AGENDA

PRESCOTT CITY COUNCIL
SPECIAL MEETING
TUESDAY, FEBRUARY 5, 2013
1:00 PM

Executive Session
Lower Level Conference Room
201 South Cortez - Prescott, Arizona
(928) 777-1100

The following Agenda will be considered by the Prescott City Council at its **Executive Session** pursuant to the Prescott City Charter, Article II, Section 14. Notice of this meeting is given pursuant to Arizona Revised Statutes, Section 38-431.02.

♦ **CALL TO ORDER**

♦ **ROLL CALL**

MAYOR AND CITY COUNCIL

Mayor Kuykendall
Councilman Arnold
Councilman Blair
Councilman Carlow
Councilman Kuknyo
Councilman Lamerson
Councilman Scamardo

CALL TO ENTER INTO EXECUTIVE SESSION

Upon a public majority vote of the members constituting a quorum, the Council may hold an executive session that is not open to the public for the purposes set forth below. When the executive session ends, Council may adjourn or return to open session.

***RECOMMENDED ACTION:* MOVE to recess into executive session.**

EXECUTIVE SESSION

I. LEGAL MATTERS

A. The City Council will meet with the City Attorney for legal advice and consultation regarding involvement by a public official in charitable, civic or fraternal organizations.

B. The City Council will meet with the City Attorney for legal advice, discussion and consultation regarding its position in pending or contemplated litigation,

including settlement discussions conducted in order to avoid or resolve litigation. A.R.S. §38-431.03(A)(3)and(4)

1) Riley adv. City of Prescott
2) Anderson adv. City of Prescott
3) Vincente adv. City of Prescott
4) Twelves adv. City of Prescott

II. PERSONNEL MATTERS

A. The City Council will meet to discuss and consult with the City Attorney regarding ongoing goals and expectations for the Legal Department.

ADJOURNMENT

EXECUTIVE SESSION

Upon a public majority vote of a quorum of the City Council, the Council 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:

(i) Discussion or consideration of personnel matters (A.R.S. §38-431.03(A)(1));
(ii) Discussion or consideration of records exempt by law (A.R.S. §38-431.03(A)(2));
(iii) Discussion or consultation for legal advice with the city's attorneys (A.R.S. §38-431.03(A)(3));
(iv) 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));
(v) 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));
(vi) 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);
(vii) 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)).

Confidentiality

Arizona statute precludes any person receiving executive session information from disclosing that information except as allowed by law. A.R.S. §38-431.03(F). Each violation of this statute is subject to a civil penalty not to exceed $500, plus court costs and attorneys' fees. This penalty is assessed against the person who violates this statute or who knowingly aids, agrees to aid or attempts to aid another person in violating this article. The city is precluded from expending any public monies to employ or retain legal counsel to provide legal services or representation to the public body or any of its officers in any legal action commenced for violation of the statute unless City Council takes a legal action at a properly noticed open meeting to approve of such expenditures prior to incurring any such obligation or indebtedness. A.R.S. §38-431.07(A)(B).

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.

_____
Lynn Mulhall, City Clerk