

City of Prescott

Charter Review Committee



April 20, 2026 | 2:30 PM
201 N. Montezuma Street
Council Chambers, 1st Floor
Prescott, AZ 86301

AGENDA

The following Agenda will be considered by the **Charter Review Committee** at their meeting to be held **April 20, 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. Approval of Minutes from the April 6, 2026 Charter Review Committee Meeting.
Recommended Action: MOVE to approve minutes as presented
- B. **CONTINUED ITEM:** Discussion & Possible Action Regarding an Update to Article VI, Section 17 "Approval of High Value Capital Projects Exceeding \$15 Million" for Approval at the November 2026 Election.
Recommended Action: MOVE to recommend forwarding proposed Charter revision to Council for approval or denial
- C. Discussion & Possible Action Regarding an Update to the Prescott City Charter Establishing Certain Restrictions on Development Agreements by City Council.
Recommended Action: MOVE to recommend forwarding proposed Charter revision to Council for approval or denial
- D. Discussion & Possible Direction Regarding a Potential Addition to the Prescott City Charter Regarding "Lease of Property by the City" (Tenant Safeguards).
Recommended Action: This item is for discussion only. No formal action will be taken.
- E. Discussion & Possible Direction Regarding a Potential Addition to the Prescott City Charter Regarding a Replacement of Title & Addition of Sections Patterned After Article 2, Section 13 and 36 of the Arizona State Constitution.
Recommended Action: This item is for discussion only. No formal action will be taken.
- F. Discussion & Possible Direction Regarding a Requested Updates to the Prescott City Charter Article XI - City Court.
Recommended Action: This item is for discussion only. No formal action will be taken.
- G. Presentation & Discussion From Staff Regarding Future Agenda Items.
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 4/16/26 at 11:00 a.m. in accordance with the statement filed by the Prescott City Council with the City Clerk.

Sarah M. Thornhill

Sarah M. Thornhill, City Clerk



TO: MAYOR AND CITY COUNCIL
AGENDA: April 20 Charter Review Committee
DATE: April 20, 2026
DEPT: City Clerk
ITEM #: 3.A
SUBJECT: Approval of Minutes from the April 6, 2026
Charter Review Committee Meeting.

ITEM SUMMARY

This item is for the approval of the April 6, 2026 Charter Review Committee Meeting Minutes. Staff recommends approval of the minutes as presented.

BACKGROUND

None.

FINANCIAL IMPACT

There is no fiscal impact associated with this item.

RECOMMENDED ACTION

MOVE to approve minutes as presented

ATTACHMENTS

1. April 6, 2026 CRC Minutes

City of Prescott

Charter Review Committee



April 6, 2026 | 2:30 PM
201 N. Montezuma Street
Council Chambers, 1st Floor
Prescott, AZ 86301

MINUTES

1. CALL TO ORDER

Chair McMinn called the meeting to order at 2:30 p.m.

2. ROLL CALL

Bonnie McMinn - Chair
Rod Moyer - Vice Chair (Excused)
Michael Broggie - Member
Michael Gjede - Member
Ralph Hess - Member

3. DISCUSSION & ACTION ITEMS

A. Approval of Minutes from the March 16, 2026 Charter Review Committee Meeting.

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

B. Discussion & Possible Action Regarding an Update to Article II, Section 18 "Consideration of Petitions" for Approval at the November 2026 Election.
Chair McMinn commented that there was discussion related to this Item at the previous Committee meeting.

City Attorney Joseph Young commented that he is concerned with the language "public hearing" which has different requirements for noticing, and because of this suggested amending the language to "public meeting".

Member Hess said it was his intent to have a public hearing for this, and added that the Council has been limiting public involvement and requiring a public hearing would ensure there is adequate civic engagement and transparency.

Member Gjede said he is comfortable either way.

Member Broggie agreed.

Council Liaison Cathey Rusing stated that she is not in favor of this and the Council has already addressed it and chose to leave petitions on the Consent Agenda and this process has been successful. There is no provision in the Charter that would limit to how many petitions a citizen could submit or any other requirements for it and she added that she does not believe the Charter should be used to override the Council but to improve policies.

Member of the public Ann Friday addressed the Committee and disagreed with the Mayor. She stated that preferred the way it was originally, and asked if perhaps there is a compromise that could be reached to prevent frivolous petitions but still allowing the public to engage in the discussion.

