

## 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, MARCH 22, 2016, AT 5:30 PM IN THE BISBEE MUNICIPAL BUILDING, 118 ARIZONA STREET, BISBEE, ARIZONA.

THE MEETING WAS CALLED TO ORDER BY MAYOR OERTLE AT 5:34PM.

### ROLL CALL

#### **COUNCIL**

Councilmember Eugene Conners, Ward I  
Councilmember Joan Hansen, Ward II  
Councilmember Shirley Doughty, Ward III  
Mayor Ronald Oertle  
Councilmember Anna Cline, Ward III, Mayor Pro Tempore  
Councilmember Douglas Dunn, Ward II  
Councilmember Serena Sullivan, Ward I

#### **STAFF**

Jestin Johnson, City Manager  
Ashlee Coronado, City Clerk  
Sharon Buono, Finance Director  
Albert Echave, Police Chief  
Andy Haratyk, Interim Public Works Director

#### **CITY ATTORNEY**

Britt Hanson

**COMMENTS FROM THE PUBLIC WILL BE ALLOWED AT THIS MEETING. A SIGNUP SHEET WILL BE AVAILABLE.**

THE FOLLOWING ITEM WILL BE DISCUSSED AT THIS MEETING:

1. Discussion and Possible Recommendations to Staff Regarding the Selection Process for the City Manager.

Jestin Johnson, City Manager

Mayor Oertle asked Council if there were any comments on the tentative schedule for the City Manager hiring process.

Councilmember Dunn proposed that we conduct an internal search to fill the position of City Manager that person would have a six month probation period and at which time Mayor and Council could review that person's performance as to their effectiveness. The City would be best served by selecting someone from within, someone who had been directly involved with the changes that had been implemented within the last two years. We have very capable individuals within the City from which to select. He said that we could also make use of the assistance available from the League of Arizona Cities and Towns as needed. He said that it would also be wise to budget funds for an Interim part time person to provide the City Manager selected with project and program management. He said that he had spoken to Melanie Greene and she had indicated her availability to provide such services as long as it did not exceed 20

hours a week. The appointment of an Acting City Manager and then going on to a National Search would create a period of uncertainty and hesitancy. We would find ourselves in an extended holding pattern at a time we need to move forward. Also with the tight budget there would be a significant savings and would void the time investment and cost of a National search. Councilmember Dunn said that we were on a positive course thanks to Mr. Johnson and he would like to move on without delay.

Councilmember Hansen requested an overview of the application process, length of time the applications are out, where the position was posted and the interview process.

Mayor Oertle referred to the City Clerk.

Mrs. Coronado responded that the position was currently posted to the City website, League of Arizona Cities and Towns along with Indeed.com. We looked into posting the position on the ICMA website, but that was quite costly if we were not an actual member of the ICMA.

Mayor Oertle asked what the legality was on posting this position and would have to be advertised.

City Attorney Hanson responded that he didn't think it was a legally required to widen the pool. Whether it was a good idea or not was up to Mayor and Council.

Mayor Oertle said that the Acting or Interim City Manager would be an extremely limited time span. That would be a different subject matter if indeed necessary at that time.

Councilmember Hansen said that she would prefer hiring an Interim City Manager so Council was not pressured into hiring someone. That would give Council enough time to do a search.

Councilmember Connors said that at another date a discussion of an Interim City Manager needed to talk place.

Councilmember Dunn said that he was proposing something different. He requested a discussion on that. He said that he would like to advertise and hire from within the City of Bisbee for City Manager.

Councilmember Sullivan agreed with Mr. Dunn that for the timing right now, it would make sense to hire an Interim City Manager to work with Mr. Johnson. She asked City Attorney if because the position was posted on those sites would they have to be interviewed.

Councilmember Connors said that we did have an Interim City Manager when Mr. Johnson was hired. If we don't look at everyone who would potentially apply for the position we may be doing ourselves a disservice. We always talk about not rushing things and he didn't want that to happen this time.

Mayor Oertle and Councilmember Cline both agreed with Councilmember Connors.

Councilmember Hansen said that it was important to decide if they were going to look for an Interim City Manager or continue with the nationwide search. Councilmember Hansen asked if the decision for an Interim City Manager could be made during the next meeting. The Mayor replied that it was a possibility.

Mr. Hanson explained that the purpose of the item was to discuss the process. One aspect of the process was if Council thought that this would take a while to make a decision, past the time of Mr. Johnson leaving, a vote could be taken tonight to decide if an Executive Session was needed to discuss and Interim City Manager. Council could also direct City Staff to set up a meeting; it wouldn't necessarily need a formal vote. He said that one thing that had not been discussed tonight was a timeline. He suggested that Council discuss whether or not to keep the applications not available to the general public, but to hold

them until we were down to the final three. He also said that Councilmember Dunn's suggestion to close the applicant pool to current Bisbee employees could also be voted on tonight.

Councilmember Hansen said that the position on the website was really opened until filled, but applicants are encouraged to get applications in by April 18<sup>th</sup>. There really was not a deadline for it.

Mr. Hanson said that if Council wanted to set the April 18<sup>th</sup> deadline tonight or extend it to a later date could be voted on tonight.

Mayor Oertle discussed the process that was used during the hiring of a City Manager back in 2005/2006.

Councilmember Hansen said that she would like to extend the deadline out to April 18<sup>th</sup> and also schedule an Executive Session to discuss the hiring of an Interim City Manager.

