

# City of Prescott

## Mayor's Charter Review Commission



June 5, 2023 | 2:00 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 **June 5, 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 May 8, 2023 Mayor's Charter Review Commission Meeting Minutes.  
**Recommended Action: MOVE to approve minutes as presented**
- B. Article VIII, Section 12 - Sale of City Property  
**Recommended Action: Discussion and possible action regarding Article VIII, Section 12 additional revised language provided by staff**
- C. Discussion Regarding Proposals to Be Provided to Council at the June 13 Study Session Meeting.  
**Recommended Action: MOVE to approve presentation of twelve (12) proposed propositions to amend the City Charter at the June 13 Study Session Meeting of the City Council**

**4. UPDATES**

- A. July Meeting Schedule

**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 6/2/23 at 2:00 p.m. in accordance with the statement filed by the Prescott City Council with the City Clerk.



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Sarah M. Siep, City Clerk



TO: MAYOR AND CITY COUNCIL  
AGENDA: June 5 Mayor's Charter Review Commission Meeting  
DATE: June 5, 2023  
DEPT: City Clerk  
ITEM #: 3.A  
SUBJECT: Approval of May 8, 2023 Mayor's Charter Review Commission Meeting Minutes.

## ITEM SUMMARY

This item is for the approval of the May 8, 2023 meeting minutes.

## BACKGROUND

None.

## FINANCIAL IMPACT

None.

## RECOMMENDED ACTION

MOVE to approve minutes as presented

## ATTACHMENTS

1. 05.08.23 Meeting Minutes

City of Prescott  
**Mayor's Charter Review Commission**

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

**MINUTES**

**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 - excused  
Member Ralph Hess  
Member Jerry Hulm  
Member Bonnie McMinn

**Others Present**

Jennifer Wiita Deputy City Clerk  
Chris Resare Assistant City Attorney  
Matt Podracky Deputy City Attorney  
Phil Goode Mayor

**3. DISCUSSION & ACTION ITEMS**

A. Approval of Minutes from the April 3, 2023 and the April 20, 2023 Meetings.

**MOTION BY MEMBER GAMBOGI TO APPROVE THE APRIL 3, 2023 AND THE APRIL 20, 2023 MINUTES; SECONDED BY MEMBER MCMINN: (PASSED 5 - 0)**

B. Article II, Section 2 - Absence to Terminate Membership

Chair Arnold noted that there is updated language in the packet provided by staff and explained that "Clerk" is to be changed to "Clerk's Office" in case the Clerk is unavailable.

Mr. Podracky noted a typo in the agenda packet where "Section 2" should read "Section 11".

There was no additional discussion on this item.

**MOTION BY MEMBER MCMINN TO APPROVE THE REVISED LANGUAGE FOR ARTICLE II, SECTION 11; SECONDED BY MEMBER HULM: (PASSED 5 - 0)**

C. Article II, Section 12 - Vacancies in the Council and Office of Mayor

Mr. Arnold noted that there were previous discussions about moving it to 90 days

to address the potential need for signature gathering and/or if too close to the election when making an appointment for the remainder of a term, and about clarification on the Mayor's term.

Member McMinn stated that there is the potential for this to happen in the next month or two and asked what would happen if a vacancy is decided on July 1st.

Chair Arnold replied that in that scenario, it would be the balance of the term and noted that except for the office of Mayor, the Council, shall, by majority vote of its remaining members, fill a Council vacancy by appointment until the next regularly scheduled election if the vacancy occurs more than 90 days before the nomination petition deadline.

Vice Chair Hess stated that the reason this came up was disagreement over Councilman Tenney's 33-month appointment, and this proposal may not address the issue given how upset the public became over a 33-month appointment, adding that Councilwoman Cantelme would have been appointed for 34 months if appointed in January and 32 months if appointed in March.

Chair Arnold replied that this takes the Council's discretion out of it. With Councilman Tenney, it was the Council's decision to appoint him long-term, and in Councilwoman Cantelme's case, they chose to appoint her short-term. Here, if it happens outside of this window, it is either A or B.

