



CITY COUNCIL WORKSHOP MEETING MEETING

WORKSHOP MEETING AGENDA

THURSDAY, JANUARY 26, 2023, 2:30 PM

201 S Cortez Street
Prescott, AZ 86303
Council Chambers

Phil Goode, Mayor

Brandon Montoya, Mayor Pro Tem
Connie Cantelme, Councilwoman
Eric Moore, Councilman

Cathey Rusing, Councilwoman
Steve Sischka, Councilman
Clark Tenney, Councilman

The following Agenda will be considered by the Prescott **City Council Workshop Meeting** at its **Workshop Meeting** pursuant to the Prescott City Charter, Article II, Section 13. Notice of the meeting is given pursuant to Arizona Revised Statutes, Section 38-431.02. One or more members of the Council may be attending the meeting through the use of a technological device.

Viewing & Participation

This meeting may be viewed on Channel 64, Facebook Live or on the City Website: [Live City Council Meeting Videos](#)

Comments for Council may be submitted through the City website: [Public Comment Form](#)

1. CALL TO ORDER

2. ROLL CALL

3. DISCUSSION

- A. Discussion and Training Presented by the City Attorney's and Clerk's Offices and Human Resources Department for Council and All City Boards, Commissions & Committees Regarding Open Meeting Law, Conflict of Interest, Council Rules of Procedure, BCC Code of Conduct, Harassment, and Public Records Request Law.

Recommended Action: This item is for discussion only. No formal action will be taken.

4. ADJOURNMENT

EXECUTIVE SESSION

Upon a public majority vote of a quorum of the City Council, the Council may hold an executive session, which will not be open to the public, regarding any item listed on the agenda but only for the following purposes:

- (1) Discussion or consideration of personnel matters (A.R.S. §38-431.03(A)(1));

- (2) Discussion or consideration of records exempt by law (A.R.S. §38-431.03(A)(2));
- (3) Discussion or consultation for legal advice with the city's attorneys (A.R.S. §38-431.03(A)(3));
- (4) Discussion or consultation with the city's attorneys regarding the city's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation, or in settlement discussions conducted in order to avoid litigation (A.R.S. § 38-431.03(A)(4));
- (5) Discussion or consultation with designated representatives of the city to consider its position and instruct its representatives regarding negotiations with employee organizations (A.R.S. §38-431.03(A)(5));
- (6) Discussion, consultation or consideration for negotiations by the city or its designated representatives with members of a tribal council, or its designated representatives, of an Indian reservation located within or adjacent to the city (A.R.S. §38-431.03(A)(6);
- (7) Discussion or consultation with designated representatives of the city to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property (A.R.S. §38-431.03(A)(7)).

THE CITY OF PRESCOTT ENDEAVORS TO MAKE ALL PUBLIC MEETINGS ACCESSIBLE TO PERSONS WITH DISABILITIES. With 72 hours advanced notice, special assistance can be provided for sight and/or hearing-impaired persons at this meeting. Reasonable accommodations will be made upon request for persons with disabilities or non-English speaking residents. Please call the City Clerk (928) 777-1272 to request an accommodation to participate in this public meeting. Prescott TDD number is (928) 445-6811. Additionally, free public relay service is available from Arizona Relay Service at 1-800-367-8939 and more information at www.azrelay.org

Confidentiality

Arizona statute precludes any person receiving executive session information from disclosing that information except as allowed by law. A.R.S. §38-431.03(F). Each violation of this statute is subject to a civil penalty not to exceed \$500, plus court costs and attorneys' fees. This penalty is assessed against the person who violates this statute or who knowingly aids, agrees to aid or attempts to aid another person in violating this article. The city is precluded from expending any public monies to employ or retain legal counsel to provide legal services or representation to the public body or any of its officers in any legal action commenced for violation of the statute unless City Council takes a legal action at a properly noticed open meeting to approve of such expenditures prior to incurring any such obligation or indebtedness. A.R.S. §38-431.07(A)(B).

CERTIFICATION OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at Prescott City Hall on _____ at _____ m. in accordance with the statement filed by the Prescott City Council with the City Clerk



Sarah M. Siep, City Clerk



COUNCIL AGENDA MEMO

MEETING TYPE/DATE: **WORKSHOP MEETING** **01-26-23**

DEPARTMENT: **City Clerk**

AGENDA ITEM: Discussion and Training Presented by the City Attorney's and Clerk's Offices and Human Resources Department for Council and All City Boards, Commissions & Committees Regarding Open Meeting Law, Conflict of Interest, Council Rules of Procedure, BCC Code of Conduct, Harassment, and Public Records Request Law.

