

PRESCOTT CITY COUNCIL WORKSHOP AGENDA

**PRESCOTT CITY COUNCIL
WORKSHOP
TUESDAY, MAY 3, 2011
3:00 PM**

**Prescott Council Chambers
201 South Cortez
Prescott, Arizona
(928) 777-1100**

The following Agenda will be considered by the Prescott City Council at its **Workshop** pursuant to the Prescott City Charter, Article II, Section 13. Notice of this meeting is given pursuant to Arizona Revised Statutes, Section 38-431.02.

◆ **CALL TO ORDER**

- ◆ **PLEDGE OF ALLEGIANCE** Councilwoman Linn – introducing the posting of the Colors by members of American Legion Post 6

- ◆ **INVOCATION** Church of the Nazarene

◆ **ROLL CALL:**

MAYOR AND CITY COUNCIL:

Mayor Kuykendall
Councilman Blair
Councilman Hanna
Councilman Lamerson

Councilwoman Linn
Councilwoman Lopas
Councilwoman Suttles

I. RECOGNITIONS

- A. Recognition of Recipients of Special Olympics Medals.
- B. Presentation of First Place Award for SWANA Roll-Off Competition to Mark Johnson.

II. PUBLIC COMMENTS

- A. Introduction of new businesses.
- B. Presentation by members of American Legion Post 6 re activities.

- C. Comments by Janine Tolly re Mothers Against Drunk Drivers (MADD).
- D. Presentation by members of the Suchitoto Sister City program re activities.

III. PROCLAMATIONS

- A. *May 2011 as Historic Preservation Week*
- B. *May 1 – 7, 2011, as Youth Week*
- C. *May 1 – 7, 2011, as Public Service Recognition Week*
- D. *May 2 – 8, 2011, as Prescott Highland Games Week*
- E. *May 8 – 14, 2011, as Hospital Week*
- F. *May 15 – 21, 2011, as Police Week*

IV. DISCUSSION ITEMS

- A. Legislative Update by Joe Brehm and Legislative Wrap-Up by Kevin DeMenna.
- B. *Discussion of Proposition 401 Implementation.*

V. ADJOURNMENT

CERTIFICATION OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at Prescott City Hall on _____ at _
_____.m. in accordance with the statement filed by the Prescott City Council with the City Clerk.

Elizabeth A. Burke, City Clerk

PROCLAMATION

"ARIZONA HISTORIC PRESERVATION MONTH"
MAY 2011

WHEREAS, the National Trust for Historic Preservation will commence National Preservation Month in May 2011 and the theme is ***Celebrating America's Treasures!***; and

This month-long event will be recognized by the Arizona Preservation Foundation, the City of Prescott and many state and local organizations, businesses, and neighborhood associations; and

WHEREAS, historic preservation is an effective tool for identifying and saving the places that tell America's, Arizona's and Prescott's story, for revitalizing neighborhoods, promoting economic development, fostering local pride and maintaining community character while enhancing livability; and

WHEREAS, historic preservation month helps to demonstrate the importance of our heritage, which is represented by historic travel, heritage education, historic homeownership and community revitalization.

NOW, THEREFORE, I, Marlin Kuykendall, Mayor of the City of Prescott, Arizona, do proclaim May 2011, as:

"ARIZONA HISTORIC PRESERVATION MONTH"

and call upon the people of Prescott, Arizona to join their fellow citizens across Arizona and the United States in recognizing and participating in this special observance.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Prescott to be affixed this 3rd day of May, 2011.



