

# City of Prescott

## Mayor's Charter Review Commission



January 28, 2026 | 10:00 AM  
201 N. Montezuma Street  
1st Floor Conference Room, Suite 128  
Prescott, AZ 86301

### AGENDA

The following Agenda will be considered by the **Mayor's Charter Review Commission** at their meeting to be held **January 28, 2026**. 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. Discussion & Possible Action Regarding Selection of a Chair & Vice Chair.  
**Recommended Action: 1) MOVE to appoint a Chair; and 2) MOVE to appoint a Vice Chair**
- B. Presentation & Discussion Regarding Upcoming Elections and Important Dates.  
**Recommended Action: This item is for discussion only. No formal action will be taken.**
- C. Commission Discussion Regarding Possible Future Charter Revisions.  
**Recommended Action: This item is for discussion only. No formal action will be taken.**
- D. Discussion Regarding Possible Updates to Article IX Section 6 of the Prescott City Charter "Majority to Elect in Primary" for Approval at a Future Election.  
**Recommended Action: Following discussion, direction to staff regarding possible recommendations for Council to amend Charter language**

**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 1/22/26 at 12:00 p.m. in accordance with the statement filed by the Prescott City Council with the City Clerk.

*Sarah M. Thornhill*

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Sarah M. Thornhill, City Clerk



TO: MAYOR AND CITY COUNCIL  
AGENDA: January 28 Charter Review Commission  
DATE: January 28, 2026  
DEPT: City Clerk  
ITEM #: 3.A  
SUBJECT: Discussion & Possible Action Regarding Selection of a Chair & Vice Chair.

## ITEM SUMMARY

This item is for the selection and appointment of a Chair and Vice Chair for the Commission.

## BACKGROUND

None.

## FINANCIAL IMPACT

There is no fiscal impact associated with this item.

## RECOMMENDED ACTION

1) MOVE to appoint a Chair; and 2) MOVE to appoint a Vice Chair

## ATTACHMENTS

None



TO: MAYOR AND CITY COUNCIL  
AGENDA: January 28 Charter Review Commission  
DATE: January 28, 2026  
DEPT: City Clerk  
ITEM #: 3.B  
SUBJECT: Presentation & Discussion Regarding Upcoming Elections and Important Dates.

## ITEM SUMMARY

This item is for the City Clerk to provide information to the Commission regarding upcoming election dates and important deadlines to consider.

## BACKGROUND

The city of Prescott generally conducts its elections in odd-numbered years, therefore 2026 is not a regular election year. However, the County will conduct elections on the following dates:

March 10, 2026  
May 19, 2026  
August 4, 2026 (Primary Election)  
November 3, 2026 (General Election)

At this time, notification deadlines for the March, May and August deadlines have either passed or are not meetable. But it would be possible for the city to put forward potential Charter revisions at the Tuesday, November 3, 2026 General Election. This will be an unbudgeted and additional costs will apply.

Important Dates:  
210 Day Notice (from County) - April 7, 2026  
180 Notice (City to County) - May 7, 2026  
Ballot Language Due - July 8, 2026

The May and July dates are critical should the Commission and Council decide to place revisions on the November 3, 2026 ballot and based on these dates, Council action would have to take place by the following Council Meetings

- \* Call for Election & Adoption of Resolution - April 28
- \* Adoption of Ballot Language - June 23

Based on costs/fees from the November 2025 General Election, it is estimated that total costs would be approximately \$103,975 for an election. These costs would need to be added to the FY2027 budget as an out-of-cycle election for the City of Prescott.

## FINANCIAL IMPACT

There is no fiscal impact associated with this item at this time. However, there would be future costs associated with the calling of an election.

## RECOMMENDED ACTION

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

## ATTACHMENTS

None



TO: MAYOR AND CITY COUNCIL  
AGENDA: January 28 Charter Review Commission  
DATE: January 28, 2026  
DEPT: City Clerk  
ITEM #: 3.C  
SUBJECT: Commission Discussion Regarding Possible Future Charter Revisions.

## ITEM SUMMARY

This item is for the Commission to discuss potential future revisions to the city charter.

## BACKGROUND

The Charter Review Commission conducted their last meeting in May, 2024. At that time, there were several potential additions and/or revisions to the Charter that members of the Commission wanted to discuss that were not acted upon by the Commission at that time.

