

# City of Prescott

## Mayor's Charter Review Commission



May 8, 2023 | 3:00 PM  
201 N. Montezuma Street  
Executive Conference Room, 3rd Floor  
Prescott, AZ 86301

### AGENDA

The following Agenda will be considered by the **Mayor's Charter Review Commission** to be held **May 8, 2023**. Notice of this meeting is given pursuant to Arizona Revised Statutes, Section 38-431.02.

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. DISCUSSION & ACTION ITEMS**

- A. Approval of Minutes from the April 3, 2023 and the April 20, 2023 Meetings.  
**Recommended Action: MOVE to approve the April meeting minutes as presented**
- B. Article II, Section 2 - Absence to Terminate Membership  
**Recommended Action: Discussion and possible action regarding Article II, Section 2 revised language provided by staff**
- C. Article II, Section 12 - Vacancies in the Council and Office of Mayor  
**Recommended Action: Discussion and possible action regarding Article II, Section 12 revised language provided by staff**
- D. Article VI, Section 15 - Independent Financial Audit  
**Recommended Action: Discussion and possible action regarding Article VI, Section 15 revised language provided by staff**
- E. Article VIII, Section 12 - Sale of City Property  
**Recommended Action: Discussion and possible action regarding Article VIII, Section 12 revised language provided by staff**
- F. Article VIII, Section 13 - Lease of City Property with Option to Purchase  
**Recommended Action: Discussion and possible action regarding Article VIII, Section 13 revised language provided by staff**

**4. UPDATES**

- A. Staff Announcements & Upcoming Meetings

**5. ADJOURNMENT**

Upon a public majority vote of a quorum of the Board, the Board 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)).

#### **CERTIFICATION OF POSTING OF NOTICE**

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at Prescott City Hall on 5/4/23 at 11:00 a.m. in accordance with the statement filed by the Prescott City Council with the City Clerk.

*Sarah M. Siep*

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Sarah M. Siep, City Clerk



TO: MAYOR AND CITY COUNCIL  
AGENDA: May 8 Charter Review Meeting  
DATE: May 8, 2023  
DEPT: City Clerk  
ITEM #: 3.A  
SUBJECT: Approval of Minutes from the April 3, 2023 and the April 20, 2023 Meetings.

## ITEM SUMMARY

Approval of the minutes from the April 3 and April 20 meetings.

## BACKGROUND

Staff recommends approving the minutes as presented.

## FINANCIAL IMPACT

None.

## RECOMMENDED ACTION

MOVE to approve the April meeting minutes as presented

## ATTACHMENTS

1. April 3, 2023 Meeting Minutes
2. April 20, 2023 Meeting Minutes



## MINUTES OF THE MAYOR'S CHARTER REVIEW COMMISSION

**Mayor's Charter Review Commission**

**April 3, 2023**

**3:00 p.m.**

**Prescott City Hall  
Executive Session Conference Room  
201 N. Montezuma St.**

Minutes of the Mayor's Charter Review Commission Meeting held on April 3, 2023, at Prescott City Hall.

**1. *Call to Order***

Chair Arnold called the meeting to order at 3:00 p.m.

**2. *Roll Call***

**Members**

Member Charlie Arnold  
Member Ted Gambogi  
Member Michael Gjede  
Member Ralph Hess  
Member Jerry Hulm  
Member Bonnie McMinn

**Others Present**

Sarah Siep	City Clerk/Staff Liaison
Chris Resare	Assistant City Attorney
Matt Podracky	Deputy City Attorney
Phil Goode	Mayor
Brandon Montoya	Council Liaison

**3. *Discussion & Possible Action Items***

A. Approval of March 6 and March 16 Meeting Minutes

***Motion by Member Gjede moved to approve minutes as presented as presented; seconded by Member McMinn. (Passed 6-0)***

B. Proposed Draft Ballot Language for Charter Amendments

**Discussion**

Ms. Siep reviewed the language that was provided and asked for feedback regarding these.



## MINUTES OF THE MAYOR'S CHARTER REVIEW COMMISSION

### Absence to Terminate Membership

Member Gjede commented that the language of this section is still a bit confusing to him. It would perhaps be better to state “three consecutive days of called meetings”.

Chair Arnold asked if “consecutive” is defined earlier.

Mr. Podracky added that removing the word “and” have a period and then the word “consecutive”.

Vice Chair Hess asked for an example of how this proposal would apply.

Mayor Pro Tem Monotyia said Tuesday there were three and then another on Friday with more the following week. So, if a member of council missed those days without any notice to the Clerk they would cease to hold membership.

Member Gjede asked if it would be possible to state “three consecutive meeting days”.

Chair Arnold asked about changing “consecutive” to a “meeting day” shall be a calendar day that contains one or more of the following.

Vice Chair Hess commented that even with these changes it wouldn't necessarily change the situation that Mayor Pro Tem described.

Mayor Pro Tem Montoya said the language could be kept, but update to two (2) meetings instead of three (3).

Chair Arnold said this was vetted in the public and mirrors the Council Rules of Procedure.

Vice Chair Hess suggested making it a majority vote of the Council.

Chair Arnold and Mayor Goode commented that this sets the standard and could not be interpreted as politically motivated. Additionally, Chair Arnold added that at a previous meeting the Committee voted to approve this language and we are going down a bit of a rabbit hole.

Commission Consensus to update as follows: “Three consecutive called meeting days”, drop the and in the definitions and just have two sentences and have it say “meeting day” as a publicly noticed meeting on a calendar day.

