



# 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

### 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  
Michael Broggie - Member  
Michael Gjede - Member  
Jerry Hulm - Member (Excused)  
Bonnie McMinn - Member

#### 3. DISCUSSION & ACTION ITEMS

- A. Approval of the October 17, 2023 Charter Review Commission Meeting Minutes.  
**MOTION BY CHAIR ARNOLD TO APPROVE THE MINUTES AS PRESENTED;  
SECONDED BY MEMBER MCMINN: (4 - 1) VICE CHAIR HESS ABSTAINED**
- B. Presentation & Discussion Regarding Adoption of Proposed Charter Amendments at the November 7, 2023 General Election..

City Clerk Sarah Siep provided a brief overview to the Commission members regarding the passing of twelve of the thirteen presented charter amendments by the voters at the November 2023 General Election. The Governor's Office approved the amendments on January 31, 2024 making them official. The Charter document has been updated and is posted on the city website.

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

- C. Presentation & Discussion Regarding a Potential Open Space Addition to Article VIII, Section 12 of the Prescott City Charter.  
**This item was discussed after 3.D.**

Member McMinn provided a presentation to the Commission regarding this being one of her top three items that she would like to have included in the charter. Including in the open space section of the Charter, purchases being protected in perpetuity. She has been able to work with staff over the last several months to put together a list that is as complete as possible. Seems to her that the city should do the same with this list of properties as we do with all of the ones that are already listed.

Vice Chair Hess commented that the General Plan Committee did indicate

support for protection of the property in the Charter, they stated that having the property available for a public purpose as an option as well. He disagrees with that, but he wanted to pass along the comments of the General Plan Committee.

Member McMinn stated that the timing of this is excellent, because the citizen survey showed that citizens really value open space and protecting it as much as possible.

Recreation Services Director Joe Baynes was presented and discussed that "public purpose" relates to BLM, a municipal building/fire station/etc is a clear definition.

Deputy City Attorney Matt Podracky asked if the desire is to have this be specific or more general for open space in general.

Member McMinn stated that the list is specific and the information contained in the Charter should be as well.

Chair Arnold stated that he interprets this as proposing something that would solidify that once the land is purchased it is protected. He isn't concerned about the police and fire side, but utilities is something that may need to be considered strategically in the future and should have a process to address that in the future.

Member McMinn stated that there could be protections similar to what is already in the Charter and have legal include language regarding easements etc.

Chair Arnold would also like information on anything that would prohibit the city from entering into a recreation or leasing agreement.

Mayor Goode concurred, what about installation of parking areas at public parks for example.

Vice Chair Hess asked if it would be possible to have varied protections depending upon the parcel.

Mr. Baynes responded that there are likely three different qualifications for the types of land, if the goal is to protect the land but leave the ability to adjust if and when necessary it would be appropriate to have "public purpose, ie fire stations etc".

Member of the public JD Greenberg addressed the Commission as a member of the community who was previously involved in the Open Space Alliance, and Central AZ Land Trust. She is aware of the cost for conservation easements, the chance to save some of the open space in perpetuity is very wise and economical way to go. There is going to be a lot of community push back regarding land being protected and not "used". She discussed the Open Space account that existed specifically for the purchase of open space properties, and the opportunity to have a temporary tax similar to the Prop 443. Going to the public about what will specifically be an area that would be part of this and be clear about it. Any provision for public uses should include public input.

Member of the public Michael Byrd with Prescott Creeks addressed the Commission and introduced himself. He feels this is an important effort, they hear from the public often about wanting to know what the long term plan and goals are for the protection of the city's open space. He wanted to come and listen and understand what is being proposed and how that may impact what his group has been working on.

Chair Arnold said there is value in proposing something like this in the City Charter as currently Acker Park and Watson and Willow Lakes are the only ones that are included but need to protect the intent and not put the city into a box that would cause problems in the future.

Vice Chair Hess stated that it might be important to get an idea of the three "categories" on the map and how that may apply (open space, viewshed versus recreation and lakes).