Vice Chair Hess stated that he is unsure whether it will address the 33-month appointment. He added that Councilwoman Cantelme had plenty of time to gather her signatures, as did Tony Hamer, with only one month to do so.

Chair Arnold commented that the Council's overwhelming feedback was that 30 days is too short of time to gather signatures.

Vice Chair Hess asked about a scenario in which no one was able to get the required signatures and the new Council would end up filling the vacancy. For example, if neither Councilwoman Cantelme or Tony Hamer were running for the two-year term and Councilwoman Cantelme's term ends, then the Council is left to fill it.

Member McMinn asked about a special election.

Chair Arnold replied that a special election is expensive.

Member McMinn concurred, adding that filling a vacancy for an extended period is a problem and she is not sure what solution is.

Chair Arnold stated that he is not aware of someone strategically resigning to create an opportunity for the existing Council, but should that happen there would be many records requests for phone calls, emails, etc.

Member McMinn replied that a lot of people were upset with Councilman Tenney's long-term appointment, and she was one of those who requested

records at that time.

Member Hulm stated that the purpose of this is to eliminate Council discretion so that nobody can blame or claim there was favoritism and if that results in a longer-term appointment, then that is what it is.

Vice Chair Hess commented that there are two options and either way, the Council will make an appointment. He likes the 90 days as it gives the full length of time to collect signatures.

Chair Arnold stated that with this revision, they have responded to Council concerns.

Mr. Podracky said that there was no elegant solution and this at least eliminates Council discretion.

**MOTION BY MEMBER HULM TO APPROVE THE REVISED LANGUAGE FOR ARTICLE II, SECTION 12 ; SECONDED BY MEMBER GAMBOGI: (PASSED 5 - 0)**

D. Article VI, Section 15 - Independent Financial Audit

Chair Arnold stated that this was a new topic at the last meeting at which Finance Director Mark Woodfill presented. This will help find an auditing firm, help control costs, and reduce staff time.

Member McMinn asked if the firm would have a five-year contract with this language.

Chair Arnold confirmed and explained that five years is now the standard and that with the previous three years, the firms were bumping up costs.

Member Hulm added that firms are unable to recover costs within three years.

Mayor Goode commented that it is likely that more auditing firms would bid on a contract.

**MOTION BY MEMBER GAMBOGI TO APPROVE THE REVISED LANGUAGE FOR ARTICLE VI, SECTION 15 ; SECONDED BY VICE CHAIR HESS: (PASSED 5 - 0)**

E. Article VIII, Section 12 - Sale of City Property

Chair Arnold recapped the modifications made by staff based on discussions at the last meeting. Specifically, the dollar amount was increased to four million, which alleviated some staff concerns about the economic development land being sold.

Mr. Podracky stated how this may adversely affect economic development drove the discussion. What they came up with last time was similar to what is required in state statute which states that any property sold in a non-charter city over two million dollars will go to the voters for approval. Council thought this was too draconian and they still wanted some say in the sale of large-dollar real property.

What came out of that discussion was the four million dollar amount, a public hearing requirement and that the sale be approved by a super majority vote.

Member McMinn asked if this would be taking the decision out of the hands of the voters.

Mr. Podracky confirmed.

Member Hulm commented that it is not taken out of the hands of the people since elected officials are elected to make these kinds of decisions. The idea of a public hearing is for the public to have input and for the Council to understand the public's stance.

Member McMinn proposed two hearings, to give the public the most opportunity to be heard.

Chair Arnold asked Mr. Podracky to review the posting requirements for a public hearing.

Mr. Podracky replied that there would be the same 24 hour notice before the hearing and since it would be a public hearing, the Council would have to take public comment.

Member McMinn asked for an instance when there is a requirement for two public hearings.

Mr. Podracky responded that Prop 400 with the large-scale annexation required two hearings.

Member Hess commented that there are several instances in which matters have to go to the voters, such as sales tax, general plan modifications, and large projects such as Prop 401. This does not require the voters to approve a specific transaction, it only requires approval of a specific asset to be sold. Council can put a sale on the ballot at any time, which will meet the requirement of voter approval. The way this is set up, all it takes is six Council members to sell the property.

Member McMinn asked if this would supersede the sale of Big Chino.

