

City of Prescott

Mayor's Charter Review Commission



March 4, 2024 | 3:00 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 **March 4, 2024**. Notice of this meeting is given pursuant to Arizona Revised Statutes, Section 38431.02.

1. CALL TO ORDER

2. ROLL CALL

3. DISCUSSION & ACTION ITEMS

- A. Approval of the October 17, 2023 Charter Review Commission Meeting Minutes.
Recommended Action: MOVE to approve the minutes as presented
- B. Presentation & Discussion Regarding Adoption of Proposed Charter Amendments at the November 7, 2023 General Election.
Recommended Action: This item is for discussion only. No formal action will be taken.
- C. Presentation & Discussion Regarding a Potential Open Space Addition to Article VIII, Section 12 of the Prescott City Charter.
Recommended Action: This item is for discussion only. No formal action will be taken.
- D. Presentation & Discussion Regarding Potential Additions to the Prescott City Charter Regarding: 1) The Prohibition of Discrimination, and 2) Leasing of City-Owned Property.
Recommended Action: This item is for discussion only. No formal action will be taken.
- E. Commission Discussion Regarding Potential Future Amendments to the Prescott City Charter & Future Meeting Schedule Throughout 2024.
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 2/23/24 at 4:00 p.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: March 4 Charter Review Commission Meeting
DATE: March 4, 2024
DEPT: City Clerk
ITEM #: 3.A
SUBJECT: Approval of the October 17, 2023 Charter Review Commission Meeting Minutes.

ITEM SUMMARY

This item is for the approval of the minutes from the October 17, 2023 Charter Review Commission meeting. Staff recommends approving the minutes as presented.

BACKGROUND

None.

FINANCIAL IMPACT

None.

RECOMMENDED ACTION

MOVE to approve the minutes as presented

ATTACHMENTS

1. October 17, 2023 Charter Review Commission Minutes



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

MINUTES

1. CALL TO ORDER

Chair Arnold called the meeting to order at 3:00 p.m.

2. ROLL CALL

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

3. DISCUSSION & ACTION ITEMS

A. Approval of Minutes From The September 11, 2023 Mayor's Charter Review Commission Meeting.

MOTION BY MEMBER MCMINN TO APPROVE THE MINUTES AS PRESENTED; SECONDED BY MEMBER HULM: PASSED (4 - 0)

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.

Chair Arnold provided a presentation regarding the proposed Charter Amendments. The Commission felt it was important to have a broadcast meeting for the public to better understand the proposals. The group is not advocating for any of the proposed amendments but providing an educational forum to review the amendments. He reviewed the previous fourteen amendments to the Charter the last of which was done in 2011, and finally provided an overview of the review process that has taken place thus far this year. Each proposition was reviewed individually and is included in the presentation contained in the Agenda Packet. He encouraged everyone to review the publicity pamphlet which was distributed along with the ballots and participate and vote in the November General Election.

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

4. ADJOURNMENT

There being no further business to discuss, Chair Arnold adjourned the meeting at 3:21 p.m.

CHARLIE ARNOLD, Chair

ATTEST:

SARAH M. SIEP, Staff Liaison



TO: MAYOR AND CITY COUNCIL
AGENDA: March 4 Charter Review Commission Meeting
DATE: March 4, 2024
DEPT: City Clerk
ITEM #: 3.B
SUBJECT: Presentation & Discussion Regarding Adoption of Proposed Charter Amendments at the November 7, 2023 General Election.

ITEM SUMMARY

Staff will provide an overview of the twelve (12) Charter Amendments that were adopted by the City of Prescott voters at the November 7, 2023 General Election. The provision regarding the Mayor's term was not approved. Charter Amendments were approved by the Governor's Office on January 31, 2024 and the Charter document has been updated and posted to the city website.

BACKGROUND

None.

FINANCIAL IMPACT

None.

RECOMMENDED ACTION

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

ATTACHMENTS

1. Governor Approval_Prescott City Charter Amendment 01.31.24



STATE OF ARIZONA
OFFICE OF THE GOVERNOR

KATIE HOBBS
GOVERNOR

EXECUTIVE OFFICE

January 31, 2024

Sarah Siep
Office of the City Clerk
201 N. Montezuma Street, Suite 302
Prescott, AZ 86301

Re: Governor's Approval of the Prescott City Charter Amendments

Dear Ms. Siep,

Please find enclosed the Governor's approval of the Prescott City Charter Amendments. Please do not hesitate to reach out if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Bo Dul".

