



OFFICE OF
THE CITY MANAGER
MEMORANDUM

DATE: May 4, 2017
TO: Mayor Smith and City Council Members
FROM: Richard Marsh, City Manager
RE: City Manager's Weekly Report

This is the weekly report for the week ending May 5, 2017.

- **PROJECT STATUS REPORT**

Attached please find the updated Project Status Report for the week ending May 5, 2017 for your review.

- **COPPER QUEEN COMMUNITY HOSPITAL DONATION**

This week, the Copper Queen Community Hospital donated \$20,000 towards the purchase of equipment and repairs for the Bisbee Pool. I'd like to thank Mr. Dickson for the generous donation and for his continued contributions and support toward the betterment of the quality of life for the citizens of Bisbee. It is Organizations and People such as this that make our Community a better place to live!

- **BUDGET UPDATE**

This week we held the third of four FY 2017-2018 Budget Work Sessions with Council to discuss the General Government budgets (Mayor & Council, City Manager, Finance, City Clerk, Admin General Government, Personnel, Legal Services, Information Systems, City Magistrate and Library funds).

Our Department Heads and I understand that as the Mayor and Council, you must maintain a delicate balance between looking out for the best interests of the citizens who elected

you to serve, but also the best interests of the dedicated group of employees, who are tasked with ensuring the daily operations of the City are carried out to the best of their abilities. As many of you have expressed, the citizens of Bisbee are truly blessed with the employees serving within our Organization, as they are a group of people who truly care about the community, and constantly rise up and are ready to assist where needed, due to the City's limited resources and staffing; oftentimes, without proper compensation or acknowledgement. We thank you sincerely for offering to donate your personal resources to host the "All Employee Appreciation Day", which serves as a token of appreciation to our employees on behalf of Mayor and Council.

I wanted to also thank you for serving in the capacity of Mayor and Council. The time in which you have been elected to serve is a critical and difficult juncture in our City's history, to which you have bravely answered the call. The budget decisions you will make this year are crucial as they affect not only the financial sustainability and well-being of the citizens of Bisbee, but also the lives and well-being of all our employees and the families they support. Thank you for taking your calling seriously and asking us the tough questions that must be answered. We will do all that we can to provide you with honest, factual and transparent information in order to help you take every critical detail into consideration and help you reach and make informed decisions.

As Monica explained in the presentation at the work session this week, several grave violations made prior to August 2016 were discovered upon her transfer into the Personnel office. These violations pertain to the misinterpretation and misapplication of the federal OSHA Occupational Injury documentation and reporting law dealing with the reporting of Occupational Injuries; the U.S. Department of Labor law that deals with the lack of properly notifying employees of their rights under the Family Medical Leave Act (FMLA), and violations of these rights by failing to place employees on FMLA leave and allowing them use their EIB leave instead of having them draw from their PTO balances; as well as the lack of properly reporting Workman's Compensation (WC) claims and ensuring that hospital billing errors sent to employees were properly corrected (which in some instances resulted in negative "dings" to employee credit and issues with collection agencies).

Additionally, as stated in the presentation, we have been advised that OSHA has audited the cities of Willcox and Benson within the last year, and they are making their way down towards Bisbee. It is only a matter of time before they eventually pay us a visit. I feel it is essential to make you aware of the critical situation we face and the possible hundreds of thousands of dollars the City may face in penalties due to lack of proper employee-related documentation, caused by the decisions of past administration.

Per our City attorney, "the penalties vary in amount, and it depends on whether the violations were willful, repeated, etc. There is the state statute, 23-418, and the federal code, 1903.15. The City is bound by both statutes, so the City is looking at huge penalties, hundreds of thousands of dollars, just depending on the number of violations found."

The fines related to the OSHA reporting *violations may result in penalties assessed to the City ranging from \$5,000 - \$70,000 per violation*. As Monica stated from January 2016 – July 2016, there were a total of **19 violations (with possible penalties to the City ranging from \$95,000 - \$1,330,000)**. In 2015 she found a total of **18 violations (possible penalties to the City ranging from \$90,000 - \$1,260,000)** in the event of an OSHA inspection. While the remaining two issues (FMLA and W/C) **may result in costly civil court penalties and fines to the City**.

Additionally, this problem has consistently occurred during the past tenure of those employees who were hired to fill the Personnel Director, while also splitting their time assisting the City Manager and City Attorney. In fact, several of the duties Monica mentioned in the “Future” portion of the presentation were roles the Personnel Director is mandated to ensure compliance with per the State Records and Retention Schedule for Terminated Employee Personnel and Medical Records, as well as other OSHA mandates (Mandatory Workplace Safety training for All Employees), which past Personnel Directors, spanning over a decade, were unable to complete due to their heavy work load.

