



City of Prescott

Charter Review Committee

May 4, 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 20, 2026 Charter Review Committee Meeting.
**MOTION BY MEMBER HESS TO APPROVE THE MINUTES AS PRESENTED;
SECONDED BY VICE CHAIR MOYER: PASSED (5 - 0)**
- B. Presentation from Staff Regarding Proposed Updates to Article VI, Section 17 "Approval of High Value Capital Projects Exceeding \$15 Million".
Chair McMinn stated that the purpose of this amendment was to provide enhanced oversight and transparency before major capital projects. She reviewed the proposed amendments to be added to the Charter for projects greater than \$15 million.

Public Works Director Gwen Rowitsch provided a presentation regarding the city's existing processes related to high-value capital projects related to Public Works. There are other departments that also do high-value capital projects so there may be some variation in the steps but there is a general project lifecycle.

Project Lifecycle Overview:

- * Planning
- * Funding
- * Capital Improvement Project Development
- * Design
- * Construction

Planning:

- * Utility Projects
 - 5-year, 10-year and 20-year buildout scenario
 - Water & Wastewater Management Plan (updated every 5-years)
 - Age and condition or capacity

- * Street Projects
 - Pavement Condition Index (PCI)
 - Utility Replacement Coordination
 - Contracts & Development Agreements

Funding:

- * Utility Projects
 - Development Impact Fees (ARS 9-663.05)
 - Land Use Assumptions (LUA) and Infrastructure Improvement Plan (IIP)
 are both required as part of this process: includes a notice of intention, comment periods, and public hearing required to assess a DIF as well as Ordinance Adoption
 - Advisory Committee (50% from real estate, development or building sectors)
 - Updated at least every five years
- * Water and Wastewater Utility Enterprise Fund
 - Rates and fees
 - Public Hearing, ordinance adoption
 - Updated every five years
- * Contracts, Developer Agreements and Contributions
- * Street Projects
 - DIF - same requirements as Utility
- * Street Fund - Enterprise Fund
 - 1% Street Tax
 - Highway User Revenue Funding (HURF) Funding
 - Street Light Fee
- * Yavapai County Flood Control District
 - Annual IGA with a variable amount

Vice Chair Moyer asked when the Impact Fees are set.

Ms. Rowitsch responded that the IIP includes known for the next five-years, these include new projects tied to development as well as projects related to areas where there are known capacity issues.

Capital Improvement Plan:

- * Five and 10 year plans
- * CIP adopted as part of annual budget which includes a public hearing
- * Project is evaluated alongside other capital needs - funding availability, age/condition projects from masterplan, capacity projects from masterplan, contractual or DA obligations, and timing of other projects
- * Project is programmed into the appropriate year of the CIP - program adjusted annually

Design:

- * Design Phase - feasibility or conceptual designs (as needed), scoping report, consultant selection (RSOQ 60-120 day process; On-Call Professional Services 30-60 day process)
- * Design Services - four to 18-months to design a project, includes property and easement acquisition (if needed), bid ready plans/reports/documents completed

(10-15% of construction costs), public meeting during 30-60% design

Construction:

* CIP Construction

- Notice Inviting Bid Process: 45-60 days with posting in OpenGov
- Council Approval: 45-60 days posted agenda unless the project is on the AEL list
- Award of Bid: within 60-days of the bid opening per supplement to Maricopa Association of Governments Section 103.3
- Notice to Proceed: within 60-days after contract award per supplement to MAG Section 103.10

Public Input:

- * Most effective during funding phase - DIF (include public hearing/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 and conceptual phases or scope of work

Exceptions for Consideration:

- * Projects approved in IIP
- * Projects satisfying contractual or DA 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 \$15 million in the 10-year CIP (all funded in IIP):

- * FY27-31: Sundog C3
- * FY27-31 - Willow Creek Gravity Sewer
- * FY27-31 - Effluent and Wastewater Pipelines and SR89 Improvements
- * FY27-31 - Deep Well Wastewater & Airport Water Distribution Loop
- * FY32-37 - Transfer Station Expansion
- * FY32-37 - Airport WRF Expansion Phase II
- * FY32-37 - SR89 Widening

Ms. Rowitsch continued with an overall review of the revised proposition language provided by staff.