Marlin D. Kuykendall, Mayor

ATTEST:

Elizabeth A. Burke, City Clerk

PROCLAMATION

"YOUTH WEEK"

May 1-7, 2011

WHEREAS, The Benevolent and Protective Order of Elks has designated the week beginning May 1, 2011, as Youth Week, to honor America's Junior Citizens for their accomplishments, and to give fitting recognition of their services to Community, State and Nation; and

WHEREAS, Prescott Elks Lodge #330 will sponsor an observance during that week in tribute to the Junior Citizens of this Community; and

WHEREAS, no event could be more deserving of our support and participation than one dedicated to these young people who represent the nation's greatest resource, and who in the years ahead, will assume responsibility for the advancement of our free society; and

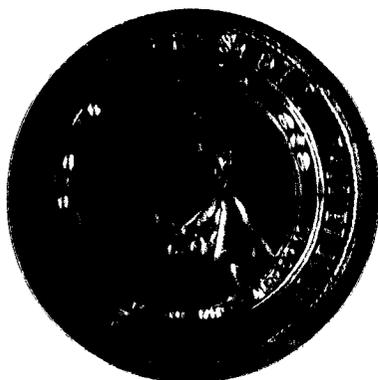
WHEREAS, our youth need the guidance, inspiration and encouragement, which we alone can give, in order to develop those qualities of character essential for future leadership; and go forth to serve America; and

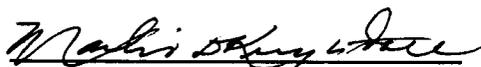
WHEREAS, to achieve this worthy objective we should demonstrate our partnership with Youth, our understanding of their hopes and aspirations and a sincere willingness to help prepare them in every way for the responsibilities and opportunities of citizenship.

NOW THEREFORE, the Mayor and Council of the City of Prescott, Arizona, do hereby designate May 1-7, 2011 as:

"NATIONAL YOUTH WEEK"

IN WITNESS THEREOF, I have hereunto set my hand and caused the Seal of the City of Prescott to be affixed this 3rd day of May 2011.




MARLIN D. KUYKENDALL, MAYOR
City of Prescott

ATTEST:


ELIZABETH A. BURKE, CITY CLERK
City of Prescott

PROCLAMATION

PUBLIC SERVICE RECOGNITION WEEK

In honor of the millions of public employees at the federal, state, county, and city levels

Whereas; Americans are served every single day by public servants at the federal, state, county and city levels. These unsung heroes do the work that keeps our nation working;

Whereas; Public employees take not only jobs, but oaths;

Whereas; Many public servants, including military personnel, police officers, firefighters, border patrol officers, embassy employees, health care professionals and others, risk their lives each day in service to the people of the United States and around the world;

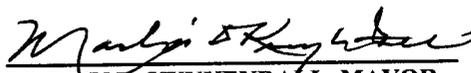
Whereas; Public servants include teachers, doctors and scientists . . . train conductors and astronauts . . . nurses and safety inspectors . . . laborers, computer technicians and social workers . . . and countless other occupations. Day in and day out they provide the diverse services demanded by the American people of their government with efficiency and integrity; and

Whereas; Without these public servants at every level, continuity would be impossible in a democracy that regularly changes its leaders and elected officials;

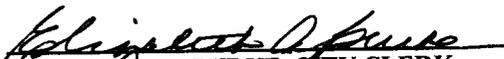
Therefore; I, the Mayor of Prescott, Arizona do hereby announce and proclaim to all citizens and set seal hereto, that May 1-7, 2011, is Public Service Recognition Week. All citizens are encouraged to recognize the accomplishments and contributions of government employees at all levels — federal, state, county and city.

IN WITNESS THEREOF, I have hereunto set my hand and caused the Seal of the City of Prescott to be affixed this 3rd day of May, 2011.