We can continue to expect the same pattern despite the best efforts of those holding this position, due to the lack of allocated funding. They will continue to assist in other areas, and naturally dedicate less than full time to the Personnel department. Monica will continue to perform and give every effort she can reasonably give, to the best of her abilities, to try to accomplish as many of these Personnel tasks as she can, while still assisting the Finance Department, while still completing the project status update and City Manager weekly reports for the City Manager until the part-time Executive Assistant is trained to do so, and still attempt to maintain a healthy work/life balance to care for her family. This is all we can ask of and expect from any Department Head and City employee given our current situation.

Once again, I would like to thank Mayor and Council and all those present at the Work Session for your patience, for sitting through the presentation and for listening as we went through the list of grave deficiencies we found. We appreciate all you do!

**City Manager Project Progress Report To Mayor and Council
Period of December 2016 - June 2017**

PROJECT	COMPLETION DATE	STATUS	COMMENTS
5 Year Financial Forecast	Complete	Complete	
*Ambulance Driver	Complete	Complete	
*Animal Shelter MOU	Complete	Complete	
*Arts & Culture District	Complete	Complete	
*Attorney Contract	Complete	Complete	
City of Bisbee Strategic Plan	Complete	Complete	
Credit Card Policy	Complete	Complete	
*Employee Contract	Complete	Complete	
Entertainment District	Complete	Complete	
Fire Annual Report Presentation	Complete	Complete	
Mexico/Bisbee Community Relations	Complete	Complete	
Police Department Policy and Procedure Manual	Complete	Complete	
Queen Mine/Freeport McMoran	Complete	Complete	

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PROJECT	COMPLETION DATE	STATUS	COMMENTS
*Rezoning BCLC	Complete	Complete	
Youth Council Reestablishment	Complete	Complete	
Bisbee Police Evidence Room Audit	March 2017	In Progress	<i>Mayor Smith to contact Oro Valley PD and Mr. Marsh to contact Phoenix Assistant City Manager.</i>
*Ambulance Subscription	April 2017	In Progress	<i>Presenting to Council at 04/18/17 meeting.</i>
Auditor Request for Proposal	April 2017	In Progress	<i>RFP to be completed by 04/27/17.</i>
*BUSD IGA	April 2017	In Progress	<i>Project the cost for maintenance expenses associated w/project; consider corporate sponsor; Meeting between Mayor Smith, Superintendent Tom Woody and Mr. Marsh held 01/23/17; items for discussion were the possible Bus Shelter in Naco, AZ for students & status of the Middle School building; Mayor Smith attended the 02/27/17 School Board meeting and provided a presentation; We are waiting the School Board decision; Mayor Smith will coordinate sending IGA to School Board for review.</i>
City Auction	April 2017	In Progress	<i>Andy Haratyk, Chief Burneleit, Chief Echave will conduct auction of City vehicles & equipment by 04/27/17.</i>
Commercial Fire Inspection Program	April 2017	Not Started	<i>Existing staff to conduct inspections.</i>
*Cost Reimbursement Fire (Insurance)	April 2017	In Progress	<i>Need to determine the affect this change will have on MOU & Mutual Aid Agreement. Mr. Marsh to follow up with Chief Burneleit; Will present to Council at the 04/18/17 meeting.</i>
Disposition of City Property / Land Bank	April 2017	In Progress	<i>Joe Ward will be coordinating this assignment.</i>
Health Pad - Vista Park	April 2017	Ongoing	<i>Andy will coordinate w/Jim Dickson; Press release & MOU to be presented to Council scheduled for 03/2017; Andy waiting on response from the hospital.</i>

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IGA for Procurement Services w/Cochise County	April 2017	In Progress	<i>Mr. Marsh to coordinate; will present to Council at the 04/18/17 City Council meeting.</i>
"My Local News"	April 2017	Not Started	<i>Mayor Smith will coordinate a meeting with publisher of local newspaper; Mayor Smith will be giving thought to volunteer writers.</i>
Neighborhood Spring Cleaning	April 2017	Not Started	<i>Councilwoman Hansen will lead this project.</i>
Public Safety Charges to FMI	April 2017	Not Started	
RFP for Information Technology Services	April 2017	In Progress	<i>IT Consultant did an assessment of some city locations on 01/17/17; Requests for Proposals for service to be prepared; Ashlee Coronado.</i>
Retain Collection Agency	April 2017	Ongoing	<i>Keri Bagley will help coordinate; Plan on putting out an RFP by 04/20/17; Lauri Owen to review Fry Fire District contract for termination clause; Meeting to discuss held on 03/27/17.</i>
Sales Tax Auditor	April 2017	In Progress	<i>Will find an auditor for local vendor sales tax audit by 04/27/17.</i>
*Sewer Fee/Amnesty Program	April 2017	In Progress	<i>Meeting w/AZ Water Company held on 01/12/17; reviewing ordinance, debt service schedule & existing grant contract; submitted a letter to AZ Water requesting assistance with shut-off; scheduled Work Session has been postponed (date & time TBD); Meeting with AZ Water to be tentatively scheduled 2nd week in April (pending AZ Water President's schedule confirmation); Will schedule a Pre-Planning Meeting 1st week in April to discuss Action Plan for meeting with AZ Water (date TBD).</i>
Target Market Analysis	April 2017	In Progress	<i>Mr. Marsh to coordinate these efforts.</i>