Chair McMinn stated that as a member of the public she appreciates how the process worked in the past. As a presenter for Prop484, which was highly effective under a different process. Additionally, she feels that because the process as it currently stands, was established by a previous Council it needs to be adjusted. This process is an a front to transparency and the process. She is agreeable to it not being a public hearing and rather just a line item on a regular agenda so it is more citizen-friendly.

Member Hess stated that he believes the Council policy is an insult to citizens. He doesn't share the Mayor's concern about frivolous petitions, and he hasn't experienced any since he's lived in the city. Just because a member of Council doesn't like something doesn't mean you don't discuss it.

MOTION BY MEMBER GJEDE TO FORWARD PROPOSED LANGUAGE FOR AN UPDATE TO ARTICLE II, SECTION 18 "CONSIDERATION OF PETITIONS" TO COUNCIL FOR APPROVAL WITH THE REVISION OF CHANGING "PUBLIC HEARING" TO "PUBLIC MEETING"; SECONDED BY MEMBER BROGGIE: PASSED (3 - 1) MEMBER HESS DISSENTING

- C. Discussion & Possible Action Regarding an Update to Article VI, Section 17 "Approval of High Value Capital Projects Exceeding \$15 Million" for Approval at the November 2026 Election.

Member Broggie left the meeting at 2:46 p.m.

Mr. Young expressed his concerns regarding the super majority language and the rationale of the provision. The public comment period meets the stated rationale, so that has him a bit concerned. He also discussed that he has considered some of the important projects that are necessary in the city that would meet this threshold which could cause issues. Additionally, he wanted to address any potential adjustments over time, for example, CPI as well as a possible emergency exception.

Member Gjede commented that throughout the Charter, supermajority/majority and 3/4 majority are used and this causes confusion as to what a "super majority" really is. He feels it would be appropriate to use the same language throughout.

Mr. Young responded that it can mean different things, so Member Gjede is correct but there are different standards for different votes so that is why there is not consistency. For example General Plans need five votes, which is a super majority, but an annexation requires a different type of super majority at 6-1. There isn't consistency in the Charter, or for that matter in State Statute which is a problem.

Chair McMinn stated that there is another delineation in DAs. She feels that

including a CPI adjustment would be appropriate.

Member Hess asked if the emergency clause impacts the adoption of an Ordinance.

Mr. Young responded that it does not impact the needed number of Council members to vote.

Council Liaison Rusing stated that she agrees with the spirit of this, but does feel like it needs some work, and should include some sort of emergency clause. She is concerned, however and added that \$15 million may seem like a lot but for big capital projects it sometimes may not be and would slow things down.

Chair McMinn stated that she is hesitant to vote on this because two of the members are not present.

MOTION BY CHAIR MCMINN TO TABLE ACTION ON THIS ITEM TO APRIL 20; SECONDED BY MEMBER GJEDE: PASSED (3 - 0)

- D. Discussion & Possible Action Regarding an Update to Article VIII, Section 11 "Leases of City Property" for Approval at the November 2026 Election.

Ms. Thornhill introduced the item and stated that the included information was based on discussion by the Committee at their March meeting.

Chair McMinn and Member Gjede commented that this is another situation where the "super majority" definition is different from other sections of the Charter.

Chair McMinn added that this Item also addresses transparency and public engagement.

Council Liaison Rusing addressed the Committee and asked if this was for the city as lessee or lessor.

Chair McMinn read from the ballot language and stated that it would be when the city is the lessor.

Mr. Young stated that this is clear.

Member Hess added that the \$4 million was selected because it aligns with the Article related to sale of city property, and so it is consistent throughout the Charter.

Mr. Young addressed the 3/4 vote, which makes it more difficult to enter into agreements or sales, and stated that his question is why does this Committee want to make things more difficult. When considering that noticing and additional public meetings helps to address concerns related to transparency and public engagement, a required super majority vote would just make it more difficult to accomplish leasing of city property and that isn't always in the best interest of the city.

Member Gjede is comfortable with super majority.

Member Hess concurred and added that anything recommended to the Council could be approved, modified or rejected by them if they feel it is not appropriate to send to the voters.