Member Gambogi commented that there should be some specificity regarding what written notice is.

Ms. Siep responded that email or text is how she typically receives these.

Consensus to accept.



## MINUTES OF THE MAYOR'S CHARTER REVIEW COMMISSION

*Motion by Member Gambogi to approve amended language; seconded by Member Gjede. (Passed 6-0).*

### **Consideration of Petitions**

No additional discussion.

*Motion by Vice Chair Hess to approve proposed ballot language as presented; seconded by Member McMinn. (Passed 6-0)*

### **Elections – Section 3**

Commission discussion regarding these amendments and putting this section in line with statute and taking the responsibility to having someone go to the Courts to challenge rather than putting additional burden on the clerk.

*Member McMinn moved to approve proposed ballot language as presented; second by Member Hulm. (Passed 6-0)*

### **Lease with Option to Purchase**

Chair Arnold stated that he feels the section captures the clarity he was seeking and makes it clear what the expectations are.

Vice Chair Hess asked if it is really necessary to have “conducted or”, couldn’t it just be “shall be required”.

Mr. Podracky commented that the language isn’t needed as a matter of law but creates some redundancy for clarification.

*Motion by Member Hulm to approve proposed ballot language as presented; seconded by Member Gjede. (Passed 6-0)*

### **Mayor Tempore**

Chair Arnold commented that this is the language that was discussed and clarified the position.

Mr. Podracky added that with the existing language the Mayor Pro Tem could be removed and any time but this will make it such that they will be an annual appointment.

*Motion by Member McMinn to approve proposed ballot language as presented; seconded by Member Gjede. (Passed 6-0)*



## MINUTES OF THE MAYOR'S CHARTER REVIEW COMMISSION

### **Nomination for the General Election**

Member Hulm commented that he had requested to have the language read “legal representative.”

Ms. Siep responded that it was an oversight and staff will fix.

Vice Chair Hess stated that he was under the impression that the vacancy does not occur until after the new Council is seated and they should be the ones to fill the vacancy not the outgoing Council.

Staff stated that the language could be updated to read “following the installation of the new Council”.

***Motion by Vice Chair Hess to approve proposed ballot language as amended; seconded by Member Hulm. (Passed 6-0)***

### **Qualifications**

***Motion by Member McMinn to approve proposed ballot language as presented; seconded by Member Gjede. (Passed 5-1) Vice Chair Hess Dissenting.***

### **Removal of City Manager**

Chair Arnold commented that this incorporated the language requested and requires simple majority.

***Motion by Member McMinn to approve proposed ballot language as amended; seconded by Member Hulm. (Passed 6-0)***

### **Sale of City Property**

Vice Chair Hess asked if it should be added that if a majority of ballots cast oppose the sale of the property oppose then it shall not be sold.

Mr. Podracky said “if a majority of the ballots cast oppose the selling of the property, than the Council may not sell the property.” Should that be the desire of the Commission.

Member Gjede said that the language should be left as is so that the property could eventually be sold again.

Member Hulm pointed out that it is stated earlier in the section.



## MINUTES OF THE MAYOR'S CHARTER REVIEW COMMISSION

*Motion by Member Hulm to approve proposed ballot language as presented; seconded by Member Gjede. (Passed 6-0)*

### **Stipend of Mayor & Council**

Staff will update minor typos.

*Member Hulm moved to approve proposed ballot language with minor revisions as discussed; seconded by Member Gjede. (Passed 6-0)*

### **Term of Mayor**

Member Gambogi commented that he spoke with Tom Reilley at a rotary meeting recently and it was not a manager-council form of government when this language was put in the charter and they wanted to restrain the mayor a bit more.

*Motion by Member McMinn to approve proposed ballot language as presented; seconded by Member Gjede. (Passed 6-0)*

### **Vacancies in Council & Office of Mayor**

*Motion by Member McMinn to approve proposed ballot language as presented; seconded by Member Hulm. (Passed 6-0)*

#### C. April 11 Council Study Session Presentation

### **Discussion**

Ms. Siep stated that she will put together a brief memo as form of introduction, Chair can lead discussion and if the rest of the members would like to attend and listen in the audience she can poste a quorum notice. Proposed amendments and ballot language will be included in the packet.

Commission consensus to make these recommendations because this will be the decision of the Council.

Chair Arnold stated that he feels each amendment should be presented as it's own proposition. Commission consensus to do so.

Mayor Goode commented that it is important for the Commission members to meet with the public as much as possible and hear from them.

Mr. Podracky commented that they cannot advocate one way or the other.

Chair Arnold added that the formation of a PAC would be appropriate.



**MINUTES OF THE MAYOR'S  
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Member McMinn stated that she would be interested in adding the Water Policy and General Plan into the charter for consideration of future amendments.

Chair Arnold commented that those would be incorporated into the next election cycle because these would be very large changes.

Vice Chair Hess stated he would be in favor of continuing after the Study Session to discuss public outreach and possible future amendments.

Chair Arnold commented that there is value in adding these things in some way but they are heavy and will take time.

Ms. Siep stated that she is hearing that meetings will be taking place beginning in May just once monthly to discuss public outreach and possible future amendments beyond this election cycle as well.

***4. Adjournment***

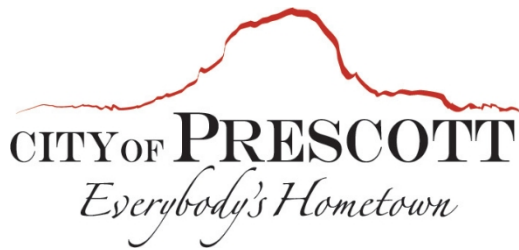
There being no further business to discuss, the meeting was adjourned at 4:01 p.m.