Mr. Podracky stated that staff can return with more specific "public purpose" definition and outline how this might look going forward. He asked if any of the land was donated.

Mr. Baynes responded that there is some donated property included in the list.

Ms. Greenberg said that maintenance needs to be written into all of this as well.

Chair Arnold asked about Acker Park.

Mr. Podracky stated that staff can pull the records and bring that information back.

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

**This item was discussed before Item 3.C.**

Vice Chair Hess stated that he would like to add to Article II, Section 36 a section regarding prohibition of discrimination. He stated that he pulled language from state statute and would like to apply that to the Charter.

MLK Committee Members Robert Shegog and Jim Helbling addressed the Committee regarding the presentation they recently made to the General Plan Committee and discussed the importance of incorporating this in the Charter.

Vice Chair Hess continued and stated that the group provided information to the General Plan Committee and it will be included in the General Plan. Paragraphs A & B of the proposed are straight out of the State Constitution with a few additional classes to be included. Protections related to race, color, ethnicity, etc. Within Prescott, these issues are also prevalent, and our community is not immune to them.

Mr. Helbling provided a handout to the Commission regarding a survey done by the group. He confirmed that a presentation was made to the General Plan Committee with this same information. The group received 247 responses to the survey, a majority of whom stated that they received discriminatory behavior while in Prescott at approximately 2/3 of respondents. They also included 68 comments that were provided during the survey.

Member McMinn asked for the rationale behind the survey.

Mr. Helbling responded that it was a google survey and worked with the Prism Network, Prescott College and Yavapai College.

Mr. Shegog added that there was a QR Code that allowed people to participate as well. The survey was active from April 2021-August/September 2021.

Member Broggie stated that they have included Prescott and surrounding communities and asked if there were respondents in the other cities as well.

Mr. Helbling stated that the question was "did you receive discrimination while in Prescott".

Chair Arnold thanked Mr. Shegog and Mr. Helbling for the information.

Vice Chair Hess stated that the reason he brought this to the Commission's attention is that there is a desire to put this before the voters as early as possible, but it is ultimately up to Council and he would like to urge the Commission to approve it.

Member Broggie asked if this would include how he felt when people moved here from California.

Assistant City Attorney Chris Resare stated that is not a protected class.

Chair Arnold stated that he would like to have the Legal Department review this information and address how this is already applicable to the position, how we would expand and what any possible liability would be in doing so and report back.

Member McMinn asked if not a Charter Amendment would an Ordinance or other means by which the city could address that if they determine not to move it forward.

Ms. Siep stated that this would be brought back at the next meeting.

Chair Hess stated that he would prefer a Charter Amendment, he also asked staff to look into whether C&D are actually necessary.

Mr. Podracky commented on the remedies and if there were any additional that they may want to consider.

Chair Arnold moves onto discussion regarding the next item proposed by Vice Chair Hess.

Vice Chair Hess commented that after reflecting on the amendments passed, the only provision impacting things that don't require a super-majority is a lease that is more than \$2 million for two-years so any high dollar property owned would also require that. Language is from the sale provision and changed to lease.

Chair Arnold asked about the City Manager's authority versus Council authority and how that would impact this.

Mr. Podracky responded that any lease of city property has to be approved by the Council, if this were adopted for more than \$2 million it could curtail their authority but Council would ultimately review and approve.

Chair Arnold commented that the overall perspective was to give more daylight to handling sale and/or lease of city property. The language that was put forward previously addressed and accomplished that. He would like to have legal do some more research regarding this and bring it back at the next meeting to discuss.

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

- E. Commission Discussion Regarding Potential Future Amendments to the Prescott City Charter & Future Meeting Schedule Throughout 2024.

Ms. Siep commented that staff will bring back follow up details regarding the information provided today and the Commission will meet again on Monday, May 6.

#### 4. ADJOURNMENT

There being no further business to discuss, Chair Arnold adjourned the meeting at 4:30 p.m.

  
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CHARLIE ARNOLD, Chair

ATTEST:

  
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Staff Liaison