



City of Prescott

Mayor's Charter Review Commission

May 6, 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
Bonnie McMinn - Member
Vacant Seat

3. DISCUSSION & ACTION ITEMS

- A. Approval of the March 4, 2024 Charter Review Commission Meeting Minutes.
**MOTION BY CHAIR ARNOLD TO APPROVE THE MINUTES AS REVISED;
SECONDED BY MEMBER GJEDE: PASSED (5 - 0)**
- B. Follow-Up Discussion Regarding Suggested Open Space Addition to Article VIII, Section 12 of the Prescott City Charter, and Information from Staff.
Chair Arnold introduced the Item.

Mr. Podracky reviewed the term public purpose in follow-up to the last meeting related to open space specifically and compared it to the existing Charter language.

Recreation Services Director Joe Baynes continued regarding different types of public open space that have been identified in the city. It is important to be careful about how these things are listed in the Charter taking into consideration possible future easement needs etc. Parcels like Acker Park or Stricklin Park are areas where it is important, but being able to identify which of these would be most appropriate is difficult. Currently, Willow Lake, Watson Lake and Acker Park are already listed in the Charter.

Mr. Podracky added that any deed restrictions or special conditions would preclude them from being sold or changed in the future, so it would depend upon the property itself.

Mr. Baynes said it would be appropriate to go through at a staff level to review the open space the city owns and identify ones that would be appropriate for this type of protection, creating a more narrow list.

Member McMinn addressed Whispering Rocks, AED acreage, etc, which are "gifts" that need to be considered as well. She feels each one should be individually looked at.

Mayor Goode stated that because of this, including them in the charter makes it difficult if not impossible to manage in the future, handcuffs future management.

Mr. Baynes added that the verbiage in the city code covers what a "public purpose" is and asked if that could also be included in the Charter.

Mr. Podracky responded that it would be up to the Commission if they wanted to forward a proposal.

Member Hess stated that public purpose is not addressed in protection of land and Acker Park, for example, protects it from being sold. He read from Section 12 of the Charter which addresses Acker Park as what should be used for all open space. Protect the property from being sold in perpetuity.

Mr. Podracky stated that the public purpose portion could be included in an Ordinance.

Chair Arnold commented that it might be better to look at the policy of rezoning open space that would provide protection without having to take this to the voters but still protect the open space. Experiencing this in PV where property is designated a specific way that doesn't allow for anything other than a community purpose.

Vice Chair Hess said he would not be supportive of that alternative because then any future Council could rezone it back. The Charter provision is the only way to really guarantee that it is going to be protected in the way they desire.

Member McMinn confirmed, this puts an exclamation point on the city of Prescott's intention and would require it to go to the voters in the future.

Vice Chair Hess added that in the 2003 Prescott General Plan Goals under Open Space is to initiate a charter amendment to protect open space in perpetuity as it is acquired.

Chair Arnold reiterated that he isn't opposed to protecting Open Space, but staff really needs to evaluate each piece and with the public safety discussion happening in the community right now, this is something we wouldn't see coming forward for a while.

Member of the public Cathey Rusing stated that she has thought for many years about having open space protected in the Charter, but she would also support the caveat of a situation like Ken Lindley Field where it would come to the voters to determine how something should be done. She wants to protect the city's open space in the charter, while giving the voters the option to decide.

Mr. Podracky added that each property is going to be unique and come forward that way. The overarching question is what is the Charter for, more a global expansion of umbrella ideas of what the government is here to do.

Member of the public JD Greenberg commented that she is concerned about anything that would give a loophole to future developments. If you begin to allow a public school to expand, could a private school come in and expand. Provisions should not allow for that.

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

C. Follow-Up Regarding Proposed Additions to the Prescott City Charter Regarding: 1) The Prohibition of Discrimination, and 2) Leasing of City-Owned Property.

Mr. Podracky provided a presentation to the Commission regarding a proposal from Vice Chair Hess requesting an anti-discrimination section to the Charter in alignment with the State Constitution and highlighted the additional verbiage suggested by Vice Chair Hess. He provided an overview of the local, state and national protections for anti-discrimination, including Title VII, Pregnancy Discrimination Act, Equal Pay Act of 1963, Age Discrimination in Employment Act of 1967, Title I of ADA, Genetic Information Nondiscrimination Act, Arizona Civil Rights Act, anti-discrimination laws within city contracts, city code, etc.

Member Hess commented that he would like to add "sex" back in regarding his proposal. He added that Scottsdale has an Ordinance that addresses this and defines "discrimination". He appreciates all of the different forms of anti-discrimination laws were provided, and understands that there are issues that have arisen over the years subjecting people to discrimination which are more broad than what is included in the State Constitution so he would like to expand that in the city charter.

Member Gjede commented that guardsmen or reservists who can't get hired or fired because of their service.

Mr. Podracky commented that there are Administrative Measures which would prohibit the release of an employee who is called back into service.

Chair Arnold asked if Member Hess wants to change the language he originally proposed.

Vice Chair Hess confirmed that he would like to add "sex" back in given what it covers and broaden the topic.