Submitted by:

\_\_\_\_\_  
Sarah Siep, City Clerk

\_\_\_\_\_  
Charlie Arnold, Chair

Date: \_\_\_\_\_



## MINUTES OF THE MAYOR'S CHARTER REVIEW COMMISSION

**Mayor's Charter Review Commission**

**April 20, 2023**

**9:30 a.m.**

**Prescott City Hall  
Executive Session Conference Room  
201 N. Montezuma St.**

Minutes of the Mayor's Charter Review Commission Meeting held on April 20, 2023, at Prescott City Hall.

**1. *Call to Order***

Chair Arnold called the meeting to order at 9:30 a.m.

**2. *Roll Call***

**Members**

Member Charlie Arnold

Member Ted Gambogi

Member Michael Gjede

Member Ralph Hess

Member Jerry Hulm

Member Bonnie McMinn - Excused

**Others Present**

Sarah Siep                      City Clerk/Staff Liaison

Chris Resare                      Assistant City Attorney

Matt Podracky                      Deputy City Attorney

Phil Goode                      Mayor

Brandon Montoya                      Council Liaison

**3. *Discussion & Possible Action Items***

- A. Review of Items Presented at April 11 City Council Study Session & Feedback for Possible Revisions to Amendments from Council

**Discussion**

Chair Arnold commented that initial findings were presented during the Study Session, and he generally felt that it went well and received good feedback from Council to be discussed today, but left with positive indicators.



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Member Hulm stated that Chair Arnold represented the group well, and concurred with his comments.

Member Gjede concurred.

Chair Arnold said it was nice to have Ms. Siep and Mr. Podracky present to help address any questions as well.

### **Article II, Section 2 – Absence to Terminate Membership**

Chair Arnold stated that Councilmember Rusing proposed adding notice to the Mayor as well. The overall concern was that the Mayor may be the one absent, so who else could receive notice besides the Clerk in their absence.

Ms. Siep responded that it could be the City Clerk's Office, or the City Manager in order to create redundancy.

Member Hulm commented that it could get to be too much. He likes "The City Clerk's Office" and then there is no confusion about where the notification goes.

Member Gjede commented that the notice would come in advance and someone will always be present to take that notice and the clerk will always be present for the meetings as well.

Councilmember Rusing was present in the audience and stated that she brought it up because there should be redundancy and wanted to make sure it wasn't due to a mix up, but feels the City Clerk's Office would be enough clarification.

***Motion by Member Hulm to amend proposed ballot language to state notice will be provided to the "city clerk's office"; seconded by Member Gjede. (Passed 5-0)***

### **Article II, Section 18 – Petitions**

Chair Arnold stated that he could have done a better job clarifying but this did generate some conversation from Council regarding who could submit the petition, for example limited to a citizen of Prescott or a specific number of signatures in order to submit.

Member Hulm commented that he doesn't disagree that it should be a citizen of the city of Prescott to be able to submit a petition, but it is the prerogative of any citizen to petition Council so requiring signatures seems onerous on the citizen to obtain signatures. The action could be not to do anything with it.

Commission discussion regarding the Charter already stating that it must be a citizen of the city of Prescott.



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Member Gambogi asked if the signature requirement was to avoid frivolous petitions.

Chair Arnold said there is enough leeway in the way it is currently written to vote up or down on it but it just has to be addressed. Potential consideration of “petition” and then Council could vote no on considering it. This body is looking at it strictly from the structural side of the amount of time to consider, he doesn't feel that putting restrictions on it would get it passed from the voters.

*No motion for changes to the proposed ballot language.*

### **Article VIII, Section 13 – Lease with Option to Purchase**

Chair Arnold stated that the discussion was around the \$2 million number and a potential CPI Increase language. He added that this language has led to some concerns regarding economic development in the community.

Finance Director Mark Woodfill Finance Director addressed the Commission regarding concern with having to go out to vote, particularly because the City purchased \$10 million of land out at the airport in the AED Development Project and has begun to sell for Economic Development in the community. A vote on an issue like this could take a significant amount of time which would make a purchaser go elsewhere. He understands the intent was some of the historic properties in the city, but it would also restrict these types of arrangements as well. Could look at change to requiring a super majority of the Council as opposed to a vote of the people so it doesn't eliminate the option for economic development on city property.

Chair Arnold commented that this is a valid concern, particularly in Economic Development.

Councilmember Rusing commented that Lease Option was birthed from the Hilton Garden Inn to require an appraisal.

Ms. Siep responded that appraisal language is in the section already.

Chair Arnold commented that if the property is for Economic Development and Industrial or Industrial Light it could be exempt from the requirement. The question for this section and the sale section is the feedback is that this conflicts with Economic Development plans and need to find a bridge.

Mr. Podracky commented that the Council would have to make the decision regarding whether they want to take Economic Development off the table or not.

Member Gjede said perhaps Economic Development in Industrial, Industrial Light, Commercial zoning areas.



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Chair Arnold commented that what if a future Council wanted to sell the water ranch without any voter approval, so perhaps a super majority would be appropriate for this.

Vice Chair Hess said this came up because of the historical experience people have had and how much the citizens have been able to be involved with the sale of large assets in the city. Looked at state statute which has a similar provision at a lower dollar threshold, allows the voters to participate in a decision of whether to sell a high value asset in the city.