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Tech Center/Incubator	April 2017	In Progress	<i>Mr. Marsh In process of identifying property. Vacant Border Patrol building under consideration; Also looking at old DMV building on Arizona St and properties on Bisbee Road and Old Bisbee; Mr. Marsh toured model in San Diego, CA & developed contact.</i>
Bisbee Gem & Mineral Show	May 2017	In Progress	<i>Doug Graeme & Jen Luria will be coordinating this event and are working on recruiting other planning team members.</i>
Bisbee Housing Trust	May 2017	In Progress	<i>Met with the Slusser's and Mayor Smith on 01/05/17; Acquisition/Rehabilitation of Blighted Residential Properties; Next step - potentially consider changing city code to allow for disposal of city property to a non-profit; Non-Profit received their 501C3 status from IRS; Next meeting scheduled on 04/05/17.</i>
Bisbee Pool	May 2017	In Progress	<i>Pool to open Memorial Holiday weekend. The Copper Queen Community Hospital donated \$20,000 towards equipment and repairs to the Bisbee Pool on 05/03/17.</i>
*City Fee Update	May 2017	In Progress	<i>Staff recommendations in and under review; Mr. Marsh to coordinate Ordinance change with attorney's office; Presenting to Council at Council meeting in May 2017.</i>

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Sonora Festival & Trade Show	May 2017	In Progress	<i>Mr. Marsh & Ricardo Morales (Tucson Hispanic Chamber) traveled to Hermosillo on 01/27-28/17 to meet with the Governor of Sonora's staff, the Secretary of Economy and Undersecretary of Economy, the Tourism Manager for Sonora & the Director of the AZ/Mexico Commission in Hermosillo to discuss plans for the event; On 02/15/17 dignitaries from Hermosillo, Sonora visited and toured Bisbee in preparation for Sonorafest 2017; Mr. Marsh and Ricardo Morales to meet with vendors in Hermosillo, Sonora on 04/07/17 - 04/09/17.</i>
Water Conservation Committee/CCRN	May 2017	Not Started	<i>Andy will coordinate w/Councilwoman Hansen; (San Pedro River & CCRN); Mr. Marsh to get water valuation; Work Session will be held in May 2017.</i>
Welcome Package	May 2017	In Progress	<i>Mr. Marsh and Jen Luria will coordinate establishing a Welcome Package; will cost approximately \$5,000 to complete; Shar Porier is also assisting with this project; Mayor Smith to speak with Realtor's association.</i>
FY 2017/2018 Budget	June 2017	In Progress	
Amendment to Personnel Rules & Regulations	June 2017	Ongoing	<i>Monica Flores completed the performance evaluation schedule and forms and mailed to Department Heads; Employee Performance-based Compensation and longevity policies; During the budget process will address employee compensation & longevity.</i>
Commercial Rehab Program	June 2017	Not Started	<i>Rehabilitation of existing Commercial buildings; Contact Melanie Greene for grant opportunities.</i>

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Family Fun Center	June 2017	Not Started	<i>Provide more activities to appeal to the families w/children target market.</i>
Infrastructure Improvements Naco Highway	June 2017	Not Started	<i>Andy held meeting with ADOT; Construction on Hwy 92 began on 03/08/17, all right outside lanes are closed; Mr. Marsh to get update from Andy.</i>
Safeway Plaza Project	June 2017	Not Started	<i>Mr. Marsh contacted owner of the Safeway Plaza. We are now pursuing marketing of property to lease/buy.</i>
Restoration - Vista Park	June 2017	Not Started	<i>Discussed items with Andy (Band shell & Movies in the Park); Andy to contact U of A and Ft. Huachuca military personnel.</i>
Warren Business District	June 2017	Not Started	<i>Recruit developers; begin marketing the district; Mayor Smith to talk with attorneys regarding ordinance revision.</i>
Bisbee Police Review	July 2017	Not Started	

