CITY OF PRESCOTT

CHARTER

PRESCOTT, ARIZONA

NOVEMBER 2011
Signed by Governor Brewer June 7, 2012

PRESCOTT CITY CHARTER
PRESCOTT, ARIZONA

Framed by the Board of Freeholders elected at the Special Election held March 25, 1958, acting as a Charter Committee, and respectfully submitted to the qualified electors of the City for their adoption and approval for the government of the City of Prescott as a Home Rule City.

Original Charter adopted August 19, 1958, and
signed by Governor Ernest W. McFarland

Charter amended on January 14, 1969, and
signed by Governor Jack Williams

Charter amended on May 18, 1976, and
signed by Governor Raul H. Castro

Charter amended on January 9, 1979, and
signed by Governor Bruce Babbitt

Charter amended on December 11, 1979, and
signed by Governor Bruce Babbitt

Charter amended on September 20, 1983, and
signed by Governor Bruce Babbitt

Charter amended on November 10, 1987, and
signed by Governor Evan Mecham

Charter amended on September 21, 1993, and
signed by Governor Fife Symington

Charter amended on September 26, 1995, and
signed by Governor Fife Symington

Charter amended on September 7, 1999, and
signed by Governor Jane Hull

Charter amended on September 11, 2001, and
signed by Governor Jane Hull

Charter amended on November 8, 2005, and
signed by Governor Janet Napolitano

Charter amended on November 3, 2009, and
signed by Governor Janice K. Brewer

Charter amended on November 2, 2010, and
signed by Governor Janice K. Brewer

Charter amended on November 8, 2011 and
signed by Governor Janice K. Brewer June 7, 2012

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ARTICLE I

INCORPORATION, FORM OF GOVERNMENT, POWERS AND BOUNDARIES

Section 1 - Incorporation

The inhabitants of the City of Prescott, within the corporate limits as now established or hereafter established in the manner provided by law, shall continue to be a municipal body politic and corporate in perpetuity, under the name of the "City of Prescott."

Section 2 - Form of Government

The municipal government provided by this charter shall be known as the COUNCIL-MANAGER FORM OF GOVERNMENT. Pursuant to its provisions and subject only to the limitations imposed by the state constitution and by this charter, all powers of the city shall be vested in an elective council, hereinafter referred to as "the council," which shall enact local legislation, adopt budgets, determine policies, and appoint the city manager and such other officers deemed necessary and proper for the orderly government and administration of the affairs of the city, as prescribed by the constitution and applicable laws and ordinances hereafter adopted by the city. All powers of the city shall be exercised in the manner prescribed by this charter, or if the manner not be prescribed, then in such manner as may be prescribed by ordinance. (Amended December 11, 1979)

Section 3 - Powers of City

The city shall have all the powers granted to municipal corporations and to cities by the constitution and laws of this state and by this charter, together with all the implied powers necessary to carry into execution all the powers granted.

The city may acquire property within or without its corporate limits for any purpose, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease or condemnation, and may sell, lease, mortgage, hold, manage and control such property as its interests may require.

Except as prohibited by the constitution of this state or restricted by this charter, the city shall have and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever, and especially to enter into contracts, cooperative and otherwise, with the government of the United States, the State of Arizona, Yavapai County, or any other municipal corporation of this state for the construction, maintenance and

ARTICLE I – Section 3 (Continued):

operation of roads, highways, parks, sewers, waterworks, public utilities and buildings (when used for public purposes), all when deemed for the best interest of the city.

The city shall have the power to require all persons, firms, or corporations responsible for new physical development within the city to provide for or furnish, or pay a fee in lieu of providing or furnishing: (1) public utility easements; (2) water production, storage and transmission; (3) sewage collection, treatment and disposal; (4) park land and development; (5) school sites; (6) dedication and improvement of public rights-of-way; (7) bike paths and other necessary transportation; (8) drainage; (9) flood control; and (10) other public facilities necessary to maintain satisfactory levels of service for said new development, as provided by ordinance which shall include definite standards basing the foregoing requirements on the needs of the inhabitants of said new development. (Amended December 11, 1979)

The city shall have all powers to operate a waste collection system and facilities, regulate waste collection, recycling, and the disposal of waste generated in the city, and to compel its removal, transportation or delivery to designated points. (Amended November 2, 2010)

The enumeration of particular powers by this charter shall not be deemed to be exclusive, and in addition to the powers enumerated herein or implied hereby, or appropriate to the exercise of such powers, it is intended that the city shall have and may exercise all powers which under the constitution of this state, it would be competent for this charter specifically to enumerate.