Member of the public Howard Mechanic addressed the Commission and stated that there is no existing requirement for appraisal on a current lease with option to purchase. He added that considering historical properties be handled different than newly acquired properties so perhaps that should be differentiated and have a time of ownership as the requirement to sell or lease the property.

Chair Arnold commented that he likes the super majority option and properties in excess of \$2 million and property that has been in the city's possession for 10 years or longer which would provide for the historic purposes and still allowing for economic development.

Mr. Woodfill responded that we have thousands of acres that the city holds and should be used for Economic Development that should be considered.

Chair Arnold commented that perhaps the dollar amount should just be eliminated, but still require the appraisal and have a super majority of Council instead for sales and lease options.

Mayor Goode commented that a sale is required to be publicly posted and sold to the highest bidders, and then the voting requirement would add an additional year at least so opportunity to take advantage of a good selling environment would be gone/also the bidder may be gone.

Vice Chair Hess stated that putting things before the voters would require the city to present the benefits of why it would be sold to the voters and involving them in the process.

Mayor Goode stated that he feels going to a super majority for either the value or long held property addresses this concern through representative government.

Chair Arnold proposed that anything in excess of \$4 million should require a super majority vote of the Council.

Mr. Woodfill said a super majority does have impact.

Member Hulm stated that both values (Lease with Option to Purchase and Sale of City Property) would be changed from \$2 million to \$4 million and putting in super majority instead of a vote, is something he would support.



## MINUTES OF THE MAYOR'S CHARTER REVIEW COMMISSION

Vice Chair Hess is against this because the community should be able to participate in the process. These high value assets should involve community participation. Recognizes that it will take extra time but he feels it is worth it.

Mayor Goode said they have the opportunity to come to Council and speaking.

Member Gambogi said that with Planning & Zoning Commission impacted residents are notified, but they are not the only stakeholders in the decision. If there is a city council meeting who is notifying.

Mr. Podracky said that the notification is the publication of the Agenda.

***Motion by Chair Arnold motion to amend the language such that the Sale or Lease Option for any city property over \$4 million in value would require a super majority vote of the Council following a public hearing prior to the vote; seconded by Member Gambogi. (Passed 4-1) Vice Chair Hess Dissenting***

### **Article II, Section 12 – Vacancies in the Council and Office of Mayor**

Chair Arnold stated that this generated quite a bit of discussion amongst Council. Both of Council's suggestions were good feedback, he doesn't have an issue going to 90 days from nomination petition filing and finds the clarification on language regarding Mayoral appointment would be to end of the term of the Mayor. From Councilwoman Cantelme leave options but add in that it would be the 50/50 split on when the appointment would go to the end of the term.

Member Hulm stated that one of Councilwoman Cantelme's concerns would be a person would not step in to fill a short term seat, but to say nobody would step in to do that is presumptuous.

Chair Arnold asked if legal could craft something limiting the Council's ability to do a long term appointments. Appointments though will only be until the next election cycle. This is a very specific situation.

Mr. Podracky said staff will address that.

- B. Presentation & Discussion from Mark Woodfill City Finance Director & Matt Podracky Deputy City Attorney.
  - i. Article VI, Section 15 – Independent Financial Audit

### **Discussion**

Mr. Woodfill addressed the Commission regarding this outdated section of the Charter, and added that the audit environment has changed. With those changes there are a lot of requirements on the auditors making fewer audit cities because it is harder. This most recent cycle for example there were only four bidders. Proposal would be to update the language to update the term to a period of five years for re-bidding based on the feedback staff is receiving from the Audit



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community; also remove the requirement to switch because there is such a small group who is willing to do this work. Audits are important but this would help staff to get a good audit at an appropriate price level and leave switch to an administrative decision.

Member Hulm asked what makes a “qualified auditor”.

Mr. Woodfill responded that they would meet the requirements of industry, this changes so it can't be spelled out specifically in the charter.

Vice Chair Hess asked why the suggested language excludes some of the sentences in the current.

Mr. Woodfill responded that the CPA requirements are spelled out in the requirements, so trying to get to a licensed CPA has specific standards and it doesn't need to be stated specifically in the charter because it is an industry standard that updates regularly.

Member Hulm asked what kind of cost savings we would be looking at with this change.

Mr. Woodfill said it is not certain but would minimize the cost increases the city is experiencing.

***Motion by Member Hulm to accept staff revised language for Article VI, Section 15; seconded by Member Gjede. (Passed 5-0)***

### ii. Article VI, Section 16 – Prop 401 and Taxpayer Initiative

#### **Discussion**

Chair Arnold stated that two big questions from previous discussions were in reference to a Committee having standing and looking at the dollar amount for the CPI that was being referred to and whether that was still in use or tied to CPI that the city uses for everything else.

Mr. Podracky discussed Section F regarding Sponsoring Campaign Committee, the last time this was discussed there was concern regarding the Committee not still being the Active Committee of the initiative. He also provided an overview of what “legal standing” actually is. The court will make sure the plaintiff has a distinct and palpable injury (physical, financial, mental, etc).

Chair Arnold continued and asked if the city today recognizes this particular committee. He stated there is no such filing with the SOS office and asked Ms. Siep to confirm whether there is one with the City. His intention is to clean up concern or language to make sure the charter is accurate.

Ms. Siep confirmed there is no such Committee with an existing and active Political Action Committee status with the city.

