

City of Prescott

Charter Review Committee



May 4, 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 **May 4, 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 20, 2026 Charter Review Committee Meeting.
Recommended Action: MOVE to approve minutes as presented
 - B. Presentation from Staff Regarding Proposed Updates to Article VI, Section 17 "Approval of High Value Capital Projects Exceeding \$15 Million".
Recommended Action: This item is for discussion and presentation only. No formal action will be taken.
 - C. Discussion & Possible Revisions to Proposed Ballot Language for Article II, Section 18 "Consideration of Petitions" for Approval at the November 2026 Election.
Recommended Action: MOVE to recommend forwarding possible revision to proposed ballot language for Article II, Section 18
 - D. **CONTINUED ITEM:** Discussion & Possible Action Regarding Requested Updates to the Prescott City Charter Article XI - City Court.
Recommended Action: Following discussion, possible action regarding forwarding proposed ballot language to Council for consideration
 - E. **CONTINUED ITEM:** 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
 - F. 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 5/1/26 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: May 4 Charter Review Committee
DATE: May 4, 2026
DEPT: City Clerk
ITEM #: 3.A
SUBJECT: Approval of Minutes from the April 20, 2026
Charter Review Committee Meeting.

ITEM SUMMARY

This item is for the approval of the April 20, 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 20, 2026 CRC Minutes

City of Prescott

Charter Review Committee



April 20, 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
Michael Broggie - Member
Michael Gjede - Member
Ralph Hess - Member

3. DISCUSSION & ACTION ITEMS

A. Approval of Minutes from the April 6, 2026 Charter Review Committee Meeting.

MOTION BY MEMBER GJEDE TO APPROVE THE MINUTES AS PRESENTED; SECONDED BY MEMBER BROGGIE: PASSED (5 - 0)

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.

Chair McMinn commented that this item was continued from the last meeting given that there were two members missing from the last meeting, she opened the floor for discussion amongst the members. She reviewed the proposed language and asked about discussion related to super majority.

City Clerk Sarah Thornhill reminded the group that they can discuss "super majority" as it applies to the ballot language for this item but not more broadly throughout the Charter. This will be an agenda item moving forward in May.

Deputy City Attorney Alane Moore added that staff has advised that bids are only good for 60-days and have expressed concern regarding that requirement because it would negatively impact that part of the process. She added that a CPI adjustment is something that should be included in the language, additionally language related to an emergency provision that would allow the city to take care of projects in an emergency even if they are over the \$15 million threshold.

Member Gjede asked if they have to define "emergency".

Ms. Moore commented that they would want to, her recommendation would be to follow Charter language provisions that are similar.

Vice Chair Moyer asked if this would apply to enterprise fund projects and general fund projects.

Member Hess said it would be any capital project. He added that he wants to address all the concerns raised by the legal department. He asked how often does the city have an emergency capital improvement project. Regarding the "super majority" which should be required for high value projects or significant projects like annexations. He commented that he is comfortable with there not being a CPI adjustment included in the language. Regarding the bids, he asked if the bids could be good for 90-days.

Ms. Moore responded that infrastructure emergencies would come to mind. She doesn't have a specific example but there would be times that might be necessary. Extending the timing of the bids would be up to the bidders, costs of the bonds would be impacted by the bids as well.

Member Hess stated that for this to be implemented, the Council and staff would have to know what the exact costs are and therefore the bids would have to be in. He thinks perhaps it should go back to legal for further review and would like to hear from staff regarding what the impact would be if the bids had to be extended.

Ms. Moore stated that staff could be available to address that with the Committee to give them a better idea on how the Bids would be impacted.

Chair McMinn added that she would like to have some language related to CPI to look at as well.

Vice Chair Moyer asked if emergency language could be along the lines of "with the exception of a project to repair or restore utility or accessibility".

Member Gjede commented that he wants to have clear language of super majority versus 3/4.

Member Hess stated that it would be anything greater than a simple four out of seven vote of the Council. Could be a requirement for five votes or six.

