he resigned and wants this, it's that he has offered to resign with the severance package.

Councilmember Johns said that was not what his resignation stated.

Mayor Smith said that was exactly what his letter of resignation stated.

Councilmember Johns read from the resignation letter, "hey request that counsel accept my resignation", and then it goes on. As far as she can tell, "accept my resignation", was a complete sentence anything after that does not matter.

Mayor Smith asked that if that was similar to the contract for the wastewater treatment. The first one was a complete sentence and everything after that didn't matter.

Councilmember Johns said that was not germane to this discussion.

Councilmember Giacomino said that the City Charter does not state anything about negotiating a resignation. It says you can be let go with or without cause. He was offering his resignation then we accept his resignation. You do not barter a resignation. This was a charter city, not a non-charter city like cities he has been at before. If you go back and look at the letter it's trying to mismatch the two. No one has publicly said anything about termination except for Robert Smith and you (Mayor Smith). He was the one offering a resignation, there was never any spoken statement stating termination. The only thing discussed was performance. She was in agreement with Councilmember Johns to accept the resignation. She was not in agreement with accepting anything trying to negotiate a resignation. You do not negotiate resignations, you simply resign.

MOTION: Councilmember Giacomino moved to accept the resignation per the Charter, nothing more.

Mayor Smith said that Councilmember Giacomino was out of order because this was not on the agenda.

Councilmember Giacomino said that his resignation was on the agenda.

Councilmember Johns read the motion on the Council Action Form, "I move to accept the offer of resignation". She said that City Attorney Hansen amended a motion during last week's meeting. Why couldn't it be done now.

Mayor Smith said that Council had the majority and could do as they wish, but he was indicating that Council was on very dangerous ground. What we do could bring legal ramifications to this Council and to the city. With that warning you will continue and do as you wish.

Councilmember Giacomino said that with that warning she stated that with the resignation in any job, when you submit a resignation it's excepted. There was no negotiation. If you look at our charter, read the charter, and follow the charter you will see there was nothing for resignation. There was no bartering or negotiation. He's tendering his resignation and she moved to accept it. If you read the charter there was nothing, absolutely nothing about resignations. She said that this was a Charter City.

Councilmember Cline requested that Council go into Executive Session to discuss this further.

Mayor Smith said that a motion would need to be made.

MOTION: Councilmember Cline moved to enter into Executive Session

SECOND: Councilmember Hansen MOTION PASSED: AYES-5 NAYS-2 (Lindstrom, Johns)

MOTION: Councilmember Higgins moved to come out of Executive Session.

SECOND: Councilmember Cline MOTION PASSED: UNANIMOUSLY

Councilmember Giacomino requested to amend her original motion.

MOTION: Councilmember Giacomino moved to accept the offer resignation of Robert Smith per the charter effective immediately.

SECOND: Councilmember Johns

ROLL CALL VOTE:

AYES: Councilmember Lindstrom, Giacomino, Higgins, Johns, Cline

NAYS: Councilmember Hansen, Mayor Smith

MOTION PASSED: AYES -5; NAYS -2

**3. Discussion and Possible Approval for a Temporary City Manager Search.**

David M. Smith, Mayor

Mayor Smith said that he had requested to put together a three-person search committee, that way we would not violate open meeting law by having four people. He requested Councilmember Lindstrom, Giacomino and Johns to participate on the search committee.

MOTION: Councilmember Higgins moved to approve the ad-hoc committee appointments of Councillors Lindstrom, Giacomino and Johns for the purpose of identifying interested and qualified applicants as temporary City Manager.

SECOND: Councilmember Cline

ROLL CALL VOTE:

AYES: Councilmember Lindstrom, Giacomino, Higgins, Johns, Hansen, Cline and Mayor Smith

NAYS:

MOTION PASSED: AYES -7; NAYS -0

MOTION: Councilmember Higgins moved to adjourn the meeting.

SECOND: Councilmember Cline

MOTION PASSED: UNANIMOUSLY

ADJOURNMENT: 6:30 PM

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Anna Cline, Mayor Pro Tempore