MOTION BY MEMBER HESS TO FORWARD PROPOSED LANGUAGE FOR AN UPDATE TO ARTICLE VIII, SECTION 11 "LEASES OF CITY PROPERTY" TO COUNCIL FOR APPROVAL; SECONDED BY CHAIR MCCMINN: PASSED (3 - 0)

- E. Discussion & Possible Direction Regarding an Update to the Prescott City Charter Establishing Certain Restrictions on Development Agreements by City Council.

Mr. Young commented that this Committee has discussed this previously and based on those discussions four items were included in the Council packet for consideration related to certain restrictions on Development Agreements (DAs). Additionally, Mayor Rusing has submitted four items for consideration which she handed out prior to the meeting being convened today. He stated that E.1. and E.2. from the Mayor are consistent with suggestions from staff based on previous discussions, the two additional were based on requests from this Committee at previous meetings and that suggestion E.4. is not necessarily DA specific. At this time, staff needs direction regarding how the Committee would like to proceed with potential revisions to the Charter.

Member Hess added that there was also discussion regarding whether it is appropriate for this to be in Policy or the Charter.

Mr. Young confirmed and added that concepts like water not being provided without a contract or IGA outside city limits are already in the Water Policy, but it depends on whether that should be in the Charter. Something like adjoining and adjacent properties should be in LDC, but staff needs to hear from the Committee regarding what they think is most appropriate.

Chair McMinn stated that she likes Item 1, and thinks that they should all be included in the city charter. She wants to have staff do more work on all four items.

Council Liaison Rusing addressed the Committee regarding the suggested criteria she proposed and what she considers when looking at contracts. She added that while there is a requirement for "open space" in developments, it is not classified as "meaningful open space" and she feels that needs to change. Additionally, she believes that the cost for utilities needs to be clarified.

Chair McMinn asked staff to bring these back with proposed ballot language for consideration. She also asked if there is anything that could be discussed for DAs that need to be extended or if DAs should have a sunset date. For approval of DAs, she asked it would make sense to have a super majority vote.

Mr. Young stated that could be done, and added that from his perspective a termination provision or sunset date would be appropriate. Again, he expressed

that generally he doesn't like super majority because it gives too much power to a select number and added that the rationale needs to be addressed. In order for the city to meet it's constitutional requirements staff needs to have an understanding of that, but he doesn't think it is good governance. Finally, he stated that he would envision a new subsection that is just for DA restrictions.

Member Hess discussed Item E.4. in the Mayor's handout. It should be all "real estate purchased, sold or leased", but this should be in the sale or lease section as it doesn't relate to DAs. All suggestions in the staff memo and provisions as provided by the Mayor except for Item 4 he is in favor of and he would add that there should also be language addressing Study Sessions, public comment period, etc. He stated that perhaps because of the importance of DAs should require a 5-2 majority.

Member of the public Ann Friday addressed the Committee and stated that she has limited experience with DAs, but pointed out that the Sundog Connector DA was established in 1998 and through the years nothing happened and it got confusing, luckily Mr. Young conducted a Study Session regarding the DA in order to provide some clarification which was helpful and allowed the public to provide input.

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

- F. Discussion & Possible Direction Regarding a Requested Update to the Prescott City Charter Article XI, Section 4 Municipal Court; Presiding Officer. Chair McMinn commented that this was one of the odd sections that she hadn't really looked at before until the city now has it's own Court that is not consolidated with the County. She reviewed the specific language, which she thinks warrants some cleanup.

Ms. Thornhill pointed out that perhaps term and language should be similar to that of the other Council appointees.

Member Hess added that the three appointees, could be terminated with or without cause, but he believes that the judge should be for cause. Could have yearly contracts to ensure there isn't undue influence over the judge. He also asked if there is a policy under which a Committee was established to interview the current Judge.

Mr. Young responded that was at the recommendation of the Council, they forwarded three recommendations to the Council and those individuals were interviewed. Which he felt was good practice but doesn't need to be included in the Charter.

Chair McMinn likes that they are an attorney in good standing, one year contact to align with the other appointees and have the other language (Clerk and Attorney). Bring back for review by the Committee.

Member Hess stated that Pro Tem Judges are appointed for one-year, but elected judges serve a longer term.

Committee consensus directing staff to rework the proposed ballot language for discussion at a future meeting, and to also bring back the overall article for discussion.