Chair Arnold stated that it could be sold right now without a public hearing and only four votes.

Mayor Goode added that there is no time restriction for this approval. Approval could be obtained and then, ten years down the road, the property could be sold.

Member McMinn stated that there is also no stipulation for appraisal requirements.

Chair Arnold replied that he sees an issue with groups coming in and requiring restrictions, which could tie the Council's hands to something that may not matter

ten years from now.

Member McMinn said that because there are no conservation easements, open space could be lumped in here as well, adding that there are unintended consequences to the way that this is written.

Chair Arnold responded that this is closer to the accomplishment intended. He recognized that it is not everything they want, but it puts the voters in a better position than they were.

Member McMinn asked if something could be added regarding open space protection. Conservation easements are expensive and that probably will never be accomplished, but maybe some language to protect land such as AED land and Storm Ranch land could be considered.

Vice Chair Hess replied that the same language used to protect Acker Park could be added to Section 12.

Member Hulm commented that if the Council were to sell all of our open space that had been planned and put into development, they would suffer the consequences.

Member McMinn stated that it would be too late at that point and she would like to see a paragraph about open space added.

Chair Arnold stated that they are out of time for substantial rewrites, and asked if this could be considered in the second amending package which would include Prop 401 language.

Vice Chair Hess stated that if this is approved and it is put before the voters, Council could later decide not to amend it with open space language so that they can privatize it.

Mr. Podracky replied that he did not know if there was time, and would talk to the Clerk, adding that the Committee had gotten off topic.

Chair Arnold stated that as it is, four Council members could sell off Watson, Willow and Acker. If the amended language is approved, anything worth over four million would require a public hearing and a super majority vote, which will increase transparency to transactions that the city may contemplate in the future.

Member McMinn stated that she is okay with how it's written but she wants to see a requirement for two public hearings.

Member Hulm commented that he is okay with two public hearings.

Mayor Goode commented that a public hearing allows awareness of what is happening, and gives time between each public hearing and the Council's consideration.

Chair Arnold said that two public meetings within a 30-day window are needed.

Member Hulm asked for clarification that the suggestion is two public hearings within 30 days.

Chair Arnold replied that would not work, and suggested two public hearings within 60 days prior to the regular meeting.

Mr. Podracky said that suggestion works, but would add that the hearings need to be held on separate days and suggested that it be worded "Two (2) public hearings, to be held on two separate meeting dates, to receive public comment, shall be held within a sixty (60) day period prior to a regular council meeting at which the proposed sale is agendized for discussion and possible action."

Vice Chair Hess asked why it went from two million to four million.

Mr. Podracky replied that the two million in statute was adopted and there is inflation to consider.

**MOTION BY MEMBER MCMINNTO APPROVE ARTICLE VIII, SECTION 12 WITH THE CHANGES NOTED BY DEPUTY CITY ATTORNEY MATT PODRACKY; SECONDED BY MEMBER GAMBOGI: (PASSED 4 - 0) VICE CHAIR HESS DISSENTING**

- F. Article VIII, Section 13 - Lease of City Property with Option to Purchase  
Chair Arnold noted that the update references real property, a super majority, public hearings and the amount of four million.

Mr. Podracky added that Subsection II is that a notice will be put in newspaper three times rather than two.

Chair Arnold stated that for the first time, there is a reference to leased-purchased transactions for the city which eliminates ambiguity.

Mr. Podracky added that it also has an appraisal requirement.

Mayor Goode asked if there is a reference to posting in newspapers because the legislature wants to take away that requirement to be able to publish digitally.

Mr. Podracky replied that it does not say newspaper specifically and if the Courier goes away, this language will not conflict.

**MOTION BY MEMBER HULM TO APPROVE THE REVISED LANGUAGE FOR ARTICLE VIII, SECTION 13 - LEASE OF CITY PROPERTY ; SECONDED BY MEMBER GAMBOGI: (PASSED 4 - 0) VICE CHAIR HESS DISSENTING**

**4. UPDATES**

- A. Staff Announcements & Upcoming Meetings  
Chair Arnold stated that there will not be a meeting on May 25th. The next

meetings are June 5th at 2:00 p.m. when the summer meeting schedule will be discussed, and June 13th, at 1:00 p.m. to present the final language at the City Council Study Session.