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PROJECT	COMPLETION DATE	STATUS	COMMENTS
Annexation (Unincorporated Areas)	September 2017	In Progress	<p><i>Meeting held 01/17/17 with City Manager, Mayor Smith, Joe Ward, Andy Haratyk and both Fire & PD Chiefs; We narrowed down two areas (Border Patrol Complex & TDF); We will engage in preliminary dialogue with community stakeholders & report back to Council to determine which of the two areas we will attempt to annex first & the next steps for the 1st phase of Annexation; We feel it is essential that our first annexation attempt produce a win, so we'll go after the "low hanging fruit" first & proceed with other areas in phases; Met with WLB Group Engineers in Tucson on 02/14/17 to discuss our Border Patrol Complex and Tierra De Las Flores Annexation proposal; WLB Group has a wealth of experience in this area, and they are confident that our proposed plan is feasible and that we can successfully complete the annexation process by September 2017; They will be providing us an Annexation project task/timeline list within one week; Next meeting to be scheduled for 04/12/17.</i></p>
Cananea Project	October 2017	In Progress	<p><i>Mayor Smith and Mr. Marsh met with Cananea's Mayor office on 01/16/17; Toured their wine processing center; Discussed various items to include Reinstitution of Border Mayors Association, contacting Upper Management of the Cananea Mine, housing opportunities in Bisbee, reaffirming sister cities, medical tourism, event planning with possible shuttle to transport people and observatory (from Bisbee to Cananea & vice versa); Mayor Smith to coordinate a meeting with U of A Astronomy department late September to early October; Mayor Smith and Jen Luria will coordinate.</i></p>
Ownership of Queen Mine Tour	March 2019	In Progress	<p><i>Mayor Smith.</i></p>

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Bisbee Science Center	In Progress	In Progress	<i>Melanie Greene working on a grant application to obtain funding to conduct a Feasibility Study, which will be presented to Council at the 04/04/17 meeting.</i>
Senior Housing Project	In Progress	In Progress	<i>Waiting for approval for property from Freeport; Mr. Marsh to work on lease agreement for Hangar @ Airport for Mr. Cartwright in exchange for land; Will present to Council at the 04/18/17 meeting.</i>
Senior Assisted Living	Not Started	Not Started	<i>Mr. Marsh and Mayor Smith will look further into this.</i>
Bisbee Cohort Group	Ongoing	Ongoing	<i>Meeting held on 12/28/16; Key outcomes: 1) "Bisbee, Open for Business" Marketing Package (will include list of Bisbee's assets, resources, quality of life, "How To" start a new business in Bisbee process, tax info, housing & relocation info, airport, tech incubator, film industry info, fiber optics, events, etc.); Jen Luria working on cost associated w/putting the package & team together; Mr. Marsh looking into film industry & tech incubator building location; Mayor Smith meeting w/two possible Entrepreneurs/Bisbee investors; Target area Northern California and Seattle, WA; Mr. Marsh met with the Director of the Tucson Film office; will establish the Bisbee Film office by 07/01/17; BUSD Board will vote on IGA on 04/11/17; IGA will be on City Council Agenda for 04/18/17 meeting.</i>
Bicycle Path	Ongoing	Not Started	<i>Councilwoman Hansen and Andy; City is waiting on ADOT approval; Mayor Smith to contact Lorena for an update.</i>
Camp Newell (Naco, AZ)	Ongoing	In Progress	<i>Council approved a letter to be sent to Huachuca City Town Council offering to take over Sponsorship of Camp Naco at the 03/21/17 meeting.</i>

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Community Meeting City/Schools	Ongoing	Ongoing	<i>Next meeting TBD.</i>
Mega-Region - AZ/Mexico Commission	Ongoing	In Progress	<i>Went to the Hermosillo Business/Trade Expo in November 2016 and the Governor of Sonora's Mega Region Conference in December 2016; recruitment of 2 business owners from Hermosillo in progress; Mayor Smith and Mr. Marsh visited Cananea, Sonora Mexico on 01/16/17; Mayor Smith, Councilman Dunn & Mr. Marsh visited Naco Sonora on 01/23/17, toured the Wellness Center and featured on local radio station to promote Sonorafest2017 & share how excited we are to be a sister city to Naco, Sonora; Council to pass Proclamation at the 02/21/17 meeting; Had a successful visit and tour of Bisbee and Sonorafest possible event sites from Sonora Dignitaries on 02/15/17; Bisbee Daily Review advised us that the Washington Post is interested in our relationship with Sonora.</i>
Volunteer Recruitment Organization-Wide	Ongoing	Ongoing	<i>Councilman Higgins will assist to coordinate to help find volunteer support staff. Elda Orduno is drafting a policy to address Employee/Volunteer screening; Bisbee Police Department Volunteer announcement posted to the City website and Facebook page on 03/29/17; Mayor Smith researching options for volunteers to provide transportation for Youth Council events. Monica Flores was interviewed by the Sierra Vista Herald to promote our efforts on active recruiting in the Volunteer program.</i>
Town Hall Meeting	Quarterly	Complete	<i>Mayor Smith held 1st meeting on 03/25/17; Mayor Smith will hold Town Hall meetings quarterly.</i>