 MARILYN D. KUYKENDALL, MAYOR
 City of Prescott

ATTEST:


 ELIZABETH A. BURKE, CITY CLERK

“Prescott Highland Games Week”
May 2-8, 2011

WHEREAS, the Officers and Directors of the Prescott Area Celtic Society have elected to bring the fourth annual Prescott Highland Games to Watson Lake Park on May 7, 2011; and

WHEREAS, the residents of Scottish and Celtic descent have made substantial contributions to our community, the State of Arizona and our country; and

WHEREAS, the promotion of goodwill among all people of the Prescott area can be achieved by a broader understanding and education about the culture and contributions of all citizens; and

WHEREAS, this Scottish/Celtic festival will display excellent examples of this culture including Highland dance, Scottish heavy athletics, bagpipe and drum bands, Scottish Clans, Scottish foods, beverages and merchandise; and

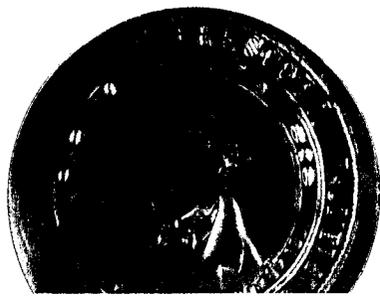
WHEREAS, The Prescott Highland Games will bring thousands of participants and guests intent on preserving and displaying their heritage for all the people of Prescott to enjoy.

NOW, THEREFORE, I, Marlin D. Kuykendall, Mayor of the City of Prescott, and on behalf of the City Council, do hereby proclaim May 2-8, 2011 as:

PRESCOTT HIGHLAND GAMES WEEK

In the city of Prescott, and recognize the Prescott Highland Games for their commitment to bring Scots and the people of Scottish heritage together for the furtherance of appreciation for the cultural diversity of Prescott and the Prescott area.

IN WITNESS THEREOF, I have hereunto set my hand and caused the Seal of the City of Prescott to be affixed this 3rd day of May 2011.



Marlin D. Kuykendall
MARLIN D. KUYKENDALL, MAYOR
City of Prescott

ATTEST:

E. J. ...

PROCLAMATION

"HOSPITAL WEEK"
MAY 8-14, 2011

WHEREAS, National Hospital Week is May 8-14, 2011, and the official theme is "Celebrating Health, Hope & Healing"; and

WHEREAS, individuals all across the country will be celebrating this time-honored event; and

WHEREAS, YRMC employs 1,701 individuals and treated 145,023 patients in 2010; and

WHEREAS, YRMC operates two campuses located in Prescott and Prescott Valley; and

WHEREAS, YRMC ensures the access of primary and specialty care through YRMC Physician Care with 66 staff members, 2 nurse practitioners and 16 physicians; and

WHEREAS, YRMC has received the Consumer Choice Award, as chosen by the people in our community, for providing the highest quality service.

NOW, THEREFORE, I, Marlin D. Kuykendall, Mayor of the City of Prescott, Arizona, do proclaim May 8-14, 2011, as:

HOSPITAL WEEK IN PRESCOTT, ARIZONA

and urge residents to express their appreciation for the people, facilities and technologies that make trustworthy, reliable health care possible in our community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Prescott to be affixed this 3rd day of May, 2011.



Marlin D. Kuykendall, Mayor

ATTEST:

Elizabeth A. Burke, City Clerk

PROCLAMATION

"NATIONAL POLICE WEEK"

MAY 15-21, 2011

WHEREAS, The Congress and President of the United States have designated May 15-21, 2011 as National Police Week and May 15 as National Peace Officers Memorial Day; and

WHEREAS, the **POLICE OFFICERS** of the City of Prescott play an essential role in safeguarding the rights and freedoms of citizens and visitors; and

WHEREAS, it is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement officers, and that **POLICE OFFICERS** recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

WHEREAS, the **POLICE OFFICERS** of the City of Prescott have worked devotedly and selflessly on behalf of the people of the City, regardless of the peril or hazard to themselves; and

WHEREAS, their selflessness is shared by their families who willingly accept loves ones' absences on holidays and special occasions so that the community will be protected; and

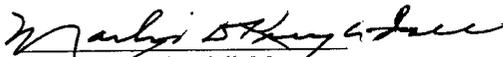
WHEREAS, these men and women, by their service and their dedicated efforts, have earned the recognition and gratitude of residents and visitors to our City.