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

- G. Committee Discussion Regarding Upcoming Meeting Dates & Agenda Topics. Ms. Thornhill commented that this the Committee's opportunity to discuss future Items they would like to see on an Agenda, as well as provide any direction to staff related to those Items. She added that the May 12 Study Session will provide an opportunity for the Committee to present their additional proposals to the Council for the November 2026 Special Election.

Member Hess commented that it is important to make sure that the title and substance of the Municipal Court Charter Provision is looked at.

Staff concurred and stated that it will be brought back at the next meeting.

Member of the public Jim Helbling addressed the Committee and encouraged them to look at a proposal from Member Hess to hear comments regarding Section 2.A. and prohibiting discrimination which should be included in the Charter. This language is similar to what is in the General Plan statement.

Member of the public Robert Shegog addressed the Committee discussing the importance of the non-discrimination language. Words are important and having this in the charter sends a signal to everyone in the community that they are welcome. Encouraged the Committee to consider the language.

Member Hess discussed a meeting he had with Mr. Helbling and Mr. Shegog to modify the proposal for a nondiscrimination proposal in the City Charter. Some of the language was modified based on concerns raised by the Council. He passed out suggested revisions.

Committee consensus for this item to be on the next Agenda as well as tabled Item 3.C., Item 3.E., Item 3.F. follow-ups.

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

4. ADJOURNMENT

There being no further business to discuss, Chair McMinn ajourned the meeting at 3:52 p.m.

ATTEST:

BONNIE MCMINN, Chair

SARAH M. THORNHILL, City Clerk



TO: MAYOR AND CITY COUNCIL
AGENDA: April 20 Charter Review Committee
DATE: April 20, 2026
DEPT: City Clerk
ITEM #: 3.B
SUBJECT: **CONTINUED ITEM:** Discussion & Possible Action Regarding an Update to Article VI, Section 17 "Approval of High Value Capital Projects Exceeding \$15 Million" for Approval at the November 2026 Election.

ITEM SUMMARY

This item is for a continued discussion and possible action regarding an update to the Prescott City Charter, Article VI adding Section 17.

BACKGROUND

During the March 16 Committee Meeting members discussed a suggested amendment to Article VI, Section 17 "Approval of High Value Capital Projects Exceeding \$15 Million" as submitted by Member Hess. This item was discussed at the April 6 Committee Meeting and was continued as only three members were present.

Committee Recommended Amendment:

Add Section 17 as follows: "Prior to entering into one or more agreements or contracts relating to any capital projects for which the aggregate costs from inception of the project through construction completion would exceed fifteen million dollars (\$15,000,000), the city shall require the following:
1) an affirmative vote by three-fourths of the city council by "ayes and nays"
2) conducting one Study Session followed by a public comment period of no less than sixty (60) days, followed by at least one public hearing (if more than one public hearing is conducted, there shall be at least 14-days in between each) before a vote of the city council takes place, which shall begin at the time of a formal council vote to authorize a request for bids on the project; and
3) a public presentation of all public comments received during the 60-day comment period to the city council by city staff

At the March 16 meeting, Committee consensus was to add this amendment to the April 6 Agenda for a possible vote in order to forward to the Council for consideration and possible addition to the November 3, 2026 Special Election Ballot.

FINANCIAL IMPACT

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

RECOMMENDED ACTION

MOVE to recommend forwarding proposed Charter revision to Council for approval or denial

ATTACHMENTS

1. DRAFT Ballot Language_PropXXX_Approval of High Value Capital Projects Exceeding \$15 Million

PROPOSITION XXX

PROPOSAL BY THE CITY COUNCIL TO AMEND CITY CHARTER ARTICLE VI, ADDING SECTION 17, ENTITLED “APPROVAL OF HIGH VALUE CAPITAL PROJECTS EXCEEDING \$15 MILLION”

SHALL ARTICLE VI, SECTION 17 OF THE CITY CHARTER ENTITLED “APPROVAL OF HIGH VALUE CAPITAL PROJECTS EXCEEDING \$15 MILLION” BE AMENDED AS FOLLOWS?

