



City of Prescott

City Council - Voting Meeting

November 7, 2023 | 2:30 PM
201 N Montezuma Street
City Council Chambers, 3rd Floor
Prescott, AZ 86301

MINUTES

1. CALL TO ORDER

Mayor Goode called the meeting to order at 2:38 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. DISCUSSION & REGULAR AGENDA

- A. Discussion & Possible Action Regarding Complaints by City Council Members Related to Conduct of the Mayor, and Possible Executive Session for Legal Advise Pursuant to A.R.S. 38-431.03(A)(3).

Mayor Goode stated that this meeting can be called at the request of three members of the City Council and read a statement (included as attachment to these minutes) into the record. He added that he will allow each Councilmember five minutes to speak and then take public comments regarding this matter.

Mayor Pro Tem Montoya stated that he agrees that an investigation needs to be done and it should be open and transparent. He has had contact with the Attorney General's Office and there is an investigation being started related to the Open Meeting Law Violations and added that all complaints should be forwarded to the Attorney General's Office for an additional investigation.

Councilman Tenney commented that on Monday morning of this week he joined Councilman Moore and Mayor Pro Tem Montoya in filing a complaint. He read a few paragraphs of his complaint stating that the Council is a policy-making and not an executive body. He is concerned that elected officials are interfering with roles of city staff, and stated that one member of the Council demanding the resignation of the City Manager is outside of their purview. If independent parties determine there was wrongdoing, he hopes that at minimum there will not be a repeat of these actions.

Councilman Sischka stated that he too has filed a letter of complaint. He feels that for too long people have looked at Mayor's like kings and belief in this has led to crossing the line and intimidating City Managers, which is contrary to

decency and the City Charter. The Mayor should be the face of the city and not the king of the city.

Councilman Moore stated that there is nothing personal about his letter of complaint, rather it was based on the behavior and actions of the Mayor. He was very concerned about the meeting where the Council was to review the employment of the City Manager and the meeting took a different course and was a sham. The basis for his letter is several factors: 1. all elected officials have taken an oath including their adherence to articles in the charter and rules governing council members and the Mayor overstepped his bounds in taking on administrative duties; 2. It is important that the Council remember they are a legislative and not administrative body and have a council-manager form of government which should be adhered to; 3. The Council does not have administrative duties, that falls on the City Manager who everyone on the dais chose to hire. He doesn't feel it is justice when one person demands another person resign when they don't have the authority to do so, it is revenge or not feeling that you are getting your way, it is his hope that a thorough, independent investigation will determine violations and these can be addressed.

Councilwoman Cantelme stated that this is a very difficult situation and she reminded the Council that they all are expected to conduct themselves in a mutually respectful and appropriate manner, and to act with integrity and work as a team. She feels that this is the second attempt in a year and a half to take out the Mayor, and there is no proof for any of these accusations. She stated that everyone would be well advised to wait for these investigations to come through.

Councilmember Rusing read Article II, Section 6 of the City Charter which addresses the powers of the Mayor. She continued with a statement.

City Attorney Joseph Young stated that Councilmember Rusing was getting off topic and needed to address only what is on the posted agenda and not other topics.

Mayor Goode opened the floor to public comment.

Member of the public Ted Gambogi addressed Council regarding beginning with the end in mind. The end was to resolve the issues at the airport, which in his opinion quickly devolved into a cat fight with some members of Council. He feels it is important to understand that we have to stop gaslighting and stop conflating sections of the City Charter, and it is time to get back to the city's business.

Member of the public Thomas Hutchison addressed Council regarding people having a feel for what is really going on here and stated this reeks of not having enough information which requires a thorough investigation. He has reviewed Councilman Moore's letter and asked who helped him write it.

Councilman Moore stated that he took the time and effort to study the charter and state statutes and wrote his opinion based on his interpretation of those documents.

Member of the public Leslie Kirkeide addressed Council and stated that the article on Sunday was a lot of self promotion of the Mayor. She is annoyed as a tax payer in Prescott and feels that this should all go to the Attorney General to be dealt with.

Member of the public Peggy Glenn addressed Council regarding decorum when it is in support of specific items being allowed to go on and added that this is not Buffalo Bill days, this is supposed to be seven people representing this community. This investigation belongs in the hands of a third party much removed, and that is what procedure is for.

Member of the public Paul Roberto Sierra addressed the Council stating that he has been watching from afar for awhile and is concerned by the fact that what should have been solved in an Executive Session is now out in front of the public. It is not within the purview of the Council to interfere with the administrative duties of the City Manager. Mayor Goode should view the participation of the Attorney General's Office as an audit. This is running over into emotional.

Member of the public Tony Hamer addressed the Council stating that there are so many crises within the city and this is becoming a sideshow that is taking time away from the actual issues.

Member of the public Suzette Conrardy addressed the Council stating that this should have taken place through internal processes and she believes that these accusations are timed to oust the Mayor from office. She said it is important to think of who benefits from this.

Member of the public Robin Sobotta addressed the Council in support of the Mayor and stating that she is taking steps to address an interconnected employment manner.

Member of the public Richard Thompson addressed the Council regarding the City Manager being in charge of the city, but the Council being in charge of her. He feels the Council needs to take charge and protect our asset.

Mr. Young stated that the item was noticed for possible action and would be limited to discussions in any action that members of Council feel are necessary related to this.

MOTION BY MAYOR PRO TEM MONTROYA TO FORMALLY FILE COUNCIL COMPLAINTS WITH THE ATTORNEY GENERAL'S OFFICE; SECONDED BY COUNCILMAN SISCHKA.

Mr. Young stated that complaints can be filed independently by the Council members and the City Attorney cannot file as all of Council is his client, however, city staff (HR) at the direction of the City Manager can forward on the complaints. The AG's office will look into this if it comes through management of the city. Alternatively, Council could also direct a third party investigator to forward the complaints.

MAYOR PRO TEM MONTOYA MODIFIED HIS MOTION TO HAVE COUNCIL COMPLAINTS FORWARDED TO THE ATTORNEY GENERAL'S OFFICE THROUGH HR STAFF AT THE DIRECTION OF THE CITY MANAGER; SECONDED BY COUNCILMAN SISCHKA.

Councilman Tenney asked if it the City Attorney's opinion that if a majority were to vote on this motion it would compromise an independent investigation on the Mayor's actions.

Mr. Young stated that if there are two separate investigations and the results look different that could be a problem.

Councilman Moore stated that he isn't comfortable voting on this until he gets more information from the City Attorney. He also asked the Mayor to clarify if he had in fact requested that an independent investigation be conducted.

Mr. Young responded that he would forward requests to a third party for investigation. All members of Council are his clients so he could not "report" them to the Attorney General's Office. Independent investigations would result in a report that comes back to him and will be shared with the Council, then the Attorney General can investigate any claims that are sent to them and would then "prosecute" if and when necessary. If an independent investigation came in it would be shared with Council and then be waived for the public.

MAYOR PRO TEM MONTOYA WITHDREW THE MOTION.

4. ADJOURNMENT

There being no further business to discuss, Mayor Goode adjourned the meeting at 3:31 p.m.



PHILIP R. GOODE, Mayor

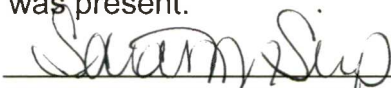
ATTEST:



SARAH M. SIEP, 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 November 7, 2023. I further certify the meeting was duly called and held and that a quorum was present.



Sarah M. Siep, City Clerk

