

City of Prescott

City Council - Workshop Meeting



April 9, 2026 | 1:00 PM
201 N Montezuma Street
Council Chambers, 1st Floor
Prescott, AZ 86301

MINUTES

1. CALL TO ORDER

Mayor Rusing called the meeting to order at 1:04 p.m.

2. ROLL CALL

Cathey Rusing - Mayor
Lois Fruhwirth - Mayor Pro Tem
Mary Frederickson - Councilwoman
Ted Gambogi - Councilman
Jim Garing - Councilman
Patrick Grady - Councilman
Jay Ruby - Councilman

3. DISCUSSION

- A. Presentation & Discussion From the City Attorney, City Clerk & Human Resources Offices for Council and All City Boards, Committees & Commissions Regarding Open Meeting Law, Conflict of Interest, Council Rules of Procedure, BCC Code of Conduct, Harassment & Public Records Request Law.

Human Resources Director Branden Nunez provided a presentation regarding respectful workplaces and the importance of remaining in legal compliance and policy as well as meeting the city's expectations for the city's culture. He reviewed the city's Sexual Harassment, Anti-Discrimination, Harassment and Hostile Work Environment policies.

A Respectful Workplace is Free From:

- * Offensive jokes, slurs or name calling
- * Physical assaults or threats
- * Intimidation
- * Offensive objects or pictures
- * Interference with work performance
- * Rude gestures

Final Takeaways:

- * Lead by example
- * Set the bar high by creating a respectful culture
- * All employees should be welcomed and enabled to thrive based on their diverse backgrounds
- * Don't fail to act

Mayor Rusing asked about the BCC members being covered by the city's risk/insurance pool with DNO coverage.

City Attorney Joseph Young confirmed. Everyone within the organization, as long as it is part of city business, is covered.

Mr. Young continued the presentation with the city's Open Meeting Law, Conflicts of Interest, etc.

Open Meeting Law:

- * Government action should be done in public
- * Official deliberations and proceedings conducted openly
- * Maximize public access and availability - participation is not required unless it is a public hearing
- * Any uncertainty resolved in favor of openness
- * Notice requirement is one of the most important components of open meeting law
- * All public bodies must comply - Council, standing committee, subcommittee, special committee, advisory committee, etc.

What is a Meeting:

- * Gathering in person or through technological devices of a quorum of the public body - discuss, propose, deliberate or take legal action
- * Without a quorum - don't conduct the meeting, discussions and presentations should be rescheduled

Notice & Agenda:

- * Notice must inform when and where the public body will meet
- * Contain adequate information to inform the public of matters to be discussed
- * May not use topics such as "old business" or "new business"
- * Prescott combines notices/agendas
- * Minimum of 24-hour notice is required

Exceptions:

- * Can recess and resume a properly noticed meeting to a later date by making an announcement at the meeting and describing what agenda items will be covered
- * Actual emergencies

Executive Sessions:

- * Require prior consent of the city attorney
- * Does require a vote to enter into and quorum of the body
- * Seven legal reasons for convening into Executive Session - personnel matters, discussion of confidential information, legal guidance from city's attorneys, discussion of settlement, contract or property negotiations
- * These are conducted in private before legal action can be taken
- * Who may attend - any member of the body, persons subject to personnel discussions, auditor general, individuals whose presence is reasonably necessary in order for the public body to carry out its executive session responsibilities

- * Pitfalls - what happens in Executive Session stays in Executive Session, failure to advise persons about confidentiality requirement which is mandatory, take legal action (all votes must be done in public)

Circumvention:

- * Cannot use any device to circumvent the law
- * Splintering the quorum - serial communications, polling, hub and spokes, daisy-chaining
- * Prohibited two-way communication - discussing, deliberating, taking legal action, back and forth among a quorum on a matter that could foreseeably come before the board
- * Prohibited one-way communication - proposing legal action, "propose" means to "put forward for consideration/discussion/adoption", only takes one person to propose legal action, cannot propose legal action outside of a noticed meeting

Staff & Council Emails:

- * Staff may send emails to all board members
- * Passive receipt of information does not violate open meeting law
- * Do not reply all
- * Staff may not send opinion or substantive communication about board business from a board member to enough other board members to constitute a quorum

Internet & Social Networking:

- * Blogs and social media like Facebook can present the same issues as email among board members
- * If a quorum of members is discussing board business using any technological means, a meeting may result
- * This type of communication may be considered a virtual meeting, requiring notice and access to technological equipment as it was discussed in the virtual meeting opinion
- * This type of communication results in the creation of electronic public records which must be maintained, preserved and produced upon request

Meeting Etiquette:

- * Don't pass notes or texts
- * Whispering to fellow board members
- * Privately use modern technology
- * Quorum talking to individuals before the meeting officially starts or after the meeting officially ends

Social Events; Public Forums/Speeches & Community Events:

- * If a quorum may be present - courtesy agenda is posted, include statement that no business of public body will be discussed and no action will be taken
- * If a quorum may be present when one or more Council members plan on speaking or discussing city business with those in attendance - special meeting Agenda must be posted and include a description of the general topic or topics to be discussed and that no action will be taken

Public Rights:

- * Has the right to attend, listen, tape record, videotape
- * Does not have the right to disrupt or participate

Penalties:

- * Mandatory nullification of business transacted
- * Civil penalties between \$500-\$2,500
- * Equitable relief
- * Attorney's Fees

City Clerk Sarah Thornhill continued the presentation and provided information regarding public records and public records requests.

Public Records:

- * Any record in the custody of a government entity that has a substantial nexus to government activity is presumed a public record
- * Public has the right to view these records and receive a copy for a fee
- * Arizona imposes a presumption in favor of disclosure of public records
- * When public disclosure and access is outweighed by confidentiality, privacy of the best interest of the state it may be exempt from release
- * Records reasonably necessary to provide an accurate accounting of their official activities and of any government funded activities
- * "Other matters" include documents held by the public officer in his or her official capacity and in which the public's interest in disclosure outweighs the governmental interest in confidentiality
- * All records made or received by public officials or employees in the course of their duties are property of the city; officers are responsible for preserving, maintaining and caring for the public records within their office
- * The cloak of confidentiality may not be used to save an officer or public body from inconvenience or embarrassment.

Mr. Young continued with a discussion regarding Conflict of Interest Law, ARS 38-501 through 511.

Applicability:

- * All public officers
- * All public employees
- * Substantial Interest - any pecuniary or proprietary interest, either direct or indirect, other than a remote interest; generally any interest that affects your financial or property interests
- * Identifying Conflicts - will my decision have a positive or negative impact on my interest or that of my relatives, do I have monetary or ownership interest in this matter, is my interest other than one of the designated remote interests
- * If you have a substantial conflict - refrain from voting on or participating in the decision, make the conflict known in the official record, leave the table or room
- * Remote Interest - financial and property interests deemed to be so minor as to not trigger the reporting and non-participation requirements; may still vote and participate in discussions

Remedies & Penalties:

- * Contracts are voidable

- * Affected person may sue
- * Court may assess attorneys' fees and costs
- * Forfeiture of office
- * Felony or misdemeanor

Ms. Thornhill continued with a review of the City Charter, Council Rules of Procedure and BCC Code of Conduct which outline how the Council and Boards, Commissions and Committees should conduct themselves and how meetings should be handled.

Fundamental Principles:

- * One thing at a time
- * One person speaks at a time
- * Rules are self enforced
- * Members have equal rights, privileges and obligations
- * Generally, a motion starts the discussions, but not under open meeting law

Councilman Gambogi commented that he would like to see more strict adherence to Robert's Rules of Order. He asked about the chair being allowed to make motions versus not, parliamentary procedure doesn't allow it but the Charter does.

Mr. Young commented that Robert's Rules can be difficult to apply to cities because of some more strict regulations versus different charter provisions. Typically, in Robert's Rules a motion generally starts the discussion rather than ends it but that isn't appropriate as it relates to open meeting law.

Councilman Grady commented that it isn't common practice to get a motion/second, then vote; it is more common that there is a motion/second and then discussion.

Mayor Rusing agreed.

Mr. Young reviewed where the Charter deviates from Robert's Rules of Order.

Committee members addressed the Council and staff commenting that there should be discussion after a motion/second, as well as the Mayor and/or Chair not making motions.

Ms. Thornhill stated that all of the BCC Members will be receiving their new member information and if they have questions, they can contact the Clerk's Office.

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

4. **ADJOURNMENT**

There being no further business to discuss, Mayor Rusing adjourned the meeting at 2:32 p.m.

Cathey Rusing

CATHEY RUSING, Mayor

ATTEST:

Sarah M. Thornhill

SARAH M. THORNHILL, City Clerk



CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Voting Meeting of the City Council Voting Meeting of the City of Prescott, Arizona held on April 9, 2026. I further certify the meeting was duly called and held and that a quorum was present.

Sarah M. Thornhill

Sarah M. Thornhill, City Clerk