Ms. Moore responded that they could list the specific number, but other areas in the charter use language like "super majority of 2/3 or 3/4 of Council" depending on how the Committee would like to propose it.

Member Hess stated that it seems the 2/3 or 3/4 requirement seems to be based on how significant the issue is.

Mayor Rusing addressed the Committee stating that she likes the "super majority" requirement and feels that specifically stating "a 6-1 vote" to pass would make it more clear. She added that she supports this amendment for more transparency, but said that it is getting into dangerous territory when this Committee is going to try and dictate to Public Works their bidding process. If the

city isn't careful nobody would be interested or willing to submit bids. Also, she feels there should always be an emergency off-ramp, and there should be a CPI adjustment.

Chair McMinn commented that she wonders if, from a budgeting perspective, there is a way to have the language reflect that this would be built into the budget process.

Member Hess commented that reducing the 60-day comment period to 30-days could make it more palatable. He is ok with a public meeting rather than a public hearing.

Vice Chair Moyer added that he supports that idea.

Ms. Moore recapped Committee comments related to revisions on the proposed language: 30-day public comment period, public meeting rather than public hearing, Committee consensus for "3/4 of Council" for the super majority language and staff will provide options for emergency provisions.

MOTION BY MEMBER GJEDE TO TABLE ACTION ON THIS ITEM TO A FUTURE MEETING; SECONDED BY MEMBER BROGGIE: PASSED (5 - 0)

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

Chair McMinn discussed proposed DA restrictions.

Ms. Thornhill read from the proposed provisions included in the agenda packet.

Committee consensus that 30-years is too long a term for the agreements and they would like to see something shorter.

Member Hess stated that he feels the maximum should be 10-years and no renewals or extensions for a period greater than 5 years, and received Committee consensus. He added that for provision E he thinks, for consistency, the provision should state 25% so it is in alignment with the Land Development Code (LDC), and received Committee consensus.

Mayor Rusing thanked the Committee for addressing these amendments that have been needed for some time.

Member Broggie asked who would be liable for the required open space if something occurred.

Ms. Moore responded that it would depend upon who is maintaining it. If the city is responsible for maintenance it would be our liability.

Chair McMinn commented that she would advocate for it to be private open space, creating meaningful open space for their developments but ultimately being liable. She also asked if the Committee wanted to consider including all developments and not just large ones.

Member Hess stated that smaller developments may not be able to absorb that in the same way that larger developments can.

Ms. Moore recapped Committee direction regarding revisions to the proposed language: update open space to 25%, and she asked for clarification on term beyond the initial 10-year agreement does the Committee want one or more 5-year extension options.

Vice Chair Moyer commented that he would like the open space to be accessible to the public, but if he is the developer, he would question it being "private" open space.

Ms. Moore agreed and stated that it is a consideration for this Committee.

Member Gjede asked if maintenance of the open space could be built into the DA negotiations.

Chair McMinn asked about water.

Ms. Moore stated that there is the city's water policy, and there are Water Service Agreements which the city is contractually bound to.

Mayor Rusing stated that she would like to see the water attached to the land and potentially renegotiated in the future.

Committee consensus on numeric changes and bringing this item back with the noted revisions and have a discussion related to water as well.

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

D. Discussion & Possible Direction Regarding a Potential Addition to the Prescott City Charter Regarding "Lease of Property by the City" (Tenant Safeguards).

Member Hess commented that he likes the proposal, but added that there is a typo in the word "lessor".

Ms. Moore stated that from a legal standpoint most any lease will include a capital improvement component, so use of the word "OR" would make it so that every lease of city property would come forward which is something to consider. She also highlighted that the Legal Department would like the "total cost of property" to be better defined, she also asked if with use of the word "reasonable" the Committee is seeking a minimum number of properties that were investigated or a full list. Finally, Ms. Moore commented that in the event of an emergency situation it needs to be considered whether the public comment requirement could impact the ability to lease as needed.

Chair McMinn commented that it was not her intention to have every lease be considered so she would be comfortable adjusting that language related to capital improvements.

Member Hess stated that he thinks perhaps a specific dollar amount on the capital improvements would be appropriate.