Bo Dul
General Counsel

GOVERNOR'S APPROVAL
of
CITY of PRESCOTT
CHARTER AMENDMENT

It has been represented to me that the foregoing Amendments to the Charter of the City of Prescott, State of Arizona, to wit:

PROPOSITION NUMBER 461 *(amending Article II, Section 11 of the Prescott City Charter to provide that a member of the City Council who cannot attend a duly noticed council meeting must provide notice to the City Clerk, and that a member of the City Council shall cease to hold office after three consecutive absences from called meeting days without prior notification of the absence)*

PROPOSITION NUMBER 462 *(amending Article II, Section 18 of the Prescott City Charter to provide that the City Council shall act upon a written petition presented at any regular meeting within sixty days)*

PROPOSITION NUMBER 463 *(amending Article IX, Section 3 of the Prescott City Charter to provide that the City Clerk need only determine that candidate nomination petitions are substantially in regular form and contain the requisite number of signatures, and verify that official candidates are qualified electors of the city)*

PROPOSITION NUMBER 464 *(amending Article VI, Section 15 of the Prescott City Charter to provide that a certified public accountant designated by the City Council shall annually perform an independent audit of the City's financial statements and present the audit report at a public meeting of the City Council)*

PROPOSITION NUMBER 465 *(adding Article VIII, Section 13 of the Prescott City Charter to provide that any proposed lease of city-owned real property that includes an option for the lessee to purchase the property shall comply with City Charter provisions for the sale of real property)*

PROPOSITION NUMBER 466 *(amending Article II, Section 7 of the Prescott City Charter to provide that the Mayor Pro Tempore shall serve a one-year term, instead of at the pleasure of the City Council)*

PROPOSITION NUMBER 467 *(amending Article IX, Section 7 of the Prescott City Charter to provide that a general election shall be held if no candidate is*

elected to a particular office in the primary election, that the number of general election candidates may be no more than twice the number of positions to be filled, and that a candidate (or legal representative, in the case of death) may request to have the candidate's name removed from the ballot before ballots are printed)

PROPOSITION NUMBER 468 *(amending Article II, Section 5 of the Prescott City Charter to provide that a City Council member shall be a qualified elector, be a resident of the city for at least three years prior to the primary election and preceding the date of election or appointment, and hold no other public office for compensation except that of a notary public or member of the National Guard or military reserve)*

PROPOSITION NUMBER 469 *(removing Article III, Section 6 and amending Article III, Section 1 of the Prescott City Charter to provide that the City Council shall appoint a City Manager who has the powers and duties provided in the charter and serves at the pleasure of the City Council, and that a member of the City Council shall not be City Manager during their term or within one year of the expiration of their term)*

PROPOSITION NUMBER 470 *(amending Article VIII, Section 12 of the Prescott City Charter to provide that real property of the City with a value exceeding four million dollars shall not be sold unless two public meetings for public comment are held within 60 days prior to a regular City Council meeting at which the proposed sale is on the agenda for discussion and possible action and the sale is authorized by a three-fourths super majority of the City Council)*

PROPOSITION NUMBER 471 *(amending Article II, Section 8 of the Prescott City Charter to provide that the stipend of the Mayor shall be \$1,250 per month or \$15,000 per year and the stipend of a City Council member shall be \$850 per month or \$10,200 per year, effective July 1, 2024, and that such stipends will be adjusted for inflation annually beginning July 1, 2025)*

PROPOSITION NUMBER 473 *(amending Article II, Section 12 of the Prescott City Charter to provide that vacancies on the City Council shall be filled by appointment by majority vote of the remaining members until the next regularly scheduled election if the vacancy occurs more than 90 days before the applicable nomination petition deadline or for the remainder of the unexpired term if the vacancy does not occur more than 90 days before such deadline, and that a vacancy in the office of Mayor shall be filled by the City Council appointing one of its remaining members for the remainder of the term)*

Have been ratified, approved, and passed by the electors of the City of Prescott at the General Election had and held in the City of Prescott on the 7th day of November, 2023. These amendments have been duly submitted to me for approval, and not being in conflict with the Constitution of the State of Arizona, or with the laws of the State of Arizona, said amendments to the Charter of the City of Prescott are hereby approved by me, in my capacity as Governor of the State of Arizona, solely pursuant to the provisions of Section 2 of Article XIII of the Constitution of the State of Arizona.