Member Ralph Hess at that time, suggested proposed additions as listed below:

**A. 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.**

**B. 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.**

Additionally, Member Ralph Hess & Member Bonnie McMinn suggested proposed amendments as follows:

### **Member Hess**

#### **Article I - Incorporation, Form of Government, Powers and Boundaries, Section 3 - Powers of City**

**Proposed amendment: add the following bolded text to the end of the second paragraph ". . . may sell, lease, mortgage, hold, manage and control such property as its interest may require **subject to the provisions of this charter.**"**

**Rationale: other provisions of the charter set forth conditions on sale, lease, transfer of property.**

**Article II - The Council, Section 1 - Powers of the Council**

*Proposed amendment: delete 2nd paragraph prohibiting collective bargaining*

*Rationale: City negotiates employment conditions with city manager and city attorney. Deletion does not mandate bargaining and allows city flexibility. [A number of Prescott police officers are members of the Arizona Association per Jon Brambila].*

**Article VIII - Contracts, Section 11**

*Proposed amendment: add 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 agendized 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.*

*Rationale: provides opportunity for more public input and super majority vote for approval of high value leases of city-owned property similar to the provisions for sale and lease/purchase of high value city-owned property.*

**Article X Initiative, Referendum, and Recall**

*Proposed amendment: replace article title to "Declaration of Rights" and add the following additional section patterned after Article 2, Section 36)*

*"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 ability 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 ability as are otherwise available for a violation of the existing anti-discrimination laws of this city and the State of Arizona.*

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

*D. This section is self-executing.*

*Rationale: Codifies a demonstration that Prescott truly is "Everybody's Home Town" by reinforcing and expanding the state constitution prohibition of discrimination.*

**Article XI - City Court, Section 4 - Presiding Officer; appointment; term; Justice of Peace as City Judge**

*Proposed amendment: delete "Justice of Peace as City Judge" in the title*

*Rationale: unnecessary, as it is not referenced in the text of the section*

**Article XIII General Provisions**

*Proposed amendment: add "Section 9 - General Plan Major Amendment (recommended to Charter Review by General Plan Committee)*

*Rationale: addresses public dissatisfaction with the lack of enforceability of Prescott's previous general plans by requiring voter approval of major amendments. This is not a cure-all yet will help.*

*Prescott City Council shall submit each proposed major amendment to every general plan adopted by the electorate of the City of Prescott in accordance with Arizona State law to the voters for ratification at the next regularly scheduled municipal election or at a special election scheduled at least one hundred twenty days after the governing body resolved to adopt the major amendment to the plan.*

*The governing body shall include a general description of the major amendment to the revised plan and its elements in the municipal election pamphlet and shall provide public copies of the revised plan in at least two locations that are easily accessible to the public and may include posting on the municipality's official internet website.*

*If a majority of the qualified electors voting on the proposition approves the major amendment to the revised plan, it shall become effective as provided by law. If a majority of the qualified electors voting on the proposition fails to approve the major amendment to the revised plan, the current plan remains in effect until a new amended plan is approved by the voters.*

**Member McMinn:**

*1) Consider amending Article IV, section 3 to reinstate City Treasurer as a position reporting to Council. Placing the Finance Director under the Council will provide a greater span of control for our elected officials and provide a better conduit and direction for fiscal policy discussions.*

*3) Article II, Section 21(?) - Explore additional "guardrails" to protect the sanctity of Executive Sessions and provide additional penalties for disclosing, discussing and/or releasing of confidential materials and/or conversations occurring during Executive Sessions. Violating the confidentiality of an executive session might expose the jurisdiction to potential financial loss and may also erode trust and collegiality among governing body members. Such behavior should be taken seriously, and a local government should seek legal advice from its agency's legal counsel about specific executive session confidences.*

*4) Tempe City Charter: [Tempe City Code Sec. 9.01](#)  
The public may want some additional recourse/options (as opposed to a recall) in the event of issues with elected officials.*

*5) Article I, Section 3. paragraph 4 is vague and confusing concerning bringing utilities to the property line of a development/private property. Many years ago, for example, when Yavapai Hills went in, the developer was responsible for acquiring easements and bringing wet utilities to his property. Now, the City is doing it for them and this needs to stop. This clause needs to be crystal clear.*

*6) Past City Attorney, Mr. Paladini, made sure that an "adjoining and adjacent properties" clause was included in every annexation and development agreement. He even included it into the Stringfield Ranch Water Improvement District language. This clause is very harmful. It ties the hands of future Councils that may want to negotiate better terms for future annexations and promotes sprawl. The Charter needs to bar this Clause and anything like it from DA's, Annexations, IGA's, Districts, or any contracts.*

*7) Developers currently can haul in fill dirt and mass grade large portions of land and let it sit there for 20 years, with no plans. It is very harmful, causing dust, stormwater erosion, and is unsightly. An example is the corner of 89A and Granite Dells Parkway in Granite Dells Estates. I support a Charter amendment that requires no grading till water, and a final, not preliminary, plat is approved by the City.*

Before the Commission at this time, is to discuss these past possible additions/amendments and to discuss any additional revisions they would like staff to review and bring back for further discussion.

