

City of Prescott

Mayor's Charter Review Commission



September 11, 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** at their meeting to be held **September 11, 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 July 10, 2023 Mayor's Charter Review Commission Meeting Minutes.
Recommended Action: MOVE to approve minutes as presented
4. **UPDATES**
 - A. Staff Updates & Announcements.
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 9/7/23 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: September 11 Charter Review Commission Meeting
DATE: September 11, 2023
DEPT: City Clerk
ITEM #: 3.A
SUBJECT: Approval of July 10, 2023 Mayor's Charter Review Commission Meeting Minutes.

ITEM SUMMARY

This item is for the approval of the July 10, 2023 meeting minutes.

BACKGROUND

None.

FINANCIAL IMPACT

None.

RECOMMENDED ACTION

MOVE to approve minutes as presented

ATTACHMENTS

1. July 10, 2023 Charter Review Commission Minutes



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

MINUTES

1. CALL TO ORDER

Chair Arnold called the meeting to order at 2:00 p.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 19, 2023 Mayor's Charter Review Commission Meeting Minutes.

Member Gambogi commented on a few items he would like modified in the meeting minutes, particularly updating the Commission consensus sentence at the end of page 2 to read "consensus was reached".

City Clerk Sarah Siep said that revision can be made.

MOTION BY MEMBER GAMBOGI TO APPROVE THE JUNE 19, 2023 MINUTES AS AMENDED; SECONDED BY MEMBER GJEDE: (6 - 0)

B. Discussion Regarding the Role of Commission Members as it Relates to the Public Education Process and the Proposed Charter Amendment Propositions. Mr. Podracky provided a presentation regarding ARS 9-500.14 related to electioneering and politicking. Two handouts were provided which he reviewed as well, and discussed Resolution No. 3248. The City Attorney's Office is the AG with regard to election related issues, so he cannot provide guidance on the formation of a Political Action Committee.

Legal Authority:

- * A.R.S. 9-500.14
- * Caselaw - Kromko v. Tucson (active advocacy)
- * Federal and State Constitution (First Amendment)
- * AZ Attorney General Opinions (persuasive authority)
- * Local Law, Rules and Policies

ARS 9-500.14:

- * Use of city or town resources or employees to influence elections; prohibition; civil penalty; definitions
- * Does not prohibit the use of city or town resources, including facilities and equipment, for government-sponsored forums or debates if the sponsor remains impartial and the events ...
- * Employees cannot influence nor be influenced
- * Any penalties may not be paid out of city funds
- * Nothing contained shall deny the civil and political liberties of any employee as guaranteed by the US and Arizona Constitutions

Member McMinn asked about campaign signs on city property.

Mr. Podracky responded that the city has banned campaign signs in a sign free zone and on city property.

Chair Arnold commented that if the city asks for an open house to be held regarding this item, they can participate but cannot advocate one way or the other regarding the matters. The crux of what they wanted to understand was as a citizen acting as a member of this committee, is to simply share the information but not advocate for the Charter amendments.

Mr. Podracky confirmed Chair Arnold's statements and added that they can share the thought process of how these things came to be proposed for amendments on the ballot.

Vice Chair Hess asked Mr. Podracky to distinguish between when a neighbor asks you how you'll vote versus when a member of this Commission appears at an event to present information.

Mr. Podracky responded that in a personal life situation like speaking to your neighbor, you are able to differentiate between being a citizen and not a member of the Commission, but if you are participating in something as a member of the Commission, there isn't a separation. He continued with a review of applicable case law.

- * Kromko v. City of Tucson:
- * Impartiality/AG Opinion (15-002):

Chair Arnold talked about providing all of the information and educating citizens when asked about why something was done or brought forward and then reminding them that they have the option to approve a change or not.

Mr. Podracky reviewed dos and don'ts for city employees and how those would apply to members of this Commission.

Mayor Goode asked about the timing. For example, is it okay to discuss something before it becomes a ballot measure?

Mr. Podracky reviewed the AG opinion stating that when a proposition number or serial number has been applied for, and based on that interpretation, it has

already begun. The straightest answer is not to go out and advocate for or against any ballot measure at this point.

Member Gjede stated that it can become complicated when people come up to you directly and ask questions.

Chair Arnold added that the Commission will receive inquiries from groups, and in fact already has, so please let the City Clerk know if you will be presenting at a meeting or event so a Quorum notice can be posted. And added again that the purpose of these presentations is to provide information and educate.

Member McMinn stated that she has been invited by a couple of groups already, and added that she has begun to put together a list of possible organizations and groups that it would be good to provide information to.

Member Gambogi said it would be beneficial to get out in front of people and explain why these amendments are proposed.

Chair Arnold stated that going out into the community rather than having something on city property or in a city facility would be better.

This item was for discussion only. No formal action was taken.

4. UPDATES

A. Upcoming Meeting Schedule Discussion.

Chair Arnold asked for the opinion of Commission members whether they want to meet leading up to the General Election. He feels anything related to future amendments should be postponed to a future date.

Ms. Siep stated she can send out notices to everyone when she is informed of who is attending what events, etc. She added that ballots for the General Election will be mailed October 11th.

Chair Arnold said that perhaps a meeting in September would be good. Committee consensus to meet on September 11 at 2:00 p.m.

5. ADJOURNMENT

2:57 p.m.

CHARLIE ARNOLD, Chair

ATTEST:

SARAH M. SIEP, Commission Liaison



TO: MAYOR AND CITY COUNCIL
AGENDA: September 11 Charter Review Commission Meeting
DATE: September 11, 2023
DEPT: City Clerk
ITEM #: 4.A
SUBJECT: Staff Updates & Announcements.

ITEM SUMMARY

City Clerk Sarah Siep will provide an update to the Commission regarding the Publicity Pamphlet for the upcoming November 7 General Election and seek feedback from the Commission regarding upcoming meeting schedules and preferences.

BACKGROUND

None.

FINANCIAL IMPACT

None.

RECOMMENDED ACTION

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

ATTACHMENTS

None