Member of the Public Howard Mechanic stated the name is registered as Taxpayer Protection Committee with the State of Arizona and has kept it current with the state. He added that in this



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wording it is stating that the sponsoring committee has legal standing and does it still. If the committee did not exist after that, does it have to exist to continue to have legal standing. Haven't consulted their attorney.

Mr. Podracky commented that this came up because the sponsoring Committee may be a finite group of people that might not exist anymore, there is nowhere else in the charter where it says a specific group. It is the decision of the Court whether someone was harmed or not, so anyone could theoretically have standing.

Chair Arnold added there is no definition to who the "Committee" is. Anybody could file a PAC and use that name.

Vice Chair Hess said going back to what Mr. Podracky stated that if an action came to allege that the city failed to adhere to the charter anyone could do so.

Mr. Podracky said this goes further than a Sponsoring Committee. The Charter is the city's constitution and if the city violates it anyone could bring action if they don't adhere to it. You don't need to have this level of specificity, but because this was an initiative of the people it made sense at the time to include it. It is an unnecessary section and won't take away anyone's rights.

Mayor Goode added that potentially this Committee could challenge a citizen who is filing for standing and then could point the finger at the committee for damages. Would likely be better off taking the entire section out.

Member Hulm commented that the "Committee" could be taken over by anyone and then do something else.

Member of the public Cathey Rusing said she has a problem with "standing in all legal actions".

Mr. Mechanic added that this is probably superfluous but doesn't want to make a blanket statement for the group.

Mr. Podracky stated that updates to this section are not for this election cycle and only a housekeeping item that would be addressed in the future as well.

Mr. Woodfill addressed the Commission and stated that he worked with the Committee when this was initially addressed, the section is the general CPI that the city works with. Series title the city is the Phoenix Metro Index, but it deals with how much more you are paying for things and have no correlation to infrastructure development. Reviewed the CPI for all urban consumers which is based in regions and broken down specifically beyond that as well. City uses Phoenix-Mesa-Scottsdale all urban consumers not seasonally adjusted" so on the charter the language that is missing is the region.



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Mayor Goode feels it is appropriate to reference the specific one used.

Chair Arnold would like to see that specific language for the CPI referenced so if there is ever a dispute it isn't questioned.

Mr. Mechanic asked for official recognition from the city regarding the formatting and what was submitted to the city versus what he requested in a public records request.

Chair Arnold said this is outside the scope of the agenda.

Mr. Podracky stated that he will speak with him outside of the meeting.

Vice Chair Hess commented that the paragraph break in Article VI, Section 16 subpart B.1. in section D should be fixed.

Mr. Podracky commented that this can be addressed administratively and will be.

Chair Arnold said this item will come back again with CPI information, and addressing the Committee language for a future election cycle.

### C. Upcoming Meeting Schedule

#### **Discussion**

Chair Arnold said that there are a few important steps left to meet the requirements in order to get the ballot measure language in on time.

Member Gambogi mentioned two comments that he received which Ms. Siep reviewed in follow up to the City Council Study Session.

Mr. Podracky commented that requiring a resident own their home is not something that could legally be done, and added that a requirement for individuals that run for Council having served on a Board or Commission previously would be tough.

Chair Arnold commented that he feels that would be tough, he understands the concept but ultimately it would be subject to will of Council to determine who is appointed to BCCs.

Mr. Podracky confirmed home ownership requirement is illegal.

Member Gambogi said the first item resonates with him, there is a sensitivity in town. Many communities would never elect someone who hasn't served on a commission or board.

Member Hulm agreed that this would be fleshed out by the voters during candidate forums etc.



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Ms. Siep reviewed the upcoming schedule. May 8<sup>th</sup> at 3 pm, June 5<sup>th</sup> at 2 pm, Study Session June 13<sup>th</sup> to present final language to Council, June 27<sup>th</sup> Voting Meeting for Council to approve. July meeting of this body to determine meetings and plans moving forward.

Member Gjede stated that he will miss the May 8<sup>th</sup> meeting.

***4. Adjournment***

There being no further business to discuss, the meeting was adjourned at 11:14 a.m.

Submitted by:

\_\_\_\_\_  
Sarah Siep, City Clerk

\_\_\_\_\_  
Charlie Arnold, Chair

Date: \_\_\_\_\_



TO: MAYOR AND CITY COUNCIL  
AGENDA: May 8 Charter Review Meeting  
DATE: May 8, 2023  
DEPT: City Clerk  
ITEM #: 3.B  
SUBJECT: Article II, Section 2 - Absence to Terminate Membership

## ITEM SUMMARY

Staff recommends approval of the revised language as presented by staff in follow up to the April 20 Mayor's Charter Review Commission Meeting.

## BACKGROUND

The Mayor's Charter Review Commission has established this section of the City Charter as a priority for update in the 2023 General Election Cycle. At their April 20, 2023 Meeting the Commission discussed a revision to the language to include language regarding notification to the City Clerk's Office rather than just the City Clerk.

## FINANCIAL IMPACT

None at this time.