Section 17 – "PRIOR TO ENTERING INTO ONE OR MORE AGREEMENTS OR CONTRACTS RELATING TO ANY CAPITAL PROJECTS FOR WHICH THE AGGREGATE COSTS FROM INCEPTION OF THE PROJECT THROUGH CONSTRUCTION COMPLETION WOULD EXCEED FIFTEEN MILLION DOLLARS (\$15,000,000), THE CITY SHALL REQUIRE THE FOLLOWING: 1) AN AFFIRMATIVE VOTE BY THREE-FOURTHS OF THE CITY COUNCIL BY “AYES AND NAYS”

2) CONDUCTING ONE STUDY SESSION FOLLOWED BY A PUBLIC COMMENT PERIOD OF NO LESS THAN SIXTY (60) DAYS, FOLLOWED BY AT LEAST ONE PUBLIC HEARING (IF MORE THAN ONE PUBLIC HEARING IS CONDUCTED, THERE SHALL BE AT LEAST 14-DAYS IN BETWEEN EACH) BEFORE A VOTE OF THE CITY COUNCIL TAKES PLACE, WHICH SHALL BEGIN AT THE TIME OF A FORMAL COUNCIL VOTE TO AUTHORIZE A REQUEST FOR BIDS ON THE PROJECT; AND

3) A PUBLIC PRESENTATION OF ALL PUBLIC COMMENTS RECEIVED DURING THE 60-DAY COMMENT PERIOD TO THE CITY COUNCIL BY CITY STAFF”

FULL BALLOT TEXT:

OFFICIAL TITLE: PROPOSAL BY THE CITY COUNCIL TO AMEND CITY CHARTER ARTICLE VI, ADDING SECTION 17 ENTITLED “APPROVAL OF HIGH VALUE CAPITAL PROJECTS EXCEEDING \$15 MILLION”

DESCRIPTIVE TITLE: AMENDMENT TO THE CITY CHARTER SHALL REVISE ARTICLE VI, BY ADDING SECTION 17 TO ADDRESS THE PROCESS FOR APPROVAL OF HIGH VALUE CAPITAL PROJECTS EXCEEDING \$15 MILLION.

A “YES” vote shall have the effect of adding a Section to Article VI to address the process for approval of high value projects exceeding \$15 million.

A “NO” vote shall have the effect of not adding the additional section.



TO: MAYOR AND CITY COUNCIL
AGENDA: April 20 Charter Review Committee
DATE: April 20, 2026
DEPT: Legal
ITEM #: 3.C
SUBJECT: Discussion & Possible Action Regarding an Update to the Prescott City Charter Establishing Certain Restrictions on Development Agreements by City Council.

ITEM SUMMARY

This item is a follow up for possible action following a discussion and staff work on Committee direction regarding an addition to the Prescott City Charter establishing certain restrictions on City Council approval of Development Agreements.

BACKGROUND

At the April 6 Committee Meeting, pursuant to a request from Mayor Rusing, the Committee discussed potential amendments to the Prescott City Charter that would set limits on development agreements entered between developers and the City. Based on those suggestions, staff has drafted the following, which would be a new Section 14 in Article VIII of the City Charter.

Article VIII, Section 14. Development Agreements

A. Authority and Purpose.

The City may enter into development agreements with property owners or developers for the purpose of establishing the terms and conditions under which development of property shall occur, consistent with the Prescott General Plan, Arizona Revised Statutes, and applicable ordinances. The restrictions outlined in this Section shall apply to any development agreement approved following the adoption of this section [DATE]

B. Prohibition on Adjoining or Adjacent Property Provisions.

No development agreement shall include provisions that obligate, restrict, encumber, or otherwise impose conditions upon real property other than the property that is the subject of the agreement. Clauses purporting to apply to adjoining or adjacent properties, whether currently owned or subsequently acquired, are expressly prohibited and shall be void and unenforceable.

C. Infrastructure and Easement Costs.

All infrastructure improvements, including but not limited to roads, utilities, drainage facilities, and public service extensions, as well as any easements necessary to serve the development, shall be planned, designed, constructed, and fully funded by the developer. The City shall not bear financial responsibility for such improvements, whether newly constructed or due to increased capacity necessitated by increased usage, unless expressly approved by the voters at a regular or special election.

D. Term and Duration.

Every development agreement shall include a defined term and expiration date. No development agreement shall have a duration exceeding thirty (30) years from the date of execution. Any extension or renewal shall require approval in the same manner as the original agreement and shall not exceed the maximum term established herein.