Member Hulm asked if the Commission should attend the June 27th Voting Meeting at 3:00 p.m.

Chair Arnold replied that they should anticipate being there.

**5. ADJOURNMENT**

Chair Arnold adjourned the meeting at 3:53 pm.

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Charlie Arnold, Chair

ATTEST:

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Sarah Siep, City Clerk



TO: MAYOR AND CITY COUNCIL  
AGENDA: June 5 Mayor's Charter Review Commission Meeting  
DATE: June 5, 2023  
DEPT: City Clerk  
ITEM #: 3.B  
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 May 8 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 and May 8, 2023 Meetings the Commission discussed revisions to the language updating the dollar amount that would require specific action by the Council and the process by which that would take place and adding an additional public hearing for review and discussion of the item.

## FINANCIAL IMPACT

None at this time.

## RECOMMENDED ACTION

Discussion and possible action regarding Article VIII, Section 12 additional 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) **TWO (2) PUBLIC HEARINGS TO BE HELD ON TWO DIFFERENT MEETING DATES, TO RECEIVE PUBLIC COMMENT SHALL BE HELD WITHIN A SIXTY (60) DAY PERIOD 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: June 5 Mayor's Charter Review Commission Meeting  
DATE: June 5, 2023  
DEPT: City Clerk  
ITEM #: 3.C  
SUBJECT: Discussion Regarding Proposals to Be Provided to Council at the June 13 Study Session Meeting.

## ITEM SUMMARY

Since December 2022, the Mayor's Charter Review Commission has been meeting to discuss and identify priority areas for amendments in the existing City Charter. Attached are the discussed, reviewed and approved proposals to be presented to Council at the June 13 Study Session. During this Study Session presentation, Chair Arnold will recap the previous Study Session discussion and updates made to the proposed language since that time. He and staff will overview the next steps in the process and advise that the proposed language will be returned to Council at the June 27 Voting Meeting for approval.

## BACKGROUND

None.

## FINANCIAL IMPACT

There is no fiscal impact associated with this item.

## RECOMMENDED ACTION

MOVE to approve presentation of twelve (12) proposed propositions to amend the City Charter at the June 13 Study Session Meeting of the City Council

## ATTACHMENTS

1. Proposed Charter Amendments\_2023 General Election

**PROPOSITION NO. 472**

**PROPOSAL BY THE CITY COUNCIL TO AMEND CITY CHARTER ARTICLE II, SECTION 3, ENTITLED “TERM OF MAYOR”**

**SHALL ARTICLE II, SECTION 3 OF THE CITY CHARTER ENTITLED “TERM OF MAYOR” BE AMENDED AS FOLLOWS?**

The term of office of the mayor shall commence at the conclusion of the second regularly scheduled voting meeting of the council in November following a primary or general election, and shall be for ~~two~~ **FOUR (4)** years or until his or her successor is elected and qualified.

**FULL BALLOT TEXT:**

OFFICIAL TITLE: PROPOSAL BY THE CITY COUNCIL TO AMEND CITY CHARTER ARTICLE II, SECTION 3 ENTITLED “TERM OF MAYOR”

DESCRIPTIVE TITLE: AMENDMENT TO THE CITY CHARTER TO CHANGE THE TERM OF MAYOR FROM TWO (2) YEARS TO FOUR (4) YEARS.

A “YES” vote shall have the effect of changing the term of mayor from two (2) years to four (4) years.

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

**PROPOSITION NO. 468**

**PROPOSAL BY THE CITY COUNCIL TO AMEND CITY CHARTER ARTICLE II, SECTION 5, ENTITLED “QUALIFICATIONS”**

**SHALL ARTICLE II, SECTION 5 OF THE CITY CHARTER ENTITLED “QUALIFICATIONS” BE AMENDED AS FOLLOWS?**

The mayor and ~~councilmen~~ COUNCIL MEMBERS shall be qualified electors of the city ~~one-year~~ THREE (3) YEARS prior to the primary election and shall hold no other public office for which they receive compensation except that of a notary public or a member of the National Guard, ~~or naval~~ or military reserve, and shall have resided in said city for ~~one (1) year~~ THREE (3) YEARS next preceding the date of such election or appointment. If the mayor or a ~~councilman~~ COUNCIL MEMBER shall cease to possess any of these qualifications or shall be convicted of a felony, ~~his~~ THEIR office shall immediately become vacant.

**FULL BALLOT TEXT:**

OFFICIAL TITLE: PROPOSAL BY THE CITY COUNCIL TO AMEND CITY CHARTER ARTICLE II, SECTION 5 ENTITLED “QUALIFICATIONS”

DESCRIPTIVE TITLE: AMENDMENT TO THE CITY CHARTER TO CHANGE THE QUALIFICATION FOR MAYOR & COUNCIL FROM ONE (1) YEAR TO THREE (3) YEARS RESIDENCY, AND LANGUAGE CLEANUP.

A “YES” vote shall have the effect of changing the residency requirement for Mayor and Council from one (1) year to three-years (3) and clean up language of the section.

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

**PROPOSITION NO. 466**

**PROPOSAL BY THE CITY COUNCIL TO AMEND CITY CHARTER ARTICLE II, SECTION 7, ENTITLED “MAYOR PRO TEMPORE”**

**SHALL ARTICLE II, SECTION 7 OF THE CITY CHARTER ENTITLED “MAYOR PRO TEMPORE” BE AMENDED AS FOLLOWS?**

The council shall designate one of its members as mayor pro tempore TO SERVE A ONE-YEAR TERM, ~~who shall serve in such capacity at the pleasure of the council.~~ THE DESIGNATION OF MAYOR PRO TEMPORE WILL BE MADE AT THE SECOND REGULARLY SCHEDULED MEETING IN NOVEMBER. The mayor pro tempore shall perform the duties of the mayor during ~~his~~ THEIR absence or disability.

**FULL BALLOT TEXT:**

OFFICIAL TITLE: PROPOSAL BY THE CITY COUNCIL TO AMEND CITY CHARTER ARTICLE II, SECTION 7 ENTITLED “MAYOR PRO TEMPORE”

DESCRIPTIVE TITLE: AMENDMENT TO THE CITY CHARTER TO SPECIFY THE TERM OF THE MAYOR PRO TEMPORE AS ONE (1) YEAR AND DETERMINING THE MEETING AT WHICH THE DESIGNATION SHALL TAKE PLACE.

A “YES” vote shall have the effect of specifying the term of the Mayor Pro Tempore as one (1) year and determining the meeting at which the designation shall take place.

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

**PROPOSITION NO. 471**

**PROPOSAL BY THE CITY COUNCIL TO AMEND CITY CHARTER ARTICLE II, SECTION 8, ENTITLED “STIPEND OF MAYOR AND COUNCILMEN”**

**SHALL ARTICLE II, SECTION 8 OF THE CITY CHARTER ENTITLED “STIPEND OF MAYOR AND COUNCILMEN” BE AMENDED AS FOLLOWS?**

Section 8 - Stipend of Mayor and COUNCIL MEMBERS. The stipend of the mayor shall be ~~\$750.00 per month, not to exceed \$9,000.00 per year; and the stipend of the council members shall be \$500.00 per month, not to exceed \$6,000.00 per year. These stipends shall take effect on December 1, 1999.~~ \$1,250.00 PER MONTH OR \$15,000.00 PER YEAR AND THE STIPEND FOR COUNCIL MEMBERS SHALL BE \$850.00PER MONTH OR \$10,200.00PER YEAR. THESE STIPENDS SHALL TAKE EFFECT ON JULY 1, 2024. BEGINNING ON JULY 1, 2025, AND EVERY YEAR THEREAFTER, THE MAYOR AND COUNCIL MEMBER STIPENDS WILL BE ADJUSTED FOR INFLATION BASED ON THE CONSUMER PRICE INDEX USED TO ADJUST CITY OF PRESCOTT EMPLOYEE COMPENSATION.

**FULL BALLOT TEXT:**

OFFICIAL TITLE: PROPOSAL BY THE CITY COUNCIL TO AMEND CITY CHARTER ARTICLE II, SECTION 8 ENTITLED “STIPEND OF MAYOR AND COUNCIL”

DESCRIPTIVE TITLE: AMENDMENT TO THE CITY CHARTER TO UPDATE THE MONTHLY STIPEND AMOUNT FOR MAYOR FROM \$750.00 PER MONTH TO \$1,250.00 PER MONTH AND COUNCIL FROM \$500.00 PER MONTH TO \$850.00 PER MONTH AND SET THE REQUIREMENT FOR ANNUAL CPI ADJUSTMENT TO THE SAME.

A “YES” vote shall have the effect of updating the monthly stipend amount for Mayor from \$750.00 per month to \$1,250.00 per month and Council from \$500.00 per month to \$850.00 per month and set the requirement for annual CPI adjustment to the same.

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

**PROPOSITION NO. 461**

**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.

**PROPOSITION NO. 473**

**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.

**PROPOSITION NO. 462**

**PROPOSAL BY THE CITY COUNCIL TO AMEND CITY CHARTER ARTICLE II, SECTION 18, ENTITLED “CONSIDERATION OF PETITIONS”**

**SHALL ARTICLE II, SECTION 18 OF THE CITY CHARTER ENTITLED “CONSIDERATION OF PETITIONS” BE AMENDED AS FOLLOWS?**

Any citizen of the city may appear before the council at any regular meeting and present a written petition; such petition shall be acted upon by the council, in the regular course of business , within ~~thirty (30) days~~ SIXTY (60) DAYS.

**FULL BALLOT TEXT:**

OFFICIAL TITLE: PROPOSAL BY THE CITY COUNCIL TO AMEND CITY CHARTER ARTICLE II, SECTION 18 ENTITLED “CONSIDERATION OF PETITIONS”

DESCRIPTIVE TITLE: AMENDMENT TO THE CITY CHARTER TO UPDATE THE CONSIDERATION OF PETITIONS FROM THIRTY (30) DAYS TO SIXTY (60) DAYS AFTER PRESENTATION TO COUNCIL.

A “YES” vote shall have the effect of updating the consideration of petitions from thirty (30) days to sixty (60) days after presentation to the council.

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

**PROPOSITION NO. 469**

**PROPOSAL BY THE CITY COUNCIL TO AMEND CITY CHARTER BY DELETING ARTICLE III, SECTION 6, ENTITLED “REMOVAL OF CITY MANAGER” IN ITS ENTIRETY AND AMENDING ARTICLE III, SECTION 1.**

**SHALL ARTICLE III, SECTION 6 OF THE CITY CHARTER ENTITLED “REMOVAL OF CITY MANAGER” BE DELETED IN ITS ENTIRETY AND ARTICLE III, SECTION 1 BE AMENDED AS FOLLOWS?**

~~The council may suspend or remove the city manager by a majority vote of all its members for cause. The council may further suspend or remove the city manager without cause upon the vote of five of seven council members. Within five days from the date of any removal for cause, the city manager may request a public hearing. Said hearing shall be held not later than ten days from the date of said request. The cause for terminating the city manager must be stated and recorded in the minutes at the same time the action is taken. At the conclusion of the public hearing, the council must either affirm or rescind their earlier vote.~~

SECTION 1. APPOINTMENT OF CITY MANAGER: THE COUNCIL SHALL APPOINT AN OFFICER OF THE CITY WHO SHALL HAVE THE TITLE OF CITY MANAGER AND SHALL HAVE THE POWERS AND PERFORM THE DUTIES PROVIDED IN THIS CHARTER. NO COUNCIL MEMBER SHALL RECEIVE SUCH APPOINTMENT DURING THE TERM FOR WHICH THEY SHALL HAVE BEEN ELECTED, NOR WITHIN ONE YEAR AFTER THE EXPIRATION OF THEIR TERM. THE CITY MANAGER SHALL SERVE AT THE PLEASURE OF COUNCIL.