ITEM SUMMARY

The City of Prescott annually provides training on open meeting law, conflict of interest, harassment and public records requests for its elected and appointed officials. The city clerk's office will also provide an update regarding the Council Rules of Procedure and BCC Code of Conduct.

BACKGROUND

This is an annual training and presentation.

FINANCIAL IMPACT

None.

Recommended Action: This item is for discussion only. No formal action will be taken.

ATTACHMENTS

1. [Open Meeting Law Training 1.26.2023.pptx](#)

Respectful Workplaces

Treating all City Staff with Respect and Dignity

City of Prescott 2023
Branden Nunez, HR Director

Topics of Discussion

- City of Prescott Policy
- State and Federal Laws
- A Respectful Workplace
- Complaint Process
- Retaliation
- Roles and Responsibilities

Why is this Important?



- Harassment harms us all.
- An integral part of our culture is to ensure all employees are treated with respect and dignity.
- Engaging in, condoning or not reporting harassment is in direct conflict with our policies.
- We want to remain in compliance with Title VII of the Civil Rights Act, which prohibits discrimination. We want to remain in compliance with similar state civil rights laws and fair employment laws.

City of Prescott Policy – Applies to All



- Article 5 Section 5.14 – Sexual Harassment
- Article 5 Section 5.15 – Anti-Discrimination, Harassment and Hostile Work Environment
- The City strives to maintain a workplace that fosters mutual respect and promotes positive and productive working relationships.
- The City does not tolerate any form of unlawful discrimination or harassment, which may create a hostile work environment, including harassment or discrimination based on the race, color, gender, national origin, religion, age, disability, or sexual orientation of any employee, by another employee, supervisor, manager, customer or non-employee.

Federal Law Refresher



- Harassment is a Form of Employment Discrimination
- “Unwelcome Conduct”, Based on a Protected Class:
 - ❑ Race, Color, Religion, Sex (Including Pregnancy, Sexual Orientation, or Gender Identity), National Origin, Age (40 or Older), Disability, and Genetic Information
- Harassment is Unlawful if:
 - 1) Enduring the Conduct is a Condition of Employment
 - OR
 - 2) The Conduct is Severe, Pervasive, Intimidating, Hostile or Offensive to a “Reasonable Person”

A Respectful Workplace Free From

- Offensive Jokes, Slurs or Name Calling
- Physical Assaults or Threats
- Intimidation
- Ridicule or Mockery
- Offensive Objects or Pictures
- Interference with Work Performance
- Rude Gestures, and More...
- We want all employees to thrive in our diverse and inclusive work environment

Consequences of Harassment



- Person Who is the Target of Harassment
 - ❑ High Stress Level—Feeling Helpless
 - ❑ Possible Absenteeism
 - ❑ Possible Decline in Work Performance
 - ❑ May Leave the Job Instead of Put Up with Harassment
- Person Who Harasses Others
 - ❑ Serious Employment Consequences—Possible Termination
 - ❑ Likely Ineligible for Unemployment Compensation
 - ❑ Possible Civil or Criminal Liability

What if an employee comes to you?



- Gather the facts – Who? What? When? Where?
- Notify Human Resources, City Manager and Legal to determine course of action
- Can circumvent chain of command if necessary
- Document your follow through

Executives, Managers and Supervisors



- You are the Supervisor in the Eyes of the Law
 - ❑ What you Do or Don't Do Reflects on us as an employer
 - ❑ If You Ignore Harassment, the employer may be Liable
 - ❑ If You Don't Handle it Correctly, the employer may be liable
 - ❑ If You Engage in Harassment, You're in Big Trouble (and the employer may be, as well)
 - ❑ You can be Sued Personally
- Harassment is very serious, and you must take your obligations as an employer representative seriously

Retaliation is Also Strictly Prohibited



- No Retaliation Against Employees who:
 - ❑ Complains to Management about Harassment, even if they are not the Victim
 - ❑ Participates or Cooperates in an Investigation
- Retaliation is as Serious as Actual Harassment, and the Consequences are Just as Serious

Final Takeaways

- Lead by example – everybody helps set the tone and attitude for the City. Set the bar high by creating a respectful culture.
- All employees should be welcomed and enabled to thrive based on their diverse backgrounds.
- Don't fail to act – If you see that there's an issue, address it.
 - Small issues often go away with some discussion
 - Without discussion, they often grow into something much larger than they needed to be



Questions?