NOW, THEREFORE, I, Marlin D. Kuykendall, Mayor of the City of Prescott, in order to acknowledge the dedicated and professional service given by the men and women who, night and day, stand guard in our community, do hereby recognize the week of May 15-21, 2011 as:

"NATIONAL POLICE WEEK"

IN WITNESS THEREOF, I hereunto set my hand and cause the Great Seal of the City of Prescott to be affixed this 3rd day of May, 2011.




Marlin D. Kuykendall, Mayor

ATTEST:

COUNCIL AGENDA MEMO – May 3, 2011

DEPARTMENT: Legal

AGENDA ITEM: Workshop presentation to Council regarding implementation of Proposition 401 (Taxpayer Protection Initiative)

Approved By:

Date:

Department Head: Gary Kidd	
Finance Director: Mark Woodfill	
City Manager: Craig McConnell <i>Craig McConnell</i>	4-28-11

Item Summary:

Proposition 401 (the Taxpayer Protection Initiative requiring voter approval for certain high-value projects) was passed at the election of November 3, 2009; signed by the Governor and thereafter filed with the Secretary of State on January 25, 2010; and incorporated within the City Charter as Article VI, Section 16 (copy attached). This workshop is the initial step in a public process during which various aspects and issues pertaining to definitions, legal context, administrative procedures, and budgets will be addressed, leading to subsequent Council consideration of a resolution setting forth implementation policy and procedures.

Background:

To address the plethora of issues regarding administrative and legislative matters which Council and staff will need to address, Proposition 401 was submitted to an outside law firm for their independent fashioning of a resolution designed to provide a resource and format for implementation of the initiative. David Pennartz and the law firm of Gust-Rosenfeld have considerable experience in this specialized area of municipal law. At the workshop Mr. Pennartz will: (1) identify key points regarding Proposition 401, legal considerations, and administrative aspects; and (2) describe possible content of a resolution to be subsequently refined and considered by the Council for adoption.

This Workshop and the Public Process Forward:

Due to the complexity of the subject matter, this first workshop will consist of an introductory briefing by Mr. Pennartz, followed by initial Council questions. A second workshop is contemplated for more in-depth Council discussion and public input. Placement of a final draft resolution on a future Council agenda for action will provide yet another opportunity for public comment.

Attachment - Article VI, Section 16 of the City Charter (Taxpayer Protection Initiative)

Recommended Action: No formal action - Council discussion/direction only.

City of Prescott Charter
Article VI Section 16

Section 16 – Voter approval for certain high-value projects (Taxpayer Protection Initiative)

A. Definitions:

1. "City" is defined as the City of Prescott, Arizona.
2. "Project" is defined as a group of related activities undertaken for the purpose of performing a discrete function or set of functions or creating interrelated infrastructure, including but not limited to:
 - a. The acquisition of land and the design and construction of transportation infrastructure;
 - b. The acquisition of land and the design and construction of infrastructure to accomplish withdrawal and transportation of water from a remote location;
 - c. The transfer or sale of assets; or
 - d. The design and construction of a single physical facility or complex.
3. "Project Value" is defined as the City's share of past and estimated future expenditures, obligations, or conveyances related to said Project, regardless of when or how the expenditures, obligations or conveyances are allocated in the budget process of the City, or in any related contract or agreement, if a vote of the City Council will be required to continue the City's participation in the Project. Estimated future expenditures, obligations or conveyances shall include an allowance for possible cost over runs. The Project Value shall be calculated with respect to the total combined values of all portions or subcontracts of said Project and shall include the operating costs for the first five years of the Project and all planning and study costs for the project. For expenditures financed using borrowed funds, Project Value includes the greater of either total expenditures of borrowed funds or total amount borrowed, and will not include interest payments.

