



AGENDA

**PRESCOTT CITY COUNCIL
SPECIAL MEETING
Tuesday, December 1, 2015
1:00 PM**

**Executive Session
Lower Level Conference Room
201 South Cortez - Prescott, Arizona
(928) 777-1100**

The following Agenda will be considered by the Prescott City Council at its **Executive Session** pursuant to the Prescott City Charter, Article II, Section 14. Notice of this meeting is given pursuant to Arizona Revised Statutes, Section 38-431.02. One or more members of the Council may be attending this meeting through the use of a technological device.

◆ **CALL TO ORDER**

◆ **ROLL CALL**

MAYOR AND CITY COUNCIL

Mayor Oberg

Mayor Pro Tem Lamerson

Councilman Blair

Councilman Lazzell

Councilwoman Orr

Councilman Sischka

Councilwoman Wilcox

CALL TO ENTER INTO EXECUTIVE SESSION

Upon a public majority vote of the members constituting a quorum, the Council may hold an executive session that is not open to the public for the purposes set forth below. When the executive session ends, Council may adjourn or return to open session.

RECOMMENDED ACTION: MOVE to recess into executive session.

EXECUTIVE SESSION

I. LEGAL MATTERS

- A. An executive session pursuant to A.R.S. 38-431.03(A)(3) and (4) for discussion or consultation for legal advice with the attorney or attorneys of the public body; for discussion or consultation with the attorneys of the

public body regarding ongoing litigation. As part of City Council orientation, the City Attorney will brief the City Council on the status of active cases and pending or threatened litigation, including legal strategies and possible settlement options, for the following matters:

- 1) Greif vs. City of Prescott
- 2) Riley vs. City of Prescott
- 3) Pure Wafer vs. City of Prescott
- 4) Hall vs. City of Prescott
- 5) ADEQ Consent Orders
- 6) Prescott Pines vs. City of Prescott
- 7) Pending Claims: Ramirez, Henderson, and Bollinger

- B. The City Council will meet with the City Attorney for legal advice, discussion, consultation or consideration for negotiations by the city 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)

- 1) Water Settlement Agreement with Yavapai-Prescott Indian Tribe

II. 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:

- (i) Discussion or consideration of personnel matters (A.R.S. §38-431.03(A)(1));
- (ii) Discussion or consideration of records exempt by law (A.R.S. §38-431.03(A)(2));
- (iii) Discussion or consultation for legal advice with the city's attorneys (A.R.S. §38-431.03(A)(3));
- (iv) 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));
- (v) 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));
- (vi) 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));
- (vii) 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)).

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 _____, in accordance with the statement filed by the Prescott City Council with the City Clerk.

Dana R. DeLong, CMC, City Clerk