Member Hess asked for the historical cost of repairs that need to be done immediately because of a breakdown in infrastructure.

Ms. Rowitsch responded that with regard to what he is alluding to on SR89, it was a repeated break. Overall, in those situations, it depends on what is happening the costs will vary. The proposed exceptions included would cover that if there was that type of issue.

City Attorney Joseph Young responded that having a 3/4 majority requirement would cause an issue. This is more than a process when you are requiring a different number of votes.

Deputy City Attorney Alane Moore added that there is also the issue of the 14-days between each public hearing which could cause a delay.

Chair McMinn commented that the Committee is looking at this from the perspective of having this be required before the construction phase.

Ms. Rowitsch stated that the optimal time to have the additional public comment period would be during the scoping phase. Her understanding is that this proposal was meant to come before any money was spent, and there are no contracts issued before design. The first one is a design consultant to work on designing the project.

Mr. Young commented that this process would be required before the overall project is started.

Member Hess said he is comfortable with changing the public comment period from 60-days to 30-days.

Member of the public Deb Thalasis addressed the Committee and discussed the super majority requirement, which can sometimes be an issue and she encouraged the Committee to think about that more. It seems to her that this process is to try and allow the people to have more public input, and whether this is something that actually belongs in the Charter.

Member of the public Lois Fruhwirth added that she would be concerned with the Council not having any oversight regarding projects. She also asked staff about the CPI referenced. She added that sitting down with staff to review the IIP was one of the most informative times she has had and thinks that in-depth review of the CIP during the budget process.

Ms. Rowitsch stated that a CPI statement should be included, but they can defer to the Phoenix Metro, which Finance uses for all other references.

Mr. Young stated that he would like to see discussion from the Committee regarding: 1. length of public comment period, 2. when that period is triggered and is it for each contract throughout a project.

Chair McMinn thanked Public Works staff for putting this information together. She said she senses that this is squishy right now and needs more work that wouldn't be finalized today. Sequencing is important and needs to be clarified more.

Vice Chair Moyer agreed, he understands the good intentions, but there are possible unintended consequences of something like this. He is also concerned about the language "aggregate of projects", and questioned what projects would have to be aggregated to determine if the 3/4 super majority would be required. The language doesn't even say if it has to be related or not.

Member Gjede stated that the Committee is overthinking this whole thing, staff

has provided the guidance they think, and now it is becoming more confusing.

Member Broggie stated that legal has offered to draft language and the Committee should defer to that.

Member Hess commented that he agrees there is a lack of clarity in the language. He would like to see "capital project" not projects. He also would like to see that it is for projects exceeding \$15 million; 60-day public comment prior changed to 30-days; flexible on the super majority requirement.

Mr. Young stated that staff could have revised language drafted for the next meeting.

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

- C. Discussion & Possible Revisions to Proposed Ballot Language for Article II, Section 18 "Consideration of Petitions" for Approval at the November 2026 Election.

Member Hess stated that his question relates to the provision of "public hearing" being changed to "public meeting", if it is a public meeting could a Council member move to close the public hearing.

Mr. Young responded that if the public is present and wants to speak in a public hearing, they have to be allowed to do so. His issue related to listing it as a "hearing" rather than a "meeting" is the notice requirements that are associated with a public hearing.

City Clerk Sarah Thornhill stated that language specifying that public comment has to be taken could be added to the language, which would avoid the issue that Member Hess has expressed related to the petitions being placed on the Consent Agenda.

Member Hess suggested "at which they shall take public comment from the petitioner and any other person requesting to comment"

MOTION BY VICE CHAIR MOYER TO APPROVE ADDITION OF LANGUAGE AS PROVIDED BY MEMBER HESS TO THE ALREADY APPROVED BALLOT LANGUAGE; SECONDED BY MEMBER GJEDE: PASSED (5 - 0)

- D. **CONTINUED ITEM:** Discussion & Possible Action Regarding Requested Updates to the Prescott City Charter Article XI - City Court.

Chair McMinn reviewed the proposed language related to Section 4 of the City Court Article. This would mirror the language for the other direct reports.

