



City of Prescott

Mayor's Charter Review Commission

October 17, 2023 | 3:00 PM
201 N. Montezuma Street
Council Chambers, 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 **October 17, 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 September 11, 2023 Mayor's Charter Review Commission Meeting.

Recommended Action: MOVE to approve minutes as presented

- B. Presentation & Discussion from Commission Chair Charlie Arnold Regarding the Proposed Amendments to the Prescott City Charter Presented to the Voters of the City at the November 7, 2023 General Election.

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

4. 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 10/10/23 at 1:00 p.m. in accordance with the statement filed by the Prescott City Council with the City Clerk.

A handwritten signature in cursive script, reading "Sarah M. Siep".

Sarah M. Siep, City Clerk



TO: MAYOR AND CITY COUNCIL
AGENDA: October 17 Mayor's Charter Review Commission Meeting
DATE: October 17, 2023
DEPT: City Clerk
ITEM #: 3.A
SUBJECT: Approval of Minutes From The September 11, 2023 Mayor's Charter Review Commission Meeting.

ITEM SUMMARY

This item is for the approval of the September 11, 2023 meeting. Staff recommends approval of the minutes as presented.

BACKGROUND

None.

FINANCIAL IMPACT

None.

RECOMMENDED ACTION

MOVE to approve minutes as presented

ATTACHMENTS

1. September 11, 2023 Charter Review Commission Minutes



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

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 (Excused)
Jerry Hulm - Member
Bonnie McMinn - Member

3. DISCUSSION & ACTION ITEMS

- A. Approval of July 10, 2023 Mayor's Charter Review Commission Meeting Minutes.
MOTION BY MEMBER GAMBOGI TO APPROVE THE MINUTES AS PRESENTED; SECONDED BY MEMBER HULM: PASSED (5 - 0)

4. UPDATES

- A. Staff Updates & Announcements.

Ms. Siep provided an update on the publicity pamphlet and the November election schedule for the Commissioners.

Member Gambogi asked about the outreach that the Commissioners plan to do over the next few months.

Chair Arnold responded that he is doing a few presentations at some local organizations beginning this week, also doing a radio show and will plans to run a "Talk of the Town" letter once it has been cleared by City Clerk and Legal staff.

Member McMinn stated that there will be two meetings which she will be presenting at as well.

Chair Arnold reminded everyone that they cannot advocate or tell people to vote in favor of or against any of the propositions but simply provide the information regarding each of these.

Mr. Podracky concurred, providing factual information only is the best way to handle any questions.

Member Gambogi said that the recent Open House for the General Plan had over 200 attendees who were able to ask about each of the components and he feels something like that would be beneficial.

Chair Arnold added that having information available at the Farmers' Market that Mayor Pro Tem Montoya does will be helpful as well and asked staff if it would be possible to have the publicity pamphlet available.

Staff confirmed.

Vice Chair Hess said he is available as well.

Ms. Siep addressed future meetings and how the Commission would like to handle meetings moving forward. She suggested moving forward with meetings again after the first of the year.

Member Gambogi commented that people have a difficult time understanding the proposals and there is word on the streets not to vote in favor of them. People need to have all of the information and need to make sure it is being properly presented to them.

Chair Arnold responded that the presentation for RWOP tomorrow has information to provide on each of the amendments.

Vice Chair Hess suggested having a meeting in Chambers, in an Open House type of format between now and the Election.

Chair Arnold asked if the legal department would have any issue with that.

Mr. Podracky responded that this would be fine as long as there is not advocacy for any of these amendments.

Ms. Siep stated that Chambers being booked and getting IT staff available would require verification of a few options and received feedback from the members when they would be available during the week of October 9 or 16 after ballots and pamphlets are sent.

Commission consensus for October 17 or 18 as the preference.

This item was for discussion only, no formal action was taken.

5. ADJOURNMENT

There being no further business to discuss, Chair Arnold adjourned the meeting at 2:17 p.m.

ATTEST:

CHARLIE ARNOLD, Chair

SARAH M. SIEP, Commission Liaison



TO: MAYOR AND CITY COUNCIL
AGENDA: October 17 Mayor's Charter Review Commission Meeting
DATE: October 17, 2023
DEPT: City Clerk
ITEM #: 3.B
SUBJECT: Presentation & Discussion from Commission Chair Charlie Arnold Regarding the Proposed Amendments to the Prescott City Charter Presented to the Voters of the City at the November 7, 2023 General Election.

ITEM SUMMARY

Chair Arnold will provide a presentation and discuss the proposed Amendments for informational purposes. Following this presentation citizens will have an opportunity to ask questions regarding these proposals.

BACKGROUND

None.

FINANCIAL IMPACT

None.

RECOMMENDED ACTION

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

ATTACHMENTS

1. Charter Commission Presentation



MAYOR'S CHARTER REVIEW
COMMISSION
PROPOSED CHARTER AMENDMENTS
2024

Committee Purpose and Members

The Mayor's Charter Review Commission was originally established in 2022 as a Mayoral Ad Hoc Commission for the review of the Prescott City Charter for possible amendments in upcoming Election Cycles.