**FINANCIAL IMPACT**

There is no fiscal impact associated with this item at this time. However, there would be future costs associated with the calling of an election.

**RECOMMENDED ACTION**

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

**ATTACHMENTS**

None





TO: MAYOR AND CITY COUNCIL  
AGENDA: January 28 Charter Review Commission  
DATE: January 28, 2026  
DEPT: City Clerk  
ITEM #: 3.D  
SUBJECT: Discussion Regarding Possible Updates to Article IX Section 6 of the Prescott City Charter "Majority to Elect in Primary" for Approval at a Future Election.

## ITEM SUMMARY

This item is for a discussion regarding possible updates to the Prescott City Charter, particularly Article IX, Section 6. Staff is seeking direction from the Commission on which option they would like to see for a future Charter Amendment.

## BACKGROUND

Following the August 5, 2025 Primary Election, citizens and members of Council expressed a desire to review the Charter language as it relates to majority calculations to elect in a City primary election. The present language in the City Charter provides:

*Section 6 - Majority to elect in primary at the primary election any candidate who shall receive a majority of all the valid ballots cast at such election for that office shall be declared elected to the office for which he is a candidate, and no further election shall be held as to said candidate. (Amended September 20, 1983; November 2, 2010)*

Since at least 2011, the City has calculated a majority based on the adopted Charter language with the following formula: Total ballots, minus overvotes, divided by two, plus one. This calculation differs from general law cities and state statute in that it is based on "ballots" rather than "votes". Following the 2025 Primary Election, all five candidates for Council failed to achieve a majority based on this calculation and have moved forward to the General Election, posing the question of whether the Charter language needs to be revised, clarified or brought in line with state statute to avoid future runoff elections.

At the September 9, 2025, Study Session, the Council discussed potential revisions to the language of the Charter. There was general consensus regarding, at a minimum, the addition of clarifying language; and, some members of Council expressed the desire to have the Charter mirror State Statute language regarding majority calculations. At this time, staff wishes to bring this item forward to the Commission by providing three (3) different options for the body to discuss. Pending direction on this item, staff will bring forward finalized amendments and ballot language for approval by the Council and to be placed on a Special Election Ballot at the 2026 General Election in order to be in effect for the 2027 Council Elections.

### **Option 1: Maintain current charter language with slight modifications to include clarifying language**

*Section 6 - Majority to elect in primary At the a city of Prescott primary election any candidate who shall receive a majority of all the valid ballots cast (calculated by taking the total number of ballots cast, minus the overvotes as provided by the Yavapai County Elections Office tabulation) at such election for that office shall be declared elected to the office for which he or she is a candidate, and no further election shall be held as to said candidate.*

### **Option 2: Revise language to mirror state statute**

*Section 6 -*

A. At the primary election any candidate who shall receive a majority of all the **votes** cast at such election for that office shall be declared elected to the office for which **the person** is a candidate, and no further election shall be held as to said candidate.

B. For the purposes of this section, the majority of votes cast is determined by:

1. Calculating the total number of actual votes cast for all candidates for an office whose names were lawfully on the ballot for that office.
2. Dividing the sum reached pursuant to paragraph 1 of this subsection by the number of seats to be filled for the office.
3. Dividing the number reached pursuant to paragraph 2 of this subsection by two and rounding that number to the highest whole number.

C. If more candidates receive a majority of votes cast than there are seats to be filled for the office pursuant to this section, from among those candidates who receive a majority of votes cast, the candidates who receive the highest number of votes equal to the number of seats to be filled for the office shall be declared elected to that office.

**Option 3: Revise language to state that top vote getters are duly elected in primary**

Section 6 - Majority to elect in primary At ~~the~~ a city of Prescott primary election **the candidates receiving the highest number of votes for the seat of Mayor and Council (3 seats)** at such election ~~for that office~~ shall be declared **duly** elected to the office for which he **or she** is a candidate, and no further election shall be held as to said candidate.

**FINANCIAL IMPACT**

There is no fiscal impact associated with this item at this time, there will be future costs for conducting a Special Election and administrative costs for updates to the City Charter.

**RECOMMENDED ACTION**

Following discussion, direction to staff regarding possible recommendations for Council to amend Charter language

**ATTACHMENTS**

None