Ms. Moore stated that previously the city judge was the justice of the peace elected and shared with the city through the consolidated court agreement, however, now that the courts are separated, the language should be updated.

Mr. Young stated that the language could be more specific, but the Committee needs to consider weighing the independent nature of the court and allowing for

judicial discretion in a way that still gives the Council cause.

Member Hess asked if there should be specificity to what would constitute termination. He asked about misdemeanors, for example, criminal speeding would be considered a criminal violation and that isn't something he would want to be considered cause.

Mr. Young agreed and stated that "violations of the judicial code of conduct or criminal law" would be appropriate. Setting that as a threshold is okay, and then it would allow the Council to evaluate the individual's conduct.

Member Gjede echoed Member Hess' comments.

Member Broggie commented that the Council could also censure the Judge.

Member Hess stated that he is comfortable defining cause in the way that Mr. Young described.

Vice Chair Moyer agreed.

Member of the public Deb Thalasis addressed the Council regarding Article IV referencing a "magistrate" and suggested that this should be looked at. She asked if, addressing the question of separation of powers with the separation of the Court, the court staff should report to the City Manager rather than the Judge.

Member of the public Lois Fruhwirth addressed the Committee regarding the budget and requests from the Court, which prompted her to have questions about independent judgment over fees.

Mr. Young responded that independent discretion needs to be weighed over the benefit of the city. At the conclusion of a term, Council can make decisions based on the best interest of the city, and that language can be clarified. Also, the Judge should have to coordinate through HR to hire.

Ms. Thornhill commented that the other appointee sections don't address how the budgets are prepared, but that could be included if the Committee chose to do so.

Member Gjede said he is comfortable with the budget not being listed.

Member Hess stated that the language "at the pleasure of Council" should be removed.

Mr. Young directed the Committee not to vote, and that now that direction has been provided staff can work on revisions and bring back at the next meeting..

Chair McMinn stated that this section needs to be addressed at the November election.

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

- E. **CONTINUED ITEM:** Discussion & Possible Action Regarding an Update to the Prescott City Charter Establishing Certain Restrictions on Development Agreements by City Council.

Following discussion on Item F the Committee discussed this item generally and determined to continue it to the next meeting.

Member Hess asked if there are any DAs that would be impacted by the proposed DA language.

Mr. Young stated that he couldn't provide a specific answer to that, but that he doesn't anticipate a DA before the November election that would be impacted by this amendment.

Chair McMinn commented that there are provisions in the DA item that need to be discussed to potentially move the language forward.

Mr. Young stated that there are a lot of DAs without sunset dates, which is not an ideal scenario, but 10-years might be burdensome.

Further discussion on this item was continued to the next meeting.

- F. Presentation & Discussion From Staff Regarding Future Agenda Items.
Chair McMinn stated she would like to see the following Items discussed at the next meeting: 1) City court, 2) DA and 3) \$15 million as those should be included on the November ballot.

Ms. Thornhill reviewed the items and suggested that the group make some determinations about what their priorities are and how they would like to move items forward.

Member Hess agreed and stated that the super majority discussion and the item related to city as lessor could be continued beyond May 18.

Vice Chair Myoer, Member Gjede and Member Broggie concurred.

Chair McMinn added that the Anti Discrimination language should be continued as well, given everything else that the Committee is proposing that wouldn't make it on a ballot this year.

Member Hess disagreed and stated that he is opposed to postponing the anti-discrimination language beyond May 18.

Chair McMinn stated that she would want a presentation from legal regarding the proposal. The goal is to move things through this Committee and the Council to be voted on by the public.

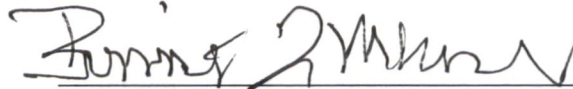
Ms. Thornhill reviewed the items that would be part of the May 18 meeting agenda: 1) Recap of the May 12 Study Session, 2) Approval of the May 6

Minutes, 3) Development Agreement Restrictions, 4) City Court, 5) \$15 Million Capital Projects and 6) Anti-Discrimination Language

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 4:13 p.m.



BONNIE MCMINN, Chair

ATTEST:



SARAH M. THORNHILL, City Clerk

Gr: