

City of Prescott

Mayor's Charter Review Commission



July 10, 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 **July 10, 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 June 19, 2023 Mayor's Charter Review Commission Meeting Minutes.
Recommended Action: MOVE to approve minutes as presented
 - B. Discussion Regarding the Role of Commission Members as it Relates to the Public Education Process and the Proposed Charter Amendment Propositions.
Recommended Action: This item is for discussion only. No formal action will be taken.
4. **UPDATES**
 - A. Upcoming Meeting Schedule Discussion.
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 7/6/23 at 11:00 a.m. in accordance with the statement filed by the Prescott City Council with the City Clerk.

Sarah M. Siep

Sarah M. Siep, City Clerk



TO: MAYOR AND CITY COUNCIL
AGENDA: July 10 Mayor's Charter Review Commission Meeting
DATE: July 10, 2023
DEPT: City Clerk
ITEM #: 3.A
SUBJECT: Approval of June 19, 2023 Mayor's Charter Review Commission Meeting Minutes.

ITEM SUMMARY

This item is for the approval of the June 19, 2023 meeting minutes.

BACKGROUND

None.

FINANCIAL IMPACT

None.

RECOMMENDED ACTION

MOVE to approve minutes as presented

ATTACHMENTS

1. June 19 2023 Charter Review Commission Minutes



City of Prescott

Mayor's Charter Review Commission

June 19, 2023 | 10:00 AM
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 10:00 a.m.

2. ROLL CALL

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

3. DISCUSSION & ACTION ITEMS

- A. Approval of June 5, 2023 Mayor's Charter Review Commission Meeting Minutes.
MOTION BY MEMBER GJEDE TO APPROVE THE JUNE 5, 2023 MEETING MINUTES; SECONDED BY MEMBER MCMINN: PASSED (6 - 0)

- B. Discussion and Possible Action Regarding Proposed Revisions to Article II, Section 5 - Qualifications

Chair Arnold thanked members for attending the Council Study Session on June 13 and said that the overall feedback received from the Council was positive. He feels that what staff has added appropriately accomplishes the Commission's goals, Council's comments and takes out excluding someone for their age to run for Council.

Member Gjede asked if a citizen grew up here and went to high school but then moved away for college or to join the armed forces would the three-year residency still count from previous years.

Chair Arnold stated that the residency is for the three years prior to the Primary Election.

MOTION BY MEMBER GAMBOGI TO APPROVE REVISED LANGUAGE OF ARTICLE II, SECTION 5 AS PRESENTED BY STAFF; SECONDED BY MEMBER MCMINN: PASSED (6 - 0)

- C. Discussion and Possible Action Regarding Proposed Revisions to Article VIII, Section 13 - Lease with Option to Purchase

Chair Arnold commented that he feels the concerns regarding this section have been addressed with staff's revisions, however, he is still hesitant about removing the last sentence because the purpose of the appraisal being done at the time of

the lease is what would impact the supermajority, etc. From a developer's standpoint, if there was a second appraisal that would be a deal breaker and the group did not have the intent of that being the case when the language was put together. Any additional appraisals should be specific to the deal and contract.

Assistant City Attorney Chris Resare stated that the legal opinion is removing the last sentence would allow the city to have an agreement that contemplates that issue and then there would be language included that would address that potential problem in the future. For example, including in the contract whether there would not be any future appraisals. Contracts can specifically lay out what the process related to the lease option would look like throughout the duration and in order to not preclude the type of contract that the city would be able to do removal of the last sentence is the recommendation of the city's attorneys.

Member Hess added that it would only be in the case of the \$4 million threshold at the time of appraisal that would then require a supermajority vote of the Council for approval.

Chair Arnold reviewed the language regarding the \$4 million and all subsections applying to the contract and the standalone sentence that could pose a problem in the interpretation and his concern for future scenarios where the appraisal being referenced is the one at the time of the execution of the lease.

Member Hulm said that adding in language "appraisal at time of execution of contract" could alleviate that problem and Chair Arnold's concerns.

Chair Arnold concurred.

Member Hess said he has concerns about when the appraisal is done, and in situations where it is done more than a few months or even years before the lease agreement is executed that can be a problem.

Member Gjede said that having an appraisal before each contract is written would be appropriate.

Commission discussion regarding the appraisal being conducted within six months of the execution of the lease with the option to purchase and copy the language "if the value of the property at the time of said appraisal" would address the issues they have discussed

Chair Arnold added that one-year would be more appropriate given the time that an appraisal takes.

Commission discussion and consensus regarding changes to the language.

MOTION BY CHAIR ARNOLD TO APPROVE LANGUAGE FOR ARTICLE VIII, SECTION 13 AS REVISED; SECONDED BY MEMBER GJEDE: PASSED (6 - 0)

4. ADJOURNMENT

There being no further business to discuss, Chair Arnold adjourned the meeting at 10:18 a.m.

CHARLIE ARNOLD, Chair

ATTEST:

Commission Staff Liaison



TO: MAYOR AND CITY COUNCIL
AGENDA: July 10 Mayor's Charter Review Commission Meeting
DATE: July 10, 2023
DEPT: City Clerk
ITEM #: 3.B
SUBJECT: Discussion Regarding the Role of Commission Members as it Relates to the Public Education Process and the Proposed Charter Amendment Propositions.

ITEM SUMMARY

Commission members will receive a presentation from city legal department staff regarding laws pertaining to their role in public education as it relates to proposed Charter Amendments and the upcoming election and their role. They will also discuss any potential public outreach regarding the same.

BACKGROUND

None.

FINANCIAL IMPACT

There is no fiscal impact associated with this item.

RECOMMENDED ACTION

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

ATTACHMENTS

None