Chair McMinn agreed.

Member Gjede stated that he looks at this amendment from the perspective of the lease of the courthouse building.

Ms. Moore asked "cost of occupancy" would be cost of lease, related costs, maintenance, inspection/appraisal and whatever the cost is for any improvements that would need to be made.

Committee consensus.

Member Hess asked if "reasonable" is changed to "comparable."

Mayor Rusing stated that she does support this amendment and she added that the city has a tendency to purchase property without an appraisal and this continues that.

Committee consensus on the following items: capital improvements, 20% of the lease amount or more funded by the city; language update to "and" rather than "or" on all stipulations, and to add in "over the term of the lease" to language.

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

Member Hess stated that this is a modification of a previous provision put before the Committee two years ago and patterned off of the state Article 2 Section 13 and 36 of the State Constitution. He reviewed the proposed language for the Committee from the packet materials. This was drafted after he was approached by the MLK Committee with modifications based on previous feedback from the Council, and has been reviewed and approved by the MLK Committee as well.

Ms. Moore stated that the Legal Department has reviewed this and is approaching it from the standpoint that the information is contained within the state constitution and federal law so it may not be necessary to include in the Charter. She added that when looking at contracting, some of the language would need to be tightened.

Member Gjede stated that he has the same concern he had before when this was initially discussed related to potential impacts for the city based on the President's Executive Order and specific wording being used.

Member Broggie commented that Mr. Hess' effort to provide a guide and have the public understanding is a worthwhile effort.

Vice Chair Moyer didn't have any comments.

Chair McMinn said that this came up previously, and she asked City Attorney Joseph Young if this should be in the Charter, and he said that these types of things are typically done via Ordinance. She would be curious to know how many other charter cities do this in their charter and that is something the Committee should look at. Also, it is important to look at the probability of success in getting something approved by the Council.

Member Hess stated that whether other cities have this charter provision or not, he is still supportive of including it in the Prescott's Charter because it functions as the city's constitution and the State Constitution contains it.

Member Broggie commented that there is nothing wrong with being a leader and not a follower.

Vice Chair Moyer asked if the exceptions listed in the proposed language are in the state constitution.

Member Hess responded that they are.

Member Gjede stated that the word "gender" should be replaced with "sex".

Member of the public Jim Helbling addressed the Committee as the Chair of the MLK Committee in favor of the proposed Charter language provision. He commented that this is the thirteenth time he has spoken in front of a city committee about this, and he fears that it says something about this community.

Mayor Rusing addressed the Committee stating that the city needs to take a look at the impacts of these types of changes. She commented that there could be issues with a transgender person being able to go into a girls' bathroom and gawk at them, or violations of Title 9, or impacts on contracts and funding. Also, she stated that she thinks this needs to be looked at more because it is difficult to define.

Member Hess reiterated that this language was pulled directly from the Arizona State Constitution.

Vice Chair Moyer said that while one could say if it is in the State Constitution it should be in the charter, it could also be said that if it is in the Constitution it applies to a city anyway.

Member Gjede agreed.

Member Hess stated that violating the City Charter is a misdemeanor, so there is a little bit of teeth to this provision which provides some enforceability.

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

- F. Discussion & Possible Direction Regarding Requested Updates to the Prescott City Charter Article XI - City Court.
Committee consensus to continue this item without discussion.

- G. Presentation & Discussion From Staff Regarding Future Agenda Items.
Ms. Thornhill reviewed the upcoming Committee meeting schedule and future agenda items. She also commented that it might be beneficial for the group to limit the number of items on each agenda given the significant discussion related to each of them, and suggested prioritizing the amendments the Committee wants to suggest to the Council.

Chair McMinn commented that she would like to see the DA item, revisions to City Court section and possible revisions to the "public hearing" versus "public meeting" language in the section for Consideration of Petitions come back at the next meeting.

Member Gjede said he would like to focus on what is before the Committee at this time, and not add any new items for discussion.

Vice Chair Moyer stated that he would like to focus on the items that were continued from this meeting.