E. Open Space Requirements for Large-Scale Developments.

Any development project encompassing more than two hundred fifty (250) acres shall dedicate and permanently preserve not less than twenty percent (20%) of the total project area as open space. Such open space shall be meaningful and functional, and shall, to the greatest extent practicable:

1. Preserve wildlife corridors and native habitat;
2. Provide public access to usable open areas, including hiking, biking, or similar recreational trails; and
3. Be configured in a manner that promotes connectivity and environmental sustainability, rather than consisting of isolated or fragmented parcels.

FINANCIAL IMPACT

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

RECOMMENDED ACTION

MOVE to recommend forwarding proposed Charter revision to Council for approval or denial

ATTACHMENTS

None



TO: MAYOR AND CITY COUNCIL
AGENDA: April 20 Charter Review Committee
DATE: April 20, 2026
DEPT: City Clerk
ITEM #: 3.D
SUBJECT: Discussion & Possible Direction Regarding a Potential Addition to the Prescott City Charter Regarding "Lease of Property by the City" (Tenant Safeguards).

ITEM SUMMARY

This item is for discussion regarding the potential addition of language to the City Charter related to tenant safeguards when the City of Prescott lessee of a property.

BACKGROUND

During the April 6 Committee Meeting, the Committee unanimously recommending forwarding an update to Article VIII, Section 11 "Leases of City Property" to the Council for consideration. That section addresses situations where the city serves as the lessor, Committee members felt it was also important to address scenarios where the city is the lessee of property. Chair McMinn put together the below information for Committee consideration:

A. Applicability

This section applies to any lease in which the City is the tenant that:

- 1. Involves total lease obligations of \$500,000 or more; or*
- 2. Has a term of five (5) years or longer, including renewal or extension options; or*
- 3. Includes capital improvements funded in whole or in part by the City.*

B. Analysis and Disclosure

*Prior to final action, the City Council shall ensure that sufficient information is **prepared in writing and made part of the public record** to understand the financial, operational, and long-term implications of the lease.*

Such information shall include, as applicable:

- 1. The reasonableness of lease terms in relation to the market*
- 2. The condition of the property and anticipated capital needs*
- 3. The total cost of occupancy, including lease and related costs*
- 4. Reasonable alternatives, including City-owned options*
- 5. For leases involving capital improvements or purchase rights, the cost, ownership, and long-term value of such provisions*

Where a lease includes "as-is" or similar provisions, the condition of the property and any resulting financial risks, including anticipated repair or capital costs, shall be clearly disclosed prior to approval.

Any option to purchase or right of first refusal shall include a defined valuation method established in advance.

C. Public Review and Timing

The City Council shall conduct at least one publicly noticed meeting at which the proposed lease and the required information are presented and discussed.

No final action shall be taken at the same meeting.

Final action shall not occur until at least fourteen (14) days after such presentation.

At this time, staff would like direction from the Committee regarding how they would like to proceed with potential additions to the City Charter related to stipulations on the city as a lessee.

FINANCIAL IMPACT

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

RECOMMENDED ACTION

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

ATTACHMENTS

None



TO: MAYOR AND CITY COUNCIL
AGENDA: April 20 Charter Review Committee
DATE: April 20, 2026
DEPT: City Clerk
ITEM #: 3.E
SUBJECT: Discussion & Possible Direction Regarding a Potential Addition to the Prescott City Charter Regarding a Replacement of Title & Addition of Sections Patterned After Article 2, Section 13 and 36 of the Arizona State Constitution.

ITEM SUMMARY

This item is for discussion regarding the potential addition of language to the City Charter related Article X, to be patterned after Article 2, Section 13 and 36 of the Arizona State Constitution.

BACKGROUND

During the April 6 Committee Meeting, the Committee received public comment regarding the addition of anti-discrimination language to Article X of the Prescott City Charter. Member Hess provided the below language for Committee considerations:

Article X Initiative, Referendum and Recall

Proposed Amendment - replace article title "Declaration of Rights" and add the following additional sections patterned after Article 2, Article 13 and 36 of the Arizona State Constitution

This section applies to any lease in which the City is the tenant that:

Section 2 - Equal Privileges and Immunities

The city shall not enact any law setting forth terms applicable to any people or class of people that do not equally belong to all people. The city shall not enter any agreement or contract that includes terms violative of any constitutional rights, obligations or prohibitions.

