



City of Prescott

City Council - Executive Session Meeting

October 26, 2023 | 3:30 PM

201 N Montezuma Street
Executive Session Conference Room, 3rd Floor
Prescott, AZ 86301

MINUTES

1. CALL TO ORDER

Mayor Goode called the meeting to order at 3:00 p.m.

2. ROLL CALL

Phil Goode - Mayor
Brandon Montoya - Mayor Pro Tem
Connie Cantelme - Councilwoman
Eric Moore - Councilman
Cathey Rusing - Councilmember
Steve Sischka - Councilman
Clark Tenney - Councilman

3. CALL TO ENTER EXECUTIVE SESSION

Mayor Goode stated that the Council received a request from City Manager Katie Gregory this morning to have the meeting conducted in an open session so Council will not be doing so and will only convene Executive Session if necessary at the end of the meeting.

4. LEGAL MATTERS

A. Discussion or Consideration of Employment of the City Manager Pursuant to A.R.S. 38-431.03 (A)(1).

Mayor Goode asked City Attorney Joseph Young to review the section of State Statute which allows an appointee or employee to request an Executive Session discussion take place in a public meeting.

Mr. Young reviewed A.R.S. 38-431.02 which allows the appointee or employee to request a public meeting after the public body provides the required notice of a scheduled meeting.

Mayor Goode stated that he called the meeting was to clarify the City Council's authority in the employment of the City Manager in response to Airport Director Robin Sobotta no longer being employed by the city as was stated in a Study Session on Tuesday, October 24. He added that the Council is not here to discuss the decision specifically or the performance of Ms. Gregory. However, Proposition 469 a proposed charter amendment for Article III Section 6 is on the General Election Ballot and relates to the Council's authority in the employment and removal of the City Manager and he would like to review the proposed amendment and clarify definitions to determine what defines "cause" and "at will"

employment. The Mayor continued by reading the current language for Article III, Section 6 as well as the language the proposed revisions contained in Prop 469. He further asked Mr. Young to discuss the definition of "cause".

Mr. Young responded that he provided a memo to Council related to what "cause" is, but in brief, stated that it is not defined specifically in Charter or Statute but is in case law. Would have to be something that is not arbitrary and not capricious, for example a substantial shortcoming which renders their continuance in office no longer effective. It is a deficiency to carry out the duties of that person's office.

Mayor Goode said he will take public comment, to clarify things and help them make determinations.

Councilman Moore stated that this discussion is off topic from what the agenda states is the topic which is "employment of the City Manager". This meeting was not called to discuss the proposed propositions as that is not something that would be done in a closed meeting. It was called to discuss the City Manager's employment.

Mayor Pro Tem Montoya commented that if the Council were here to discuss a Ballot Measure that many people have already voted on, it is a waste of time for the Council, the staff and all members of the public present and he feels the meeting should be adjourned if they are not going to discuss what everyone was present to discuss, the employment of the City Manager.

**MOTION BY MAYOR PRO TEM MONTOKYA TO ADJOURN THE MEETING;
SECONDED BY COUNCILMAN MOORE: PASSED (4 - 3) MAYOR GOODE,
COUNCILWOMAN CANTELME AND COUNCILMEMBER RUSING
DISSENTING**

**5. ADJOURNMENT OF EXECUTIVE SESSION & RECONVENING OF A REGULAR
PRESCOTT CITY COUNCIL MEETING FOR DISCUSSION AND POSSIBLE ACTION
REGARDING MATTERS DISCUSSED IN EXECUTIVE SESSION**

None.

6. ADJOURNMENT

There being no further business to discuss, Mayor Goode adjourned the meeting adjourned at 3:43 p.m.



PHILIP R. GOODE, Mayor

ATTEST:



SARAH M. SLEP, City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Voting Meeting of the City Council Voting Meeting of the City of Prescott, Arizona held on October 26, 2023. I further certify the meeting was duly called and held and that a quorum was present.



Sarah M. Siep, City Clerk