Member Hess suggested that on May 4 the Committee address the city court proposal, public hearing vs. public meeting related to consideration of petitions, and DAs.

Mayor Rusing thanked the Committee for their work, but stated that moving forward the anti-discrimination language will overshadow all of that good work.

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

4. ADJOURNMENT

There being no further business to discuss, Chair McMinn adjourned the meeting at 4:49 p.m.

BONNIE MCMINN, Chair

ATTEST:

SARAH M. THORNHILL, City Clerk



TO: MAYOR AND CITY COUNCIL
AGENDA: May 4 Charter Review Committee
DATE: May 4, 2026
DEPT: City Clerk
ITEM #: 3.B
SUBJECT: Presentation from Staff Regarding Proposed Updates to Article VI, Section 17 "Approval of High Value Capital Projects Exceeding \$15 Million".

ITEM SUMMARY

This item is for follow-up to discussions by the Committee at the March 16 and April 20 meetings. Staff will be present to discuss the proposed language and potential impacts on the city. All additional information in the background section of this memo remains the same as the April 20 meeting, and attached are presentation slides provided by Public Works Director Gwen Rowitsch which she will review during the meeting.

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

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

ATTACHMENTS

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

2. Public Works Presentation

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.



Charter Amendment Review: Capital Projects Over \$15M

Gwen Rowitsch, Public Works Director

Project Lifecycle Overview



Planning

How Are Projects Identified and Prioritized?

- Utility Projects (5-year, 10-year, 20-year, buildout scenarios)
 - Water & Wastewater Master Plans (updated 5-years)
 - Age & Condition or Capacity
- Street Projects (5-year to 10-year)
 - Pavement Condition Index (PCI)
 - Utility Replacement Coordination
 - Contracts & Development Agreements



Funding

Utility Projects

Development Impact Fees (DIF) - ARS 9-463.05

- Land Use Assumptions (LUA) and Infrastructure Improvement Plan (IIP) required
 - ARS 9-463.05(C)
 - Notice of intention, Comment Periods, and Public Hearing required to assess a DIF, Ordinance Adoption
 - Advisory Committee (50% from real estate, development or building sectors)
 - Updated at least every 5 years

Water and Wastewater Utility Enterprise Fund

- Rates and Fees
- Public Hearing, Ordinance Adoption
- Updated every 5 years

Contracts, Developer Agreements & Contributions

Funding

Street Projects

Development Impact Fees (DIF) - ARS 9-463.05

- Subject to same requirements as previous slide

Streets Fund – Enterprise Fund

- 1% Street Tax
- Highway User Revenue Funding (HURF) Funding
- Street Light Fee

Yavapai County Flood Control District Funding

- Annual Intergovernmental Agreement (Amount Varies)

Capital Improvement Plan

Capital Improvement Plan (CIP) (5-year and 10-year)

- CIP adopted as part of annual budget
 - Public Hearing annually for adoption of City budget
- Project is evaluated alongside other capital needs
 - Funding Availability (DIF, Rates, Fees, Contracts)
 - Age and Condition Projects from Masterplan
 - Capacity Projects from Masterplan
 - Contractual or Development Agreement Obligations
 - Timing of Other Projects
- Project is programmed into the appropriate year of the 5-Year CIP
 - Program adjusted annually

Design

Design Phase

- Feasibility or Conceptual Designs, if needed
- Scoping Report
- Consultant Selection
 - Request for Statement of Qualification Process
 - 60-120 day process
 - On-Call Professional Services Contract (Prequalified Professional Services)
 - 30-60 day process
- Design Services
 - 4-18 months to design a project
 - Includes Property and Easement Acquisition, if needed
 - Bid Ready Plans, Reports and Documents Completed (10-15% of construction cost)
 - Public Meeting during 30%-60% Design

Construction

CIP Construction Phase

- Notice Inviting Bid process
 - 45–60 days - Posting Open Gov
- Council Approval
 - 45–60 days - Posted Agenda unless project is on the Approved Expenditure Limit List
- Award of Bid
 - Within 60 days of the Bid Opening per Supplement to Maricopa Association of Governments (MAG), Section 103.3
- Notice to Proceed
 - Within 60 days of after contract award per Supplement to MAG, Section 103.10