**FULL BALLOT TEXT:**

OFFICIAL TITLE: PROPOSAL BY THE CITY COUNCIL TO AMEND CITY CHARTER ARTICLE III, SECTION 6 ENTITLED “REMOVAL OF CITY MANAGER”

DESCRIPTIVE TITLE: AMENDMENT TO THE CITY CHARTER SHALL REMOVE ARTICLE III, SECTION 6 AND UPDATE ARTICLE III, SECTION 1 TO CLARIFY LANGUAGE AND STATE THAT THE CITY MANAGER SHALL SERVE AT THE PLEASURE OF COUNCIL.

A “YES” vote shall have the effect of removing remove Article III, Section 6 in its entirety and update Article III, Section 1 to clarify language and state that the City Manager shall serve at the pleasure of Council.

A “NO” vote shall have the effect of maintaining Article III, Section 6 as currently written and will maintain Article III, Section 1 as currently written.

**PROPOSITION NO. 463**

**PROPOSAL BY THE CITY COUNCIL TO AMEND CITY CHARTER ARTICLE IX, SECTION 3, ENTITLED “QUALIFICATIONS OF ELECTORS; REGISTRATION; CANDIDATES”**

**SHALL ARTICLE IX, SECTION 3 OF THE CITY CHARTER ENTITLED “QUALIFICATIONS OF ELECTORS; REGISTRATION; CANDIDATES” BE AMENDED AS FOLLOWS?**

- A. The qualification of electors shall be as required by the constitution and laws of this state for state and county elections. Registration of voters shall be as required by the laws of this state and the register of qualified electors may be compiled from the general county register.
- ~~B. The City Clerk shall perform the following ministerial duties with respect to nomination papers and nominating petitions:
  - 1. ~~Verify that official candidates are qualified electors of the city for one year prior to the primary election, as required in Article II Section 5 of the Prescott City Charter.~~
  - 2. ~~Remove signatures of those signers on petitions who list an address outside of the City of Prescott.~~
  - 3. ~~Remove signatures of those signers that signed before the Statement of Organization or \$500 Threshold Exemption was filed.~~~~
- B. THE CITY CLERK NEED ONLY DETERMINE THAT THE NOMINATION PETITIONS ARE SUBSTANTIALLY IN REGULAR FORM AND CONTAIN THE REQUISITE NUMBER OF SIGNATURES PURSUANT TO ARIZONA REVISED STATUTES. THE CLERK SHALL VERIFY THAT OFFICIAL CANDIDATES ARE QUALIFIED ELECTORS OF THE CITY AS REQUIRED BY ARTICLE II SECTION 5 OF THE PRESCOTT CITY CHARTER.

**FULL BALLOT TEXT:**

OFFICIAL TITLE: PROPOSAL BY THE CITY COUNCIL TO AMEND CITY CHARTER ARTICLE IX, SECTION 3 ENTITLED “QUALIFICATIONS OF ELECTORS; REGISTRATION; CANDIDATES”

DESCRIPTIVE TITLE: AMENDMENT TO THE CITY CHARTER TO UPDATE THE MINISTERIAL DUTIES OF THE CITY CLERK IN RECEIVING NOMINATION PETITION PAPERS TO ALIGN WITH STATE LAW.

A “YES” vote shall have the effect of updating the ministerial duties of the city clerk in receiving nomination petition papers to align with state law.