B. Applicability:

1. The City may not, without prior voter approval through a Proposition as described herein, enter into one or more agreements or contracts relating to a single Project that:
 - a. Authorizes expenditures of City funds; or
 - b. Imposes direct or contingent obligations on the City or its residents, including long term contractual payment obligations or guarantees of future payments; or
 - c. Conveys ownership or control of property or resources owned or controlled by the City, including any resource rights owned or assigned to the City but transported, sold or used by another party; or
 - d. Conveys rights to use property or resources owned or controlled by the City or to be a provider of any category of services currently provided by the City; and that, when combined with any previously authorized expenditures, obligations or conveyances related to the same project, would have an aggregate Project Value of Forty Million Dollars (\$40,000,000) or greater. Beginning in 2011, 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.
2. Approval by the voters shall be required irrespective of whether funds have been spent on a Project before passage of this initiative. If a future council vote is required to facilitate any furtherance of a Project, authorize participation by other parties in such a Project, or authorize City participation, then the voter approval requirements of this initiative apply.
3. Approval by the voters shall be required if at any time the Project Value reaches the value threshold in Section B.1. Where the Project Value is initially determined to be less than the threshold amount in Section B.1., the City may conduct a Proposition in accordance with this initiative to ensure that the requirement of this Section does not result in the need for a Proposition at a later date.

C. Exceptions:

1. In order to assure the Health and Safety of the City's residents, the following Projects shall not require a public vote:
 - a. Replacement or repair of existing sewer and water lines, or
 - b. Replacement or repair of wastewater treatment systems, or
 - c. Projects mandated by state or federal law or court order.
2. Approval by the voters shall not be required for initial funding of feasibility studies or conceptual designs, or other expenses in aggregate less than Five Million Dollars (\$5 million). Design plans and specifications or construction of any kind shall not be included in this exception. This amount shall be adjusted annually by the same percentage rate as the threshold is adjusted in Section B.1.

D. Proposition Content:

1. The wording of the mandated Proposition, seeking voter approval for a Project, shall include at minimum the following:
 - a. Description of the Project;
 - b. Estimated total amount of payments or guarantees residents, or ratepayers; and estimated amount per household;
 - c. The Project Value, and enumeration of all projected financing costs including interest; and estimated specific costs, including, but not limited to, likely and potential legal, litigation, or remedial costs;
 - d. Detailed description of the City's possible funding mechanisms and repayment methods with each mechanism's estimated share of total funding, or declaration that the specific funding and repayment sources are not determined; and
 - e. Specific location(s) of the subject Project.

2. There shall be printed on the official ballot immediately below the number of the measure and the official title of each measure:

A "yes" vote shall have the effect of _____.

A "no" vote shall have the effect of _____.

The blank spaces shall be filled with a brief phrase, approved by the City Attorney, stating the essential changes depending on the outcome of the vote including the estimated per household cost of the Project.

E. Voter Information:

1. Prior to the Proposition vote on a proposed Project, all households with a registered voter will receive an election pamphlet containing the five points in Section D.1. In addition, ballot statements both pro and con shall be published in the pamphlet. Individuals or organizations may submit statements of up to 300 words at a cost of One Hundred Dollars (\$100) per statement, up until a date specified by the City Clerk. The statements shall also be posted on the City's web site, with a link from the home page. The City shall mail one copy of the publicity pamphlet to every household that contains a registered voter. This pamphlet may be combined with another voter pamphlet covering other ballot questions. The mailings may be made over a period of days but shall be mailed in order to be delivered to households before the earliest date for receipt by registered voters of any requested early ballots for the Proposition vote.
2. Prior to the Proposition vote, the City shall hold or cause to be held at minimum two public hearings on the ballot measure. The hearings shall provide an opportunity for proponents, opponents and the general public to provide testimony and request information.

F. Sponsoring Campaign Committee:

The sponsoring campaign committee of this initiative, the Taxpayer Protection Committee, shall have standing in all legal

actions related to the initiative and future implementation of any section of this initiative.

G. Severability:

If any provision of this initiative is found to be unenforceable by a court of law, the remainder of the initiative shall remain in effect.

(Added November 3, 2009)