Notice/Bid → Council → Award → Notice to Proceed

Public Input

- Most effective during funding phase:
 - Development Impact Fees:
 - Include Public Hearing and public comment period
 - Rate and Fee Study:
 - Include Public Hearing
 - Annual Adoption of Budget/Capital Improvement Plan:
 - Include Public Hearing and public comment in public meeting
 - Design Process includes Public Meeting
- Next most effective phase, after funding but prior to start of design:
 - Feasibility & Conceptual Phases (if needed), or
 - Scope of Work

Exceptions for Consideration

- Projects approved in the Infrastructure Improvement Plan (IIP)
- Projects satisfying contractual or Development Agreement obligations
- Replacement or repair of existing sewer and water lines
- Replacement or repair of wastewater treatment systems
- Projects mandated by state or federal law or court order

Projects Over \$15M in the 10-year CIP

FY27-31	*Sundog C3*	\$44M
FY27-31	*Willow Creek Gravity Sewer*	\$18.3M
FY27-31	*Effluent & WW Pipelines & SR89 Improvement*	\$27.3M
FY27-31	**Deep Well WW & Airport Water Distribution Loop	\$21M
FY32-37	Transfer Station Expansion	\$21.5M
FY32-37	Airport WRF Expansion Phase II	\$27M
FY32-37	SR89 Widening	\$33M

** Projects in Design Phase*

*** Contractual Obligation or Development Agreement*



Current Planning Process



Proposition Language

Prior to entering into a design contract relating to any Capital project for which the aggregate costs from inception of the project through construction completion would exceed \$15M, the City shall require the following:

1. Study session on scope, feasibility study, or conceptual design of project
2. 30-day public comment period
3. Study Session to review public comments
4. Affirmative vote by super majority of $\frac{3}{4}$ of Council to proceed with design of project

The value threshold will be adjusted once every year by the percentage change in the Bureau of Labor Statistics Consumer Price Index for all Urban Workers during the immediately preceding calendar year.

Proposition Language

In order to assure the health and safety of the City's residents, the following projects shall not require Council approval to proceed:

- a) Projects approved in the Infrastructure Improvement Plan (IIP)
- b) Projects to meet contractual or development agreement obligations
- c) Replacement or repair of existing sewer and water lines
- d) Replacement or repair of wastewater treatment systems
- e) Projects mandated by state or federal law or court order

Proposition Language

Approval of the Council shall not be required for initial funding of feasibility studies or conceptual designs, or other expenses in aggregate less than \$1M. The value thresholds identified herein will be adjusted once every year by the percentage change in the Bureau of Labor Statistics Consumer Price Index for all Urban Workers during the immediately preceding calendar year.

Design plans and specifications or construction of any kind shall not be included in this exception.

Questions?





TO: MAYOR AND CITY COUNCIL
AGENDA: May 4 Charter Review Committee
DATE: May 4, 2026
DEPT: City Clerk
ITEM #: 3.C
SUBJECT: Discussion & Possible Revisions to Proposed Ballot Language for Article II, Section 18 "Consideration of Petitions" for Approval at the November 2026 Election.

ITEM SUMMARY

This item is for a follow up discussion related to revised language to proposed ballot language for Prescott City Charter, Article II, Section 18.

BACKGROUND

At the April 6 Committee Meeting members approved a suggested amendment to Article II, Section 18 "Consideration of Petitions" and ballot language to be forwarded to the Council for consideration. Following that approval, Committee members expressed concern regarding language "public meeting" versus "public hearing" and wish to discuss further in order to make a determination before the proposal is discussed at the Tuesday, May 12 Council Study Session.

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 possible revision to proposed ballot language for Article II, Section 18

ATTACHMENTS

1. DRAFT Ballot Language_PropXXX_Consideration of Petitions

PROPOSITION XXX

PROPOSAL BY THE CITY COUNCIL TO AMEND CITY CHARTER ARTICLE II, SECTION 18, ENTITLED “CONSIDERATION OF PETITIONS”

SHALL ARTICLE II, SECTION 18 OF THE CITY CHARTER ENTITLED “CONSIDERATION OF PETITIONS” BE AMENDED AS FOLLOWS?