## RECOMMENDED ACTION

Discussion and possible action regarding Article II, Section 2 revised language provided by staff

## ATTACHMENTS

1. REVISED Absence to Terminate Membership\_Prop XXX

**PROPOSITION \_\_\_\_**

**PROPOSAL BY THE CITY COUNCIL TO AMEND CITY CHARTER ARTICLE II, SECTION 11, ENTITLED “ABSENCE TO TERMINATE MEMBERSHIP”**

**SHALL ARTICLE II, SECTION 11 OF THE CITY CHARTER ENTITLED “ABSENCE TO TERMINATE MEMBERSHIP” BE AMENDED AS FOLLOWS?**

~~If the mayor or any councilman shall be absent from more than two (2) consecutive called meetings without the consent of the council, he shall thereupon cease to hold office.~~

IT IS THE EXPECTATION THAT MEMBERS OF THE COUNCIL SHALL ATTEND ALL DULY NOTICED COUNCIL MEETINGS. IF A MEMBER OF THE COUNCIL CANNOT ATTEND A MEETING, WRITTEN NOTIFICATION OF THEIR ABSENCE MUST BE PROVIDED TO **THE CITY CLERK’S OFFICE** AT LEAST 24 HOURS IN ADVANCE. SHOULD A MEMBER OF THE COUNCIL BE ABSENT FROM AT LEAST THREE (3) CONSECUTIVE CALLED MEETINGS DAYS WITHOUT PRIOR NOTIFICATION, THEY SHALL CEASE TO HOLD OFFICE. EXCEPTIONS WILL BE MADE IN EMERGENCY SITUATIONS.

FOR PURPOSES OF THIS SECTION A “MEETING DAY” SHALL BE A PUBLICLY NOTICED MEETING ON A CALENDAR DAY. “CONSECUTIVE” SHALL MEAN SUCCESSIVELY FOLLOWING WITHOUT INTERRUPTION AND OCCURRING ON SUCCESSIVE DAYS.

**FULL BALLOT TEXT:**

OFFICIAL TITLE: PROPOSAL BY THE CITY COUNCIL TO AMEND CITY CHARTER ARTICLE II, SECTION 11 ENTITLED “ABSENCE TO TERMINATE MEMBERSHIP”

DESCRIPTIVE TITLE: AMENDMENT TO THE CITY CHARTER TO UPDATE THE ATTENDANCE REQUIRMENT FOR MEMBERS OF CITY COUNCIL TO REFLECT THE COUNCIL RULES OF PROCEDURE AND MORE CLEARLY ESTABLISH EXPECTATIONS AND DEFINITIONS.

A “YES” vote shall have the effect of updating the attendance requirement for members of the City Council to reflect the Council Rules of Procedure and more clearly establish expectations and definitions.

A “NO” vote shall have the effect of maintaining the current wording.



TO: MAYOR AND CITY COUNCIL  
AGENDA: May 8 Charter Review Meeting  
DATE: May 8, 2023  
DEPT: City Clerk  
ITEM #: 3.C  
SUBJECT: Article II, Section 12 - Vacancies in the Council and Office of Mayor

## ITEM SUMMARY

Staff recommends approval of the revised language as presented by staff in follow up to the April 20 Mayor's Charter Review Commission Meeting.

## BACKGROUND

The Mayor's Charter Review Commission has established this section of the City Charter as a priority for update in the 2023 General Election Cycle. At their April 20, 2023 Meeting the Commission discussed a revision to the language updating the criteria for appointments to Council and the Office of Mayor.

## FINANCIAL IMPACT

None at this time.

## RECOMMENDED ACTION

Discussion and possible action regarding Article II, Section 12 revised language provided by staff

## ATTACHMENTS

1. REVISED Vacancies in Council & Office of the Mayor\_Prop XXX

**PROPOSITION \_\_\_\_**

**PROPOSAL BY THE CITY COUNCIL TO AMEND CITY CHARTER ARTICLE II, SECTION 12, ENTITLED “VACANCIES IN COUNCIL AND OFFICE OF MAYOR”**

**SHALL ARTICLE II, SECTION 12 OF THE CITY CHARTER ENTITLED “VACANCIES IN THE COUNCIL AND OFFICE OF MAYOR” BE AMENDED AS FOLLOWS?**

The council, by a majority vote of its remaining members, shall fill the vacancies in its own members AS FOLLOWS: ~~and in the office of mayor, by either of the following:~~

- ~~A. Appointment for the unexpired term~~
- ~~B. Appointment until the next November when Council members are seated if the vacancy occurs more than thirty days before the nomination petition deadline for the primary election. The nomination process provided by state election law shall be followed by candidates for such vacancy and shall be designated on the primary, and general if necessary, ballot as running for the “short term.”~~
- A. EXCEPT FOR THE OFFICE OF MAYOR, COUNCIL SHALL BY A MAJORITY VOTE OF ITS REMAINING MEMBERS FILL A COUNCIL VACANCY BY APPOINTMENT UNTIL THE NEXT REGULARLY SCHEDULED ELECTION IF THE VACANCY OCCURS MORE THAN **NINETY (90)** DAYS BEFORE THE NOMINATION PETITION DEADLINE FOR SAID ELECTION, OTHERWISE THE APPOINTMENT SHALL BE FOR THE UNEXPIRED TERM.
- B. IN THE CASE OF A VACANCY THAT MAY OCCUR IN THE OFFICE OF MAYOR, THE COUNCIL SHALL APPOINT, FROM THE REMAINING MEMBERS, ONE COUNCIL MEMBER TO SERVE AS MAYOR **FOR THE REMAINDER OF THE OUTGOING MAYOR’S TERM. THE VACANCY CREATED ON THE COUNCIL THROUGH THE APPOINTMENT OF MAYOR SHALL THEN BE FILLED BY APPOINTING A NEW COUNCIL MEMBER IN ACCORDANCE WITH SUBSECTION A, ABOVE.**

**FULL BALLOT TEXT:**

OFFICIAL TITLE: PROPOSAL BY THE CITY COUNCIL TO AMEND CITY CHARTER ARTICLE II, SECTION 12 ENTITLED “VACANCIES IN THE COUNCIL AND OFFICE OF MAYOR”

DESCRIPTIVE TITLE: AMENDMENT TO THE CITY CHARTER SHALL REMOVE THE “EITHER/OR” OPTION FOR FILLING COUNCIL VACANCIES AND ESTABLISH NEW APPOINTMENT PROCEDURES FOR VACANCIES ON COUNCIL AND IN THE OFFICE OF MAYOR.