MOTION: Councilmember Dunn moved to restrict the applicant pool to the City of Bisbee employees in hiring a City Manager.

SECOND: Councilmember Sullivan

ROLL CALL VOTE:

AYES: Councilmember Hansen, Dunn and Sullivan

NAYS: Councilmember Conners, Doughty, Cline and Mayor Oertle

MOTION FAILED: AYES-3; NAYS-4

Mayor explained that the time limitation could be extended if that was what council wanted to do.

Mr. Hanson suggested that he draft up a process to follow with things like dates being subject to discussion; it would include the date for a first review, what would be disclosed and what would not be disclosed, and who would grade and determine how to get to the final five. If this was drafted it would give the Council something to work off of item by item.

Councilmember Hansen said she wanted the date moved back 60 days.

Councilmember Cline said that seemed like a long time. If the first review date was in 6 weeks Council could look over the applications and if it needed to go longer it would give an Interim 2 weeks to spend with Mr. Johnson to finalize any major projects.

Mr. Johnson added that in the event we are at the point of deciding on an Interim City Manager, he wanted to make sure that Council knew that he intentionally includes the department heads on the majority of the issues and can say with a great deal of confidence that any internal candidates would have a great learning curve. He also recommended that the position open until filled because it would give a great deal of flexibility.

Councilmember Hansen said that she agreed with Mr. Johnson's comments to review the applications as they come in and leave the position open until filled.

Councilmember Sullivan agreed that we did not need to rush this process and for that reason we needed to plan on selecting an Interim City Manager. She felt that the Interim person should be hired from within the City of Bisbee.

Mayor Oertle requested that the discussion of who to hire as an Interim City Manager be held in Executive Session.

MOTION: Councilmember Sullivan moved to hire an Interim City Manager from within the City of Bisbee.

SECOND: Councilmember Conners

ROLL CALL VOTE:

AYES: Councilmember Conners, Hansen, Cline, Dunn, Sullivan and Mayor Oertle

NAYS: Councilmember Doughty

MOTION FAILED: AYES-6; NAYS-1

Mayor Oertle discussed the interview process day's activities.

Councilmember Sullivan asked what the narrowing process was for the applicants.

Mayor Oertle suggested that they be graded on a 1 to 10 basis and take the top 4/5 scores. Council could review all applications, have a discussion and we could invite the top 4/5.

Councilmember Hansen asked if there was a scoring sheet.

Councilmember Cline replied that during the last several processes Council reviewed all the applications in comparison to the Job Description. Those that met the qualifications would make a list; from there Council would then make their recommendations. Those that received the most recommendations were invited to interview. During the interview process Council had set questions and the answers were then scored.

Councilmember Sullivan asked Mr. Hanson if this was a similar process that the County goes through.

Mr. Hanson responded that in his experience with the County staff was directed to come up with a scoring system for the elected officials. If we had a process that the City Clerk, City Manager and City Attorney came up to recommend to council and then a discussion could happen to make recommended changes.

Councilmember Sullivan requested that City Staff be a part of the hiring process.

Mayor and Council discussed the scoring process and the Executive Session that will be held to discuss the applicants and their interviews.

Mayor Oertle went over the proposed schedule for the City Manager interview process. He said that this would take place over two days.

Councilmember Cline said that she liked this and was pleased to see that it was trimmed down from the last hiring process.

Councilmember Hansen asked who the professional panel was made up of and how many people would be on each panel.

Mayor Oertle responded that each panel would have anywhere from 4 to 7 people on them.

Councilmember Sullivan said that she didn't like this schedule at all. She asked if the City was paying for their stay in a hotel.

Mayor Oertle responded that in the past the City did pay for the hotel stay.

Councilmember Sullivan recommended that the tour of Bisbee be taken off the schedule. She felt that it did not need to be a part of the process. She also said that it would make a lot of sense to decide on a range of questions and get all three panels in the room so everyone can hear the same answers all at once.

Mayor Oertle said that the different panels would have their own questions in mind.

Councilmember Cline stated that some of the applicants would be coming from great distances, and the tour of Bisbee would give a broad perspective of the town.

Mr. Johnson said that given the uniqueness of Bisbee the tour was very helpful going through the different parts of town, you can see the crumbling infrastructure and know that a significant amount of time would be spend on infrastructure.

Councilmember Cline said that it would only be those that we invite to the interviews that a hotel would be paid for.

Councilmember Sullivan said that if we didn't pay for a hotel for them it would show their willingness to work for Bisbee and fight for Bisbee.

Councilmember Hansen asked if members of the public had an opportunity to ask questions to the candidates.

Mayor Oertle responded that they would have an opportunity to meet with the candidates during the public breakfast.

- 2. Discussion on Possible Claim Based on Allegations Regarding Choice Not to Hire Police Officer. *Pursuant to A.R.S. §§ 38-431.03, the Council may vote to go into executive session for discussion or consultation for legal advice with the attorney or attorneys of the public body or for discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding pending or contemplated litigation.*

Britt Hanson, City Attorney

MOTION: Councilmember Cline moved to go into Executive Session.

SECOND: Councilmember Doughty

MOTION PASSED: UNANIMOUSLY

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

SECOND: Councilmember Cline

MOTION PASSED: UNANIMOUSLY

MOTION: Councilmember Connors moved to adjourn the meeting.

SECOND: Councilmember Cline

MOTION PASSED: UNANIMOUSLY

ADJOURNMENT: 7:14PM

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Ronald Oertle, Mayor