

## 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 MONDAY, JUNE 17, 2019 AT 5:30 PM AT THE CITY HALL BUILDING, 915 S. TOVREAVILLE ROAD, BISBEE, ARIZONA.

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

### ROLL CALL

#### **COUNCIL**

VACANT, Ward III

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**

Stephen Pauken, Interim City Manager

Ashlee Coronado, City Clerk

Joelle Landers, Personnel Director

Jesus Haro, Public Works Director

Albert Echave, Police Chief

George Castillo, Fire Chief

#### **CITY ATTORNEY**

Britt Hanson

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

Tamara Birch said that her comments tonight were in regard to item #1 of the agenda. She said that she had a two-part question for them. She asked what attracted them to our city and how do they feel they would fit into our community. She also requested information from Heather Ruder regarding her short time in Clifton.

Donna Pulling said she wanted to bring it to the attention of Council that the resumes for both applicants were not attached to the agenda or the amended agenda. Nor were they in the packet.

Mayor Smith confirmed that the resumes were in fact posted yesterday at 4:30 PM.

1. Interviews of the Two Candidates for the City Manager Position.

David M. Smith, Mayor

Mayor Smith explained that Theresa Coleman would be interviewed first this evening.

Mayor Smith thanked Ms. Coleman for being here this evening and for the opportunity to publicly interview her. He explained that each Councilmember would be asking her a question tonight.

Councilmember Giacomino asked how does one obtain and maintain public trust.

Ms. Coleman responded that she maintains and earns the public's trust by being available and accessible. She provides information when it's requested.

Councilmember Higgins said social media such as Facebook and twitter, are increasingly significant means of communication with the public. How do public officials use this process effectively without violating open meeting law?

Ms. Coleman responded by not formulating an agreement outside of a public meeting. She explained that, that was the true test of whether or not there was a violation.

Mayor Smith asked how she stood on the idea of privatization and contracting out for public services?

Ms. Coleman responded there were circumstances in which you would need to find out what the advantages or just advantages might be. She said that her current city contracts out for engineering services and economic development services. There are times where it could be to the Council's advantage.

Councilmember Johns asked what her definition of a balanced budget was?

Ms. Coleman responded that a budget was balanced when were able to add to our stabilization fund at the end of the year.

Councilmember Hansen asked how has she professionally supported policy or decision from your Mayor and Council that you disagreed with?

Ms. Coleman explained that she disagreed with a decision to deny a rezoned and conditional use permit. Following the meeting she informed the applicant that the appeal of the planning commission decision had been denied. She provided the information in writing.

Councilmember Cline asked to provide an example of a creative community development plan that you had initiated or participated in including the outcome.

Ms. Coleman responded when she worked for the City of Lewiston there was a bowling alley that had gone out of business. There was a loan on the equipment in the facility. The bank that was foreclosing on the property asked her to come take a look at the equipment to find out if the city was interested in retaining their interest in the equipment. When she met the banker he offhand offered to sell it to the city for 90% of the value of the note. When she thought about it seemed pretty brilliant that the city could get control of a vacant property. The city purchased the property for \$90,000. She said that \$26,000 came back to the city for taxes and an additional \$2500 came back to the city for unpaid utilities. The City was able to sell the building to Dollar General. A City that did not have a grocery store ended up with a very nice facility for their residents.

Mayor Smith asked Ms. Coleman if she would like three minutes to let us know why she wanted this position.

Ms. Coleman responded she would like to answer the questions that were previously asked.

Ms. Coleman said that she was attracted to Bisbee because it was a larger town than what she currently lived in. There are similarities between Bisbee and her current town. They were both tourist towns. She liked the walk ability. She also explained that she was not left her current position.

Mayor Smith thanked Ms. Coleman.

Mayor Smith thanked Heather Ruder for the long day she had put in today and most of all for the interest in this position. He explained that each member of Council would be asking her a question tonight. Mayor Smith said that since it has come up numerous times he wanted to give Ms. Ruder and opportunity to discuss her leaving Clifton Arizona after five months.

Ms. Ruder responded that it was an amazing community. She said that she was truly humbled by being able to work there. It had nothing to do with the Mayor, Council or staff. Everyone was extremely supportive. It had to do with personal safety.