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

**PROPOSITION NO. 467**

**PROPOSAL BY THE CITY COUNCIL TO AMEND CITY CHARTER ARTICLE IX, SECTION 7, ENTITLED “NOMINATION FOR GENERAL ELECTION”**

**SHALL ARTICLE IX, SECTION 7 OF THE CITY CHARTER ENTITLED “NOMINATION FOR GENERAL ELECTION” BE AMENDED AS FOLLOWS?**

~~If at any primary election there be any office or offices to which no candidate therefore was elected, then, said election shall be considered a primary election for the nomination of candidates for such office or offices, and a second or general election shall be held to vote for candidates to fill such office or offices. The candidates, not elected at such first election, equal in number to twice the number to be elected to any given office, or less if so there be, and who received the highest number of votes for the respective offices at such first election, shall be the only candidates at such second election. Candidates who do not qualify in the primary election shall not be eligible to move up and become candidates in the general election in the event a qualifying candidate withdraws for any reason from the general election or is deceased; provided, that if there be any person who under the provisions of this section, would have been entitled to become a candidate for any office except for the fact that some other candidate received an equal number of votes therefor, then all such persons receiving said equal number of votes shall likewise become candidates for such office. A qualifying candidate who elects to withdraw or a representative of a deceased candidate may request to have the candidate’s name removed from the ballot provided that the request is made prior to the time required for printing of the ballots. In the event that any withdrawal results in fewer candidates than the number of vacant offices, the council shall appoint the officer(s) to fill the vacant position subsequent to the general election and prior to the installation of new council members.~~

IN THE EVENT THAT NO CANDIDATE IS ELECTED TO A PARTICULAR OFFICE IN THE PRIMARY ELECTION, A GENERAL ELECTION WILL BE HELD TO ELECT CANDIDATES FOR THAT OFFICE. THE ONLY CANDIDATES ALLOWED TO RUN IN THE GENERAL ELECTION ARE THOSE CANDIDATES WHO RECEIVED THE HIGHEST NUMBER OF VOTES IN THE PRIMRARY ELECTION, UP TO TWICE THE NUMBER OF POSITIONS TO BE FILLED. CANDIDATES WHO DO NOT QUALIFY IN THE PRIMARY ELECTION SHALL NOT BE ELIGIBLE TO MOVE UP AND BECOME A CANDIDATE IN THE GENERAL ELECTION IN THE EVENT OF A QUALIFYING CANDIDATE’S WITHDRAWAL OR DEATH. A QUALIFYING CANDIDATE WHO WITHDRAWS, OR A LEGAL REPRESENTATIVE OF A DECEASED CANDIDATE, MAY REQUEST TO HAVE THEIR NAME REMOVED FROM THE BALLOT PROVIDED THAT THE REQUEST IS MADE PRIOR TO THE TIME REQUIRED FOR PRINTING OF BALLOTS. IN THE EVENT THAT ANY WITHDRAWAL RESULTS IN FEWER CANDIDATES THAN THE NUMBER OF VACANT OFFICES, THE COUNCIL SHALL APPOINT THE OFFICER TO FILL THE VACANT POSITION SUBSEQUENT TO THE GENERAL ELECTION AND FOLLOWING THE INSTALLATION OF NEW COUNCILMEMBERS.

**FULL BALLOT TEXT:**

OFFICIAL TITLE: PROPOSAL BY THE CITY COUNCIL TO AMEND CITY CHARTER ARTICLE IX, SECTION 7 ENTITLED “NOMINATION FOR GENERAL ELECTION”

DESCRIPTIVE TITLE: AMENDMENT TO THE CITY CHARTER TO UPDATE THE LANGUAGE FOR NOMINATION FOR GENERAL ELECTION SIMPLIFYING THE QUALIFICATIONS FOR CANDIDATES TO MOVE ON TO THE GENERAL ELECTION.

A “YES” vote shall have the effect of updating the language for nomination for general election by simplifying the qualifications for candidates to move on to the general election.

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

**PROPOSITION NO. 464**

**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.

**PROPOSITION NO. 470**

**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) TWO (2) PUBLIC HEARINGS TO BE HELD ON TWO DIFFERENT MEETING DATES, TO RECEIVE PUBLIC COMMENT SHALL BE HELD WITHIN A SIXTY (60) DAY PERIOD 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.

**PROPOSITION NO. 465**

**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.



TO: MAYOR AND CITY COUNCIL  
AGENDA: June 5 Mayor's Charter Review Commission Meeting  
DATE: June 5, 2023  
DEPT: City Clerk  
ITEM #: 4.A  
SUBJECT: July Meeting Schedule

## ITEM SUMMARY

Staff and Commissioners will discuss the scheduling of the July meeting and determine whether, given the holiday, the meeting will be cancelled for the month.

## BACKGROUND

None.

## FINANCIAL IMPACT

None.

## RECOMMENDED ACTION

Discussion regarding the July meeting schedule for the Commission.

## ATTACHMENTS

None