Section 18 – Any citizen of the city may appear before the council at any regular meeting and present a written petition; ~~such petition shall be acted upon by the council, in the regular course of business, within sixty (60) days.~~ COUNCIL SHALL CONDUCT AT LEAST ONE (1) PUBLIC HEARING AND ACT UPON SUCH PETITION IN THE REGULAR COURSE OF BUSINESS WITHIN SIXTY (60) DAYS.

FULL BALLOT TEXT:

OFFICIAL TITLE: PROPOSAL BY THE CITY COUNCIL TO AMEND CITY CHARTER ARTICLE II, SECTION 18 ENTITLED “CONSIDERATION OF PETITIONS”

DESCRIPTIVE TITLE: AMENDMENT TO THE CITY CHARTER SHALL REVISE ARTICLE II, SECTION 18 BY REVISING THE PROCESS FOR CONSIDERATION OF CITIZEN PETITIONS TO REQUIRE A PUBLIC HEARING WITHIN SIXTY (60) DAYS OF SUBMISSION.

A “YES” vote shall have the effect of revising the process for consideration of citizen petitions to require a public hearing within sixty (60) days of submission.

A “NO” vote shall have the effect of maintaining the current wording.



TO: MAYOR AND CITY COUNCIL
AGENDA: May 4 Charter Review Committee
DATE: May 4, 2026
DEPT: City Clerk
ITEM #: 3.D
SUBJECT: **CONTINUED ITEM:** Discussion & Possible Action Regarding Requested Updates to the Prescott City Charter Article XI - City Court.

ITEM SUMMARY

This item is continued from the April 6, 2026 Committee Meeting for a discussion and possible action 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

Following discussion, possible action regarding forwarding proposed ballot language to Council for consideration

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: May 4 Charter Review Committee
DATE: May 4, 2026
DEPT: Legal
ITEM #: 3.E
SUBJECT: **CONTINUED ITEM:** 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 continued from the April 20 Meeting for discussion and possible action related to an addition to the City Charter establishing certain restrictions on City Council approval of Development Agreements.

BACKGROUND

At the April 6 and April 20 Committee Meetings, the group discussed proposed revisions to the City Charter to incorporate restrictions related to Development Agreements. On April 20 the Committee discussed potential amendments and provided direction to staff. Based on that direction, 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 ten (10) 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 two (2) additional five (5) year terms.

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-five percent (25%) of the total project area as open space. Such open space shall be meaningful and functional, providing use to the greatest extent practicable which:

1. Preserves wildlife corridors and native habitat;
2. Provides public access to usable open areas, including hiking, biking, or similar recreational trails; and
3. Is 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: May 4 Charter Review Committee
DATE: May 4, 2026
DEPT: City Clerk
ITEM #: 3.F
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. Additionally, Committee members will discuss the items to be presented at the May 12 City Council Study Session.

BACKGROUND

At this time, possible items for the May 18 Committee Meeting are as follows:

1. Recap of the May 12 Study Session
2. Discussion & Possible Direction Regarding a Potential Addition to the Prescott City Charter Regarding "Lease of Property by the City" (Tenant Safeguards).
3. Discussion Regarding "Super Majority" Language throughout the Charter
4. 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.

The Committee will also discuss upcoming meeting schedules and possible future agenda items. The tentative meeting schedule is listed below:

June:

Monday, June 1 at 2:30 pm

Monday, June 15 at 2:30 pm

July:

Monday, July 6 at 2:30 pm

August:

Monday, August 17 at 2:30 pm

September:

Wednesday, September 9 at 10 am

October:

Monday, October 5 at 2:30 pm

Monday, October 19 at 2:30 pm

November:

Monday, November 2 at 2:30 pm

Monday, November 16 at 2:30 pm

December:

Monday, December 7 at 2:30 pm

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