Councilmember Cline asked how does one obtain and maintain public trust?

Ms. Ruder responded that first of all you need to be transparent. If you make a commitment you need to follow through with that commitment. You need to make sure we were keeping the public well-informed. There can never be an illusion that you're not being totally transparent.

Councilmember Hansen said such social media such as Facebook and Twitter, are increasingly significant means of communication with the public. How do public officials use this process effectively without violating Open Meeting Law?

Ms. Ruder responded that there was a fine line with that. Putting out notifications, praising staff or community members. As soon as you put something out on the Internet it was there forever. You have to be very cautious.

Councilmember Johns asked how do you stand on the idea of privatization and contracting out for public services?

Ms. Ruder said that was a great question. Obviously she would love to keep in the city. Unfortunately, not all communities have the skills and the knowledge to do that. We may be going through transition, people leave. There are certain services that have to be contracted out if we couldn't fill those positions internally with the right credentials. It wouldn't be in the best interest of the community. There were certain instances where you have to seek professional services to bring them in for the betterment of the community.

Mayor Smith asked what her definition of a balanced budget was?

Ms. Ruder said that her definition was not encroaching into the general fund reserves. Those reserves were set aside and should be growing every year for emergency purposes. If something happened downtown and we had to spend \$500,000 where would we pull that money from? It would have to come from the reserves. She did not believe in using reserves for reoccurring expenses. One-time expenses or emergency expenses and that was all. That should not be distilling on a year-to-year basis.

Councilmember Higgins asked how has she professionally supported a policy or decision from your Mayor and Council that you disagreed with?

Ms. Ruder responded that her personal opinion would not matter. It's all about what's in the best interest of the city. She would provide counsel with the correct information and she would make a recommendation. It may not always reflect the same as Council's view but she would provide information on both sides.

Councilmember Giacomino asked to please provide an example of a creative community development plan that you had initiated and or participated in, including outcome.

Ms. Ruder explained when she was in Iowa they had a historic middle school and a new middle school was being built. The new middle school didn't have a stage, so they worked with the school district to designate an area to hold plays, concerts etc.

Mayor Smith asked Ms. Ruder if she would like a few minutes to address the questions that were asked at the beginning of the meeting or why she wanted this position.

Ms. Ruder responded that she was a great fit for this position. She loved small communities. With her background in civil engineering she understood the challenges and thank goodness we have a qualified public

works director because that made all the difference. Being in a small community you learned how to come together in times of need. Here for your neighbors, you might not always agree. She said she was interested in the different wards in the different areas but wanted to find a way to connect them. She appreciated the distinctness of Old Bisbee, Warren and San Jose however, let’s connect them via bike paths or walking trails. She thanked everyone who participated for their time.

- 2. Discussion and Possible Approval of a Motion to go into Executive Session Pursuant to A.R.S. § 38-431.03. (1) for Consideration of the employment and appointment of a 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

MOTION: Councilmember Higgins moved to go into Executive Session.

SECOND: Councilmember Hansen

MOTION APPROVED: UNANIMOUSLY

Donna Pulling, Bisbee resident said that council was going into executive session per A.R.S. § 38-431.03. (1). She read the statute. She said that her concern was that this person that we were going into executive session about was not an officer, appointee or employee and therefore does not qualify under the executive session statute.

Britt Hanson, City Attorney said that the Attorney General gave a formal opinion a few years ago that interviews for appointees can be held in Executive Session.

MOTION: Councilmember Higgins moved to come out of Executive Session

SECOND: Councilmember Giacomino

- 3. Discussion and Possible Selection of a Preferred Applicant for the Position of City Manager.

David M. Smith, Mayor

MOTION: Councilmember Hansen moved that we select Heather Ruder as our preferred applicant for the position of city manager, subject to the finalization of negotiations for the contract for that position.

SECOND: Councilmember Johns

ROLL CALL VOTE:

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

NAYS:

MOTION PASSED: AYES -6; NAYS -0

MOTION: Councilmember Higgins moved to adjourn the meeting.

SECOND: Councilmember Hansen

MOTION PASSED: UNANIMOUSLY

ADJOURNMENT: 6:42 PM

\_\_\_\_\_  
David Smith, Mayor