A “YES” vote shall have the effect of removing the “either/or” option for filling council vacancies and establish new appointment procedures for vacancies on Council and in the Office of Mayor.

A “NO” vote shall have the effect of maintaining the current wording.



TO: MAYOR AND CITY COUNCIL  
AGENDA: May 8 Charter Review Meeting  
DATE: May 8, 2023  
DEPT: City Clerk  
ITEM #: 3.D  
SUBJECT: Article VI, Section 15 - Independent Financial Audit

## ITEM SUMMARY

Staff recommends approval of the ballot language as presented by staff in follow up to the April 20 Mayor's Charter Review Commission Meeting.

## BACKGROUND

The Mayor's Charter Review Commission has established this section of the City Charter as a priority for update in the 2023 General Election Cycle. At their April 20, 2023 Meeting the Commission discussed a revision to the language updating the process of the Independent Financial Audit which the Commission approved. This will establish the proposed ballot language.

## FINANCIAL IMPACT

None at this time.

## RECOMMENDED ACTION

Discussion and possible action regarding Article VI, Section 15 revised language provided by staff

## ATTACHMENTS

1. Independent Financial Audit\_Prop XXX

**PROPOSITION \_\_\_\_**

**PROPOSAL BY THE CITY COUNCIL TO AMEND CITY CHARTER ARTICLE VI, SECTION 15, ENTITLED “INDEPENDENT ANNUAL AUDIT” BY UPDATING LANGUAGE TO PROVIDE FOR A FIVE-YEAR CONTRACT FOR AUDITING SERVICES**

**SHALL ARTICLE VI, SECTION 15 OF THE CITY CHARTER ENTITLED “INDEPENDENT ANNUAL AUDIT” BE AMENDED AS FOLLOWS?**

~~The council shall designate certified public accountants who, as of the end of the fiscal year, shall make an independent audit of the city government and shall submit their report to the council and to the city manager. Such accountants of the city government or of any of its officers. They shall not maintain any accounts or records of the city business, but, shall post-audit the books and documents kept by the city and any separate or subordinate accounts kept by any other office, department or agency of the city government. No firm shall make this audit more than three consecutive years.~~

THE COUNCIL SHALL DESIGNATE A CERTIFIED PUBLIC ACCOUNTANT TO PERFORM AN INDEPENDENT AUDIT ANNUALLY OF THE CITY’S FINANCIAL STATEMENTS. THE SELECTED AUDITOR SHALL BE QUALIFIED AND HAVE NO DIRECT OR INDIRECT INTEREST IN THE FISCAL AFFAIRS OF THE CITY. THE AUDIT REPORT SHALL BE PRESENTED BY THE AUDITOR TO THE COUNCIL AT A PUBLIC MEETING. THE CONTRACT FOR THE INDEPENDENT AUDIT SHALL NOT EXCEED A TERM OF FIVE YEARS.

**FULL BALLOT TEXT:**

OFFICIAL TITLE: PROPOSAL BY THE CITY COUNCIL TO AMEND CITY CHARTER ARTICLE VI, SECTION 15 ENTITLED “INDEPENDENT ANNUAL AUDIT” BY UPDATING LANGUAGE TO PROVIDE FOR A FIVE-YEAR CONTRACT FOR AUDITING SERVICES

DESCRIPTIVE TITLE: AMENDMENT TO THE CITY CHARTER ARTICLE VI, SECTION 15 TO UPDATE LANGUAGE TO PROVIDE FOR A FIVE-YEAR CONTRACT FOR AUDITING SERVICES.

A “YES” vote shall have the effect of amending Article VI, Section 15 by allowing for a five-year contract, rather a three-year contract, for auditing services.

A “NO” vote shall have the effect of maintaining the current wording.



TO: MAYOR AND CITY COUNCIL  
AGENDA: May 8 Charter Review Meeting  
DATE: May 8, 2023  
DEPT: City Clerk  
ITEM #: 3.E  
SUBJECT: Article VIII, Section 12 - Sale of City Property

## ITEM SUMMARY

Staff recommends approval of the revised language as presented by staff in follow up to the April 20 Mayor's Charter Review Commission Meeting.

## BACKGROUND

The Mayor's Charter Review Commission has established this section of the City Charter as a priority for update in the 2023 General Election Cycle. At their April 20, 2023 Meeting the Commission discussed a revision to the language updating the dollar amount that would require specific action by the Council and the process by which that would take place.

## FINANCIAL IMPACT

None at this time.