Section 4 - Boundaries

a. Declaration of Policy: The people of the City of Prescott believe it is in the best interest of the city to establish additional local requirements for annexation to ensure that any future expansion of the city's boundary does not undermine the city's efforts to attain safe-yield or otherwise threaten the water supply of city residents.

b. The boundaries of the city shall be the boundaries as established at the time this charter takes effect, or as such boundaries may be changed thereafter in the manner authorized by law, except that any increase in the corporate limits of the City of Prescott by annexation that equals or exceeds two hundred fifty (250) acres shall: 1) require an affirmative vote by three-fourths of the city council by "ayes and nays"; 2) require a public comment

ARTICLE I – Section 4 (Continued):

period of no less than sixty (60) days before a vote of the city council takes place, which shall begin at the time of a formal vote on a master plan by the planning and zoning commission; 3) require a public presentation of the public comments received To the city council by city staff; and 4) include a requirement that all effluent generated by new development in the annexed area be used for permanent recharge. The requirements of this section apply not only to single annexations of 250 acres or more, but also to multiple annexations of smaller parcels that have been owned by the same person or entity within ten (10) years from the date of the proposed annexation.

c. Severability – If any provision of this measure is declared invalid by a court of competent jurisdiction, such invalidity does not affect other provisions that can be given effect without the invalid provision and to this end the provisions of this measure are declared to be severable.

(Adopted November 8, 2005)

Section 5 - Gender

All reference to the masculine gender includes feminine, and all reference to singular includes plural and vice versa. (Adopted December 11, 1979)

ARTICLE II

THE COUNCIL

Section 1 - Powers of the Council

All powers of the city, not in conflict with the constitution and subject to the limitations of this charter, shall be vested in the council, who shall enact appropriate legislation and do and perform any and all acts and things which may be necessary and proper to carry out these powers or any of the provisions of this charter.

The city shall not bargain collectively with any employee, group of employees, employee organizations, or any representative of any employee organization with respect to wages, hours, or working conditions, and the council shall be the final determinant of all wages, hours, and working conditions of all employees of the city. (Amended December 11, 1979)

Section 2 - Number; selection

The council shall consist of a mayor and six (6) councilmen elected from the city at large.

Section 3 - Term of Mayor

The term of office of the mayor shall commence at the conclusion of the second regularly scheduled voting session of the council in November following a primary or general election, and shall be for two (2) years or until his or her successor is elected and qualified. (Amended January 14, 1969; September 21, 1993)

Section 4 - Terms of Councilmen

The terms of council members shall commence at the conclusion of the second regularly scheduled voting session of the council in November following a primary or general election, and shall be for four (4) years or until their successors are elected and qualified. However, the terms of the present elected council shall not be shortened, and the present incumbents or their duly appointed successors shall serve their elected terms. (Amended January 14, 1969; September 21, 1993)

ARTICLE II (Continued):

Section 5 - Qualifications

The mayor and councilmen shall be qualified electors of the city one year prior to the primary election and shall hold no other public office for which they receive compensation except that of a notary public or a member of the National Guard, or naval or military reserve, and shall have resided in said city for one (1) year next preceding the date of such election or appointment. If the mayor or a councilman shall cease to possess any of these qualifications or shall be convicted of a felony, his office shall immediately become vacant. (Amended January 9, 1979; Amended November 2, 2010)

Section 6 - Duties of Mayor

The mayor shall be the chairman of the council and preside over its deliberations. He may make and second motions and shall have a voice and vote in all its proceedings. He shall be a chief executive of the city government for all purposes and recognized by the governor for purposes of military law and civil defense and shall have executive but no regular administrative duties. (Amended January 14, 1969)

Section 7 - Mayor pro tempore

The council shall designate one of its members as mayor pro tempore, who shall serve in such capacity at the pleasure of the council. The mayor pro tempore shall perform the duties of the mayor during his absence or disability.