Chair Arnold recommended that he make the modifications and bring back for a future agenda.

Member of the public Cathey Rusing commented that under "medical/physical disability" a person with schizophrenia could be hired as a Police Officer, and that should be concerning.

Member Broggie stated that the Police Department has its own process and

background checks that would preclude that from happening.

Chair Arnold commented that someone could potentially argue that because this is the city's constitution if there were an additional background check that would preclude their hiring. He doesn't see that the city operations, etc, are inherently discriminatory. There are probably things that would need to be tweaked, but what happens if the voters say no.

Mr. Podracky stated that there are laws and guardrails that would eliminate that as an issue. An argument could be made that this exceeds the federal constitution, stated constitution etc.

Member of the public JD Greenberg commented that disability has to present an impairment to employment, so that could be something to address the concerns that Ms. Rusing had.

Ms. Rusing stated that if these protections already exist, this addition isn't even necessary.

Mayor Goode stated that is his concern as well. If this language is broadened to the point where it isn't manageable that creates further problems. There are so many protections already and expanding this so widely makes it nearly impossible to ensure that we are protecting.

Member of the public Robert Shegog stated that he has experienced discrimination in this community, has had Police Officers follow him home and his property has been vandalized. If this is passed, then the city is being proactive in protecting itself by stating that this is not what our community is about.

Chair Arnold responded that this section is specific to public employment, contracting and education. For example, hiring practices and the city's engagement in contracts with outside agencies.

Mr. Shegog said there are already thirteen communities that have this ordinance.

Mr. Podracky stated that there could be a Human Rights Ordinance to address these issues, the charter addresses public employment and contracting etc.

Member of the public Jim Hebling addressed the Commission regarding the public survey that was done regarding an ordinance that would make a statement like this.

Ms. Siep stated that the staff could specifically address a human rights ordinance if the Commission would like to.

Vice Chair Hess stated that he could also narrow down the specifics of the language to be brought forward at a later date.

Member McMinn stated that she likes the idea of addressing human rights,

whether that is through an ordinance or something like that. She'll look into that.

Mr. Podracky continued with a discussion regarding suggestions related to Leasing of City Owned Property. He continued with a review of how the proposed amendment would impact the city's ability to lease property. In existing state statute there is an ability for the city to negotiated economic development deals but has to go through Council for approval through adoption of an Ordinance or Resolution.

Vice Chair Hess stated that he picked the \$2 million dollar amount because of his previous request during the last session when the \$4 million was determined, and he felt that was too high. He added that the city has an existing lease with the Prescott Auto Club for \$1, Prescott Rodeo Grounds, Rueger has a lease, etc. There are too many leases which are not easily accessible, they are giving away use of city property for vastly below market value and this would be one way to address that.

Member McMinn stated that looking at actual physical land would be of interest. Honing it down and defining that type of lease would be helpful.

Mr. Podracky concurred, it runs the spectrum.

Chair Arnold agreed about the daylight effect. Much of what was approved by the voters was about bringing daylight to what the city is doing. Leases are an example of a way in which the city can do a lot of good in the community. For example, the outdoor hockey arena by Pioneer Park. Public good leases are \$1/year plus the government contributes to the organizations in other ways. Something that is overwhelmingly beneficial for the community may not garner a super majority, so he is more in favor of increasing that information being shared, but he sees too much benefit to make it more difficult for important organizations to do good in the community. There has to be a community or economic benefit to be considered, increasing notification to the public and the process.

Member of the public Cathey Rusing added that the adult center and meals on wheels are other good examples of that.

Mayor Goode added that balancing the length of the lease with the lessees' operations, which requires some balancing in determining the benefit to the community and economic impacts.

Mr. Podracky commented that the super majority is probably more concerning than the additional meeting.

Chair Arnold concurred there is a middle ground here somewhere.

Member McMinn added that a for-profit versus a non-profit is also a consideration, and giving the lessee the opportunity to show the benefit to the community on a regular basis perhaps annually. Having more transparency would be a good end result to that.

Mayor Goode stated that this could also fall into the city manager's ability to manage leases, provide a 30-year lease but then require a five year update on status, etc.

Member of the public Cathey Rusing added that when city property is leased there should be something of value returned.

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

- D. Presentation & Discussion Regarding Potential Amendments Proposed by Vice Chair Hess and Member McMinn.

Member McMinn and Vice Chair Hess suggested punting these to the next meeting.

Chair Arnold asked everyone to consider the inconsistency of summer schedules and meet perhaps in September and bring back one of these items.

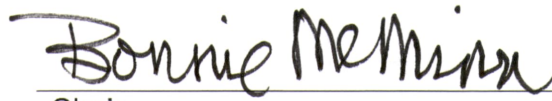
Member McMinn and Vice President Hess stated that Open Space would be the most critical to discuss at the next meeting.

Ms. Siep also noted that Council will be taking a break during the summer.

Next meeting tentatively scheduled for September 9th at 3 p.m.

4. ADJOURNMENT

There being no further business to discuss, Chair Arnold adjourned the meeting at 4:20 p.m.



Chair

ATTEST:



SARAH M. THORNHILL, City Clerk