## RECOMMENDED ACTION

Discussion and possible action regarding Article VIII, Section 12 revised language provided by staff

## ATTACHMENTS

1. REVISED Sale of City Property\_Prop XXX

**PROPOSITION \_\_\_\_**

**PROPOSAL BY THE CITY COUNCIL TO AMEND CITY CHARTER ARTICLE VIII, SECTION 12, ENTITLED “SALE OF CITY PROPERTY” BY ADDING A NEW SUBSECTION 3**

**SHALL ARTICLE VIII, SECTION 12 OF THE CITY CHARTER ENTITLED “SALE OF CITY PROPERTY” BE AMENDED BY ADDING A NEW SUBSECTION 3 AS FOLLOWS?**

3. REAL PROPERTY OF THE CITY, THE VALUE OF WHICH EXCEEDS **FOUR MILLION DOLLARS (\$4,000,000)**, SHALL NOT BE SOLD UNLESS: **(1) A PUBLIC HEARING TO RECEIVE PUBLIC COMMENT SHALL BE HELD AT LEAST THIRTY (30) DAYS PRIOR TO A REGULAR COUNCIL MEETING AT WHICH THE PROPOSED SALE IS AGENDIZED FOR DISCUSSION AND POSSIBLE ACTION; AND, (2) THE SALE MUST BE AUTHORIZED BY A SUPER MAJORITY VOTE OF THREE-FOURTHS OF THE CITY COUNCIL APPROVING THE PROPOSED SALE OF THE PROPERTY.**

**FULL BALLOT TEXT:**

OFFICIAL TITLE: PROPOSAL BY THE CITY COUNCIL TO AMEND CITY CHARTER ARTICLE VIII, SECTION 12 ENTITLED “SALE OF CITY PROPERTY” BY ADDING A NEW SUBSECTION 3

DESCRIPTIVE TITLE: AMENDMENT TO THE CITY CHARTER ARTICLE VIII, SECTION 12 TO ADD NEW SUBSECTION 3 RELATED TO THE SALE OF CITY PROPERTY EXCEEDING A VALUE OF TWO MILLION DOLLARS.

A “YES” vote shall have the effect of amending Article VIII, Section 12 to the City Charter adding new subsection 3 related to the sale of city property exceeding a value of two million dollars.

A “NO” vote shall have the effect of maintaining the current wording.



TO: MAYOR AND CITY COUNCIL  
AGENDA: May 8 Charter Review Meeting  
DATE: May 8, 2023  
DEPT: City Clerk  
ITEM #: 3.F  
SUBJECT: Article VIII, Section 13 - Lease of City Property with Option to Purchase

## ITEM SUMMARY

Staff recommends approval of the revised language as presented by staff in follow up to the April 20 Mayor's Charter Review Commission Meeting.

## BACKGROUND

The Mayor's Charter Review Commission has established this section of the City Charter as a priority for update in the 2023 General Election Cycle. At their April 20, 2023 Meeting the Commission discussed a revision to the language updating the dollar amount that would require specific action by the Council and the process by which that would take place.

## FINANCIAL IMPACT

None at this time.

## RECOMMENDED ACTION

Discussion and possible action regarding Article VIII, Section 13 revised language provided by staff

## ATTACHMENTS

1. REVISED Lease of City Property with Option to Purchase\_Prop XXX

**PROPOSITION \_\_\_\_**

**PROPOSAL BY THE CITY COUNCIL TO ADD A NEW SECTION 13 TO CITY CHARTER ARTICLE VIII, ENTITLED “LEASE OF CITY PROPERTY WITH OPTION TO PURCHASE”**

**SHALL ARTICLE VIII, OF THE CITY CHARTER BE AMENDED BY ADDING A NEW SECTION 13, ENTITLED “LEASE OF CITY PROPERTY WITH OPTION TO PURCHASE” AS FOLLOWS?**

ANY LEASE OF CITY-OWNED REAL PROPERTY PROPOSED TO BE ENTERED INTO PURSUANT TO CITY CHARTER ARTICLE VIII, SECTION 11, THAT INCLUDES AN OPTION FOR THE LESSEE TO PURCHASE THE LEASED PROPERTY SHALL COMPLY WITH THE SALE OF CITY PROPERTY REQUIREMENTS IN CITY CHARTER ARTICLE VIII, SECTION 12. THE REAL PROPERTY TO BE LEASED SHALL BE APPRAISED PRIOR TO THE EXECUTION OF THE LEASE WITH OPTION TO PURCHASE. IF THE VALUE OF THE PROPERTY AT THE TIME OF APPRAISAL EXCEEDS **FOUR MILLION DOLLARS**, THE REQUIREMENTS IN CITY CHARTER ARTICLE VIII, SECTION 12, **SUBSECTIONS 2 AND 3** WILL APPLY. NO ADDITIONAL APPRAISALS OR VALUATIONS OF PROPERTY SHALL BE CONDUCTED OR REQUIRED BY EITHER THE LESSEE OR THE CITY AT THE TIME THE LESSEE EXERCISES ITS OPTION TO PURCHASE THE PROPERTY.

**FULL BALLOT TEXT:**

OFFICIAL TITLE: PROPOSAL BY THE CITY COUNCIL TO ADD CITY CHARTER ARTICLE VIII, SECTION 13 ENTITLED “LEASE OF CITY PROPERTY WITH OPTION TO PURCHASE”

DESCRIPTIVE TITLE: AMENDMENT TO THE CITY CHARTER TO ADD ARTICLE VIII, SECTION 13 REGARDING LEASE OF CITY PROPERTY WITH OPTION TO PURCHASE AND SETTING APPRAISAL REQUIREMENTS.

A “YES” vote shall have the effect of adding Article VIII, Section 13 to the City Charter regarding lease of city property with option to purchase and setting appraisal requirements.

A “NO” vote shall have the effect of maintaining the current wording.