Section 8 - Stipend of Mayor and Councilmen

The stipend of the mayor shall be $750.00 per month, not to exceed $9,000.00 per year; and the stipend of the council members shall be $500.00 per month, not to exceed $6,000.00 per year. These stipends shall take effect on December 1, 1999. (Amended September 20, 1983; September 7, 1999)

Section 9 - Council to be judge of qualifications of its members

The council shall be the judge of the election and qualifications of its members and for such purpose shall have power to subpoena witnesses and require the production of records, but the decision of the council in any case shall be subject to review by the courts.

ARTICLE II (Continued):

Section 10 - Induction of Mayor and Council into office

At the conclusion of the second regularly scheduled voting session of the council in November following a primary or general election, the council shall induct the newly elected mayor and council members, and designate a mayor pro tempore. (Amended December 11, 1979; September 21, 1993)

Section 11 - Absence to terminate membership

If the mayor or any councilman shall be absent from more than two (2) consecutive called meetings without the consent of the council, he shall thereupon cease to hold office. (Amended January 9, 1979)

Section 12 - Vacancies in Council and Office of Mayor

The council, by a majority vote of its remaining members, shall fill the vacancies in its own membership, and in the office of mayor, by either of the following:

A. Appointment for the unexpired term.

B. Appointment until the next November when Council members are seated if the vacancy occurs more than thirty days before the nomination petition deadline for the primary election. The nomination process provided by state election law shall be followed by candidates for such vacancy and shall be designated on the primary, and general if necessary, ballot as running for the "short term."

(Amended January 14, 1969; December 11, 1979; September 20, 1983; September 21, 1993; June 7, 2012)

Section 13 - Council meetings; open to public

The council shall meet regularly at such times and at such places as may be prescribed by the rules, but not less frequently than two times each month. All meetings of the council shall be open to the public, except as noticed and held in compliance with State law. (Amended January 9, 1979)

ARTICLE II (Continued):

Section 14 - Special meetings

The mayor may, or at the request of three (3) members of the council shall, by giving notice thereof to all members of the council then in the city, call a special meeting of the council in accordance with State Statutes. Special meetings of the council may also be held at any time by the common consent of all the members of the council. (Amended November 2, 2010)

Section 15 - Rules of procedure; journal

The council shall determine its own rules and order of business subject to the provisions of this charter. It shall keep a journal of its proceedings and the journal shall be open to public inspection during regular office hours.

Section 16 - Quorum; ayes and nays

A majority of the members of the council shall constitute a quorum, but a smaller number may adjourn from day to day or from time to time. The vote on any question shall be by ayes and nays and shall be taken simultaneously at the request of any council member and shall be entered in the journal. (Amended December 11, 1979)

Section 17 - Failure to vote

No member of the council present shall be excused from voting except upon matters involving the consideration of his own official conduct or involving a conflict of interest. In all other cases a failure to vote by a present council member shall be entered on the minutes as an affirmative vote. (Amended January 9, 1979; December 11, 1979)

Section 18 - Consideration of petitions

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 thirty (30) days.

ARTICLE II (Continued):

Section 19 - Interference in administrative service

Except as otherwise provided in this charter, neither the council nor any of its members shall interfere with the execution by the city manager of his powers and duties, or order, directly or indirectly, the appointment by the city manager of any person to an office or employment or his removal therefrom. Except for purposes of inquiry, the council and its members shall deal with the administrative service under the city manager solely through the city manager, and neither the council nor any member thereof shall give orders to any subordinate of the city manager, either publicly or privately.

Section 20 - Conduct of Council as to powers authorized by charter when no procedure established by state law

Whenever, by any provisions of this charter, it is prescribed that any power, duty or procedure shall or may be exercised, performed or adopted in the manner established by any law of this state, and there be no procedure established by law therefor, then the council shall by either ordinance or resolution prescribe the procedure. (Amended September 21, 1993)

ARTICLE III

THE CITY MANAGER

Section 1 - Appointment of City Manager

The council shall appoint an officer of the city who shall have the title of city manager and shall have the powers and perform the duties in this charter provided. No councilman shall receive such appointment during the term for which he shall have been elected, nor within one year after the expiration of his term.