Dated in Phoenix, Arizona, this 30th day of January, 2024.



GOVERNOR OF ARIZONA

ATTEST:



Adrian Fontes, Secretary of State of Arizona



A duplicate of the foregoing has this 30th day of January, 2024, been filed in the Office of the Secretary of State of Arizona, as required by Section 2 of Article XIII of the Constitution of the State of Arizona.



Secretary of State



TO: MAYOR AND CITY COUNCIL
AGENDA: March 4 Charter Review Commission Meeting
DATE: March 4, 2024
DEPT: City Clerk
ITEM #: 3.C
SUBJECT: Presentation & Discussion Regarding a Potential Open Space Addition to Article VIII, Section 12 of the Prescott City Charter.

ITEM SUMMARY

Commission Member McMinn has requested discussion regarding the addition of select Open Space to the existing Article VIII, Section 12 which outlines Watson Lake, Willow Lake and Acker Park be retained as open space and/or utilized for water supply and recreational purposes in perpetuity. Recreation Services Director Joe Baynes will also be present to review a list of parcels/descriptions/maps that he has been working with Member McMinn on. After receiving a presentation, the Commission will discuss whether there is a desire and will to propose this type of addition for future Charter Amendments.

BACKGROUND

None.

FINANCIAL IMPACT

None.

RECOMMENDED ACTION

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

ATTACHMENTS

None



TO: MAYOR AND CITY COUNCIL
AGENDA: March 4 Charter Review Commission Meeting
DATE: March 4, 2024
DEPT: City Clerk
ITEM #: 3.D
SUBJECT: Presentation & Discussion Regarding Potential Additions to the Prescott City Charter Regarding: 1) The Prohibition of Discrimination, and 2) Leasing of City-Owned Property.

ITEM SUMMARY

Commission Vice Chair Hess has requested discussion regarding potential additions to the Charter follows:

As adapted from the state anti-discrimination constitutional provision (Art 2, Section 36).

Amend Prescott City Charter Article X title to read, "Declaration of Rights."

Section 1 remains unchanged. Add Section

2. Preferential treatment or discrimination prohibited.

A. The city shall not grant preferential treatment to or discriminate against any individual or group on the basis of race, color, ethnicity or national origin, sexual orientation, gender expression or identity, religious practice, spiritual practice, age, or mental/physical disability in the operation of public employment, public education or public contracting.

B. The remedies available for a violation of this section are the same, regardless of the injured party's race, color, ethnicity or national origin, sexual orientation, gender expression or identity, religious practice, spiritual practice, age, or mental/physical disability, as are otherwise available for a violation of the existing anti-discrimination laws of this state.

C. This section applies only to actions that are taken after the effective date of this section

D. This section is self-executing.

Amend Prescott City Charter Article VIII, Section 11 by adding a second paragraph:

Any lease of any land, building or part thereof owned by the City, the value of which exceeds two million dollars shall not be leased for a period of more than two years unless: (1) a public hearing to receive public comment shall be held at least thirty days prior to a regular council meeting at which the proposed lease is agendaized for discussion and possible action; and (2) the lease must be authorized by a super majority vote of three-fourths of the city council approving the proposed lease of the property.

BACKGROUND

None.

FINANCIAL IMPACT

None.

RECOMMENDED ACTION

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

ATTACHMENTS

None



TO: MAYOR AND CITY COUNCIL
AGENDA: March 4 Charter Review Commission Meeting
DATE: March 4, 2024
DEPT: City Clerk
ITEM #: 3.E
SUBJECT: Commission Discussion Regarding Potential Future Amendments to the Prescott City Charter & Future Meeting Schedule Throughout 2024.

ITEM SUMMARY

Staff would like to create a list of new priority amendments and/or revisions to the Prescott City Charter to be considered at a future Election, and will take comment and suggestion from Commission members. Additionally, staff desires to establish a meeting schedule for the coming year based on the level of work the Commission would like to do on any future amendments.

BACKGROUND

None.

FINANCIAL IMPACT

None.

RECOMMENDED ACTION

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

ATTACHMENTS

None