Committee Members:

Charlie Arnold (chair), Ted Gambogi

Michael Gjede, Ralph Hess (vice-chair)

Jerry Hulm, Bonnie McMinn

Charter History

- Approved by the Citizens in 1958
- Amended 14 times (Avg 11 years)
- Last Amended 2011 (12 years)

Often times the amendments have been made to address specific situations that have arisen or topics of significant community concern.

PRESCOTT CITY CHARTER PRESCOTT, ARIZONA

Framed by the Board of Freeholders elected at the Special Election held March 25, 1958, acting as a Charter Committee, and respectfully submitted to the qualified electors of the City for their adoption and approval for the government of the City of Prescott as a Home Rule City.

Original Charter adopted August 19, 1958, and signed by Governor Ernest W. McFarland

Charter amended on January 14, 1969, and signed by Governor Jack Williams

Charter amended on May 18, 1976, and signed by Governor Raul H. Castro

Charter amended on January 9, 1979, and signed by Governor Bruce Babbitt

Charter amended on December 11, 1979, and signed by Governor Bruce Babbitt

Charter amended on September 20, 1983, and signed by Governor Bruce Babbitt

Charter amended on November 10, 1987, and signed by Governor Evan Mecham

Charter amended on September 21, 1993, and signed by Governor Fife Symington

Charter amended on September 26, 1995, and signed by Governor Fife Symington

Charter amended on September 7, 1999, and signed by Governor Jane Hull

Charter amended on September 11, 2001, and signed by Governor Jane Hull

Charter amended on November 8, 2005, and signed by Governor Janet Napolitano

Charter amended on November 3, 2009, and signed by Governor Janice K. Brewer

Charter amended on November 2, 2010, and signed by Governor Janice K. Brewer

Charter amended on November 8, 2011 and signed by Governor Janice K. Brewer June 7, 2012

What Is A Charter? How Is It Amended?

The Charter is essentially the City Constitution..
Chartered Cities rights are created by the State Constitution in many cases overrides state law and legislation. An example includes Consolidated Elections.

The Charter can only be amended by a vote of the people and subsequent approval by the Governor.

Quick Background on the Process

- The Committee started its work at the beginning of this year and held numerous public meetings.
- The Committee reviewed the 19 other chartered cities, current case law, and issues specific to Prescott
- Once the Committee finalized its recommendations they were presented to the Council for input, in some cases additional work on specific issues was completed with a final presentation to Council and adoption of the proposed Propositions completed.
- These individual propositions will be on your Primary Ballot arriving in your mailbox next Month.

PROPOSITION 461 ARTICLE II, SECTION 11, ENTITLED “ABSENCE TO TERMINATE MEMBERSHIP”

Current: 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.

Amended: 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.

PROPOSITION 462 ARTICLE II, SECTION 18,
ENTITLED "CONSIDERATION OF PETITIONS"

Current: 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.

Proposed: Current: 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 SIXTY (60) DAYS.

PROPOSITION 463 ARTICLE IX, SECTION 3, ENTITLED “QUALIFICATIONS OF ELECTORS; REGISTRATION; CANDIDATES”

Proposed: 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 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.

Delete: 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.

PROPOSITION 464 PROPOSAL ARTICLE VI, SECTION 15, ENTITLED
“INDEPENDENT ANNUAL AUDIT”

UPDATING LANGUAGE TO PROVIDE FOR A FIVE-YEAR CONTRACT OVER THE CURRENT
THREE-YEAR CONTRACT

PROPOSITION 465 A NEW SECTION 13 TO CITY CHARTER ARTICLE VIII, ENTITLED “LEASE OF CITY PROPERTY WITH OPTION TO PURCHASE”

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 WITHIN ONE (1) YEAR PRIOR TO THE EXECUTION OF THE LEASE WITH OPTION TO PURCHASE. IF THE VALUE OF THE PROPERTY AT THE TIME OF SAID APPRAISAL EXCEEDS FOUR MILLION DOLLARS, ALL REQUIREMENTS SET OUT IN CITY CHARTER ARTICLE VIII, SECTION 12 AND ITS SUBSECTIONS SHALL APPLY.

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.

PROPOSITION 466 ARTICLE II, SECTION 7, ENTITLED
“MAYOR PRO TEMPORE”

The council shall designate one of its members as mayor pro tempore TO SERVE A ONE-YEAR TERM. 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.

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 467 ARTICLE IX, SECTION 7, ENTITLED “NOMINATION FOR GENERAL ELECTION”

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 PRIMARY 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.

PROPOSITION 468 ARTICLE II, SECTION 5, ENTITLED “QUALIFICATIONS”

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 469 DELETING ARTICLE III, SECTION 6, ENTITLED “REMOVAL OF CITY MANAGER” IN ITS ENTIRETY AND AMENDING ARTICLE III, SECTION 1

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.

What is being deleted:

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.

PROPOSITION 470 ENTITLED

“SALE OF CITY PROPERTY”

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 RECEIVE PUBLIC COMMENT SHALL BE HELD ON TWO DIFFERENT MEETING DATES 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.

PROPOSITION 471 ARTICLE II, SECTION 8, ENTITLED “STIPEND OF MAYOR AND COUNCILMEN”

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 472 ARTICLE II, SECTION 3, ENTITLED
“TERM OF MAYOR”

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 473 ARTICLE II, SECTION 12, ENTITLED “VACANCIES IN COUNCIL AND 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

Deleting:

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.”

Please Vote

Let your voice be heard.

Thank you