Section 3 - 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, ethnicity or national origin, sexual orientation, genders, religious practice, spiritual practice, age, or mental/physical ability in the operation of public employment, public education or public contracting.

B. This section does not:

- 1. Prohibit bona fide qualifications based on sex that are reasonably necessary to the normal operation of public employment, public education or public contracting.*
- 2. Prohibit action that must be taken to establish or maintain eligibility for any federal program, if eligibility would result in a loss of federal monies to this city.*
- 3. Invalidate any court order or consent decree that is in force as of the effective date of this section.*

C. The remedies available for a violation of this section are the same, regardless of the injured party's race, ethnicity or national origin, sexual orientation, genders, religious practice, spiritual practice, age, or mental/physical ability as are otherwise available for a violation of existing anti-discrimination laws of this city, anti-discrimination laws of the State of Arizona, or anti-discrimination laws of the United States of America.

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

E. This is self executing.

Stated Rationale - codifies a demonstration that Prescott truly is "Everybody's Home Town" reinforcing and slightly expanding the state constitution prohibition of discrimination in the operation

of public employment, public education or public contracting.

At this time, staff would like direction from the Committee regarding how they would like to proceed with potential additions to the City Charter related to stipulations on the city as a lessee.

FINANCIAL IMPACT

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

RECOMMENDED ACTION

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

ATTACHMENTS

None



TO: MAYOR AND CITY COUNCIL
AGENDA: April 20 Charter Review Committee
DATE: April 20, 2026
DEPT: City Clerk
ITEM #: 3.F
SUBJECT: Discussion & Possible Direction Regarding a Requested Updates to the Prescott City Charter Article XI - City Court.

ITEM SUMMARY

This item is for a discussion and direction regarding updates to the Prescott City Charter Article XI - City Court.

BACKGROUND

In February the Committee approved revisions to Article XI, Section 4 to remove "Justice of Peace" from the title. This item was forwarded to the Council and approved for addition to the November 2026 Special City Election. Following discussion at the April 6 Committee Meeting regarding revisions to the substance of Article XI, Section 4 (included below) the Committee expressed a desire to conduct a more thorough and complete review of the entire Article related to the City Court given the recent separation from the County Court.

Included below is the proposed language, as discussed at the April 6 meeting for Article XI, Section 4 for discussion and possible approval by the Committee. And, attached is the complete Article to be discussed for possible additional revisions and direction.

Article XI, Section 4 Current Language:

The presiding officer of the city court shall be a city judge, who shall be appointed by the council in December of each even-numbered year. The term of office of the city judge shall commence on the first business day of the month following his or her appointment, and shall be for two (2) years, or until his or her successor is appointed and qualified. The city court department employees shall be appointed by and accountable to the city judge. The city judge will report to and be responsible for the operation of the city court department to the city council. The city judge shall prepare the budget for the city court department for submission to the city council, and the city court budget shall be established by the city council.

Article XI, Section 4 Proposed Language:

The Municipal Court shall be presided over by a Municipal Judge appointed by the City Council. The Municipal Judge shall be an attorney licensed and in good standing in the State of Arizona and shall serve at the pleasure of the council with a contract to be reviewed annually. The Judge may be removed by the City Council for cause, after notice and an opportunity to be heard; and shall exercise independent judgment in accordance with law, comply with applicable judicial conduct rules, and disclose and avoid conflicts of interest. The Court shall operate as an independent judicial function of the City.

FINANCIAL IMPACT

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

RECOMMENDED ACTION

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

ATTACHMENTS

1. City Court Article

ARTICLE XI

CITY COURT

Section 1 - Establishment

There shall be and is hereby established in the city a municipal court, to be known and designated "The City Court of the City of Prescott, Yavapai County, State of Arizona".

Section 2 - When open; transaction of certain business on non-judicial days

The city court shall always be open, except on non-judicial days, and on such non-judicial days it may transact such business within its jurisdiction as is authorized by law to be transacted by courts of justice of peace, relative to business within their jurisdiction.

Section 3 - Jurisdiction generally

Said court shall, within the territorial limits of said city, have and exercise jurisdiction as follows:

- (a) It shall have and exercise exclusive original jurisdiction of all proceedings of a criminal nature for the violation of any ordinance of said city, and of every action of a civil nature for the enforcement of a penalty, or the recovery of a penalty or forfeiture imposed by any ordinance of the city for violation thereof, or for neglect to perform any duty by any ordinance imposed, and of every action for the collection of any license, fine or penalty due from any person to said city, and require to be paid, or which is due and collectible under the ordinance of said city.
- (b) The city court shall have concurrent jurisdiction with the justices of the peace, in the precincts where said city is established, over all violations of the laws of the state committed within the limits of said city; said concurrent jurisdiction shall be subject to the rules of criminal procedure applicable to trials before justices of the peace. (Amended September 21, 1993)

ARTICLE XI (Continued):

Section 4 - Presiding Officer; appointment; term; Justice of Peace as City Judge

The presiding officer of the city court shall be a city judge, who shall be appointed by the council in December of each even-numbered year. The term of office of the city judge shall commence on the first business day of the month following his or her appointment, and shall be for two (2) years, or until his or her successor is appointed and qualified. (Amended September 21, 1993; June 7, 2012)

The city court department employees shall be appointed by and accountable to the city judge. The city judge will report to and be responsible for the operation of the city court department to the city council. The city judge shall prepare the budget for the city court department for submission to the city council, and the city court budget shall be established by the city council. (Adopted June 7, 2012)

Section 5 - Disposition of fines, penalties and fees

All fines, penalties and fees collected by the city judge shall be paid monthly to the properly designated officer of the city authorized to receive them.

Section 6 - Power of City Judge to issue writs and processes and to hear cases; nature of writs and processes; records to be kept; duty of police to execute, serve and make proper return of writs and processes

For the proper carrying out of the jurisdiction vested in said city judge, he shall be entitled and authorized to issue and cause to be served any and all writs and processes, and he shall have full authority to hear and determine all matters properly coming before him and coming within his jurisdiction herein specified. The writs and processes to be used shall be similar to those used by justices of the peace in cases of a similar nature, and proper records shall be kept of the issuance of writs and processes and returns, and of any kind of all other actions taken relative thereto, and the actions of the court thereon. The police of the city are hereby authorized and directed to execute and serve any and all writs and processes issued out of said city court by said judge, and proper return shall be made by such officer to the same extent as required of constables and sheriffs in the service and execution of similar papers.

Section 7 - Ordinances to give effect

The council shall pass all necessary ordinances to give effect to the provisions of this article not otherwise herein provided.

Section 8 - Discontinuance or Reinstatement of City Court

Upon provisions by state law or amendment to the state constitution whereby the duties and responsibilities described above may be otherwise fulfilled to the satisfaction of

ARTICLE XI, Section 8 - (Continued):

the council, the council may, by appropriate ordinance, abolish, reinstate or make other arrangements in the office of city court. (Adopted May 18, 1976)



TO: MAYOR AND CITY COUNCIL
AGENDA: April 20 Charter Review Committee
DATE: April 20, 2026
DEPT: City Clerk
ITEM #: 3.G
SUBJECT: Presentation & Discussion From Staff Regarding Future Agenda Items.

ITEM SUMMARY

This item will provide an opportunity for staff to discuss upcoming agenda items based on feedback and requests from Committee Members.

BACKGROUND

At this time planned items for the May 4 Committee Meeting are as follows:

1. Committee discussion regarding super majority language - there has been general discussion at Committee meetings regarding the various references to super majority within the City Charter and whether this means a vote of five (5) or six (6) members of the Council and whether this should be universal throughout the Charter when super majority votes are required.
2. Committee discussion regarding language for Consideration of Petitions - "public hearing" versus "public meeting" and how that should be defined in the ballot language
3. Committee discussion regarding Article II, Section 16 - public discussion of Council following a motion and second
4. Committee discussion regarding language for calculations for signature requirements for Initiative/Referendum/Recall

The Committee will also discuss what items will be presented at the May 12 Study Session for Council's consideration to include on the November 2026 Ballot. This is also the Committee's opportunity to request additional agenda items to be added.

FINANCIAL IMPACT

There is no fiscal impact associated with this item.

RECOMMENDED ACTION

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

ATTACHMENTS

None