Section 2 - City Manager; qualifications

The city manager shall be chosen by the council solely on the basis of his executive and administrative qualifications with special reference to his actual experience in or his knowledge of, accepted practice in respect to the duties of his office as hereinafter set forth. At the time of his appointment, he need not be a resident of the city or state, but during his tenure of office he shall reside within the city.

Section 3 - City Manager; powers and duties

The city manager shall be the head of the administrative branch of the city government. He shall be responsible for the proper administration of all affairs of the city and to that end, subject to the provisions of this charter, he shall have power and shall be required to:

(1) Devote his entire time to the discharge of his official duties, attend all meetings of the council unless excused therefrom by the council or the mayor;

(2) See that all ordinances are enforced and that the provisions of all franchises, leases, contracts, permits and privileges granted by the city are observed;

(3) Appoint, and when deemed necessary for the good of the service, lay-off, suspend, transfer, demote, or remove all department heads, and employees of the city, subject to such merit system regulations as the council may adopt;

ARTICLE III - Section 3 (Continued):

(4) Prepare the annual budget estimates and submit them to the council and be responsible for the administration of the budget after adoption;

(5) Keep the council advised at all times of the affairs and needs of the city and make reports annually, or more frequently if requested by the council, of all affairs of the city;

(6) Supervise the purchasing for all departments of the city;

(7) Have such other powers, duties and functions as this charter may prescribe, and such powers, duties and functions consistent with this charter as the council may prescribe.

(8) Insure that any council or council member's inquiry, which is made pursuant to the provisions of the charter, will receive a prompt and full response. (Adopted December 11, 1979)

Section 4 - Right of City Manager to seat in Council

The city manager shall be entitled to a seat in the council, but shall have no vote therein. The city manager shall have the right to take part in the discussion of all matters coming before the council.

Section 5 - Acting City Manager

The city manager shall designate an administrative officer to serve as acting city manager during any temporary absence or disability to the manager.

In the event of a vacancy in the office of the city manager, the council shall appoint an acting city manager, to serve at the pleasure of the council until another city manager is appointed and qualified. The initial appointment of an acting city manager shall not exceed six (6) months; provided however, that in the event that another city manager is not appointed and qualified within that period, the council may grant one (1) six month extension of said appointment. (Amended May 18, 1976; September 7, 1999)

ARTICLE III (Continued):

Section 6 - Removal of City Manager

The council may suspend or remove the city manager by a majority vote of all of its members for cause. The council may further suspend or remove the city manager without cause upon the vote of five of the seven council members. Within five days from the date of any removal for cause, the city manager may request a public hearing. Said hearing shall be held not later than ten days from the date of said request. The cause for terminating the city manager must be stated and recorded in the minutes at the same time the action is taken. At the conclusion of the public hearing, the council must either affirm or rescind their earlier vote. (Amended May 18, 1976; December 11, 1979)

ARTICLE IV

ADMINISTRATIVE DEPARTMENTS OFFICES AND EMPLOYEES

Section 1 - Administrative departments and offices

The council, by ordinance not inconsistent with this charter, shall provide for the organization, conduct and operation of the several offices and departments of the city as established by this charter for the creation of additional departments, divisions, offices and agencies for their consolidation, alteration or abolition.

The council, by ordinance not inconsistent with this charter, may assign additional functions or duties to offices, departments or agencies. Where the positions are not incompatible, the council may combine in one person the powers and duties of two or more offices created or authorized by this charter.

The council shall provide for the number, titles, qualifications, powers, duties and compensation of all officers and employees of the city.

Section 2 - City Clerk

The council shall appoint an officer of the city, who shall have the title of city clerk, and who shall give notice of all council meetings, keep the journal of the council's proceedings, authenticate by his signature and record in full all ordinances and resolutions, and shall perform such other duties as shall be required by this charter or by ordinance. He will serve at the pleasure of the council. (Amended June 7, 2012)

The city clerk department employees shall be appointed by and accountable to the city clerk. The city clerk will report to and be responsible for the operation of the city clerk department to the city council. The city clerk shall prepare the budget for the city clerk department for submission to the city council, and the city clerk budget shall be established by the city council. (Adopted June 7, 2012)

Section 3 - City Treasurer

Deleted September 7, 1999

Section 4 - City Attorney

The council shall appoint the city attorney who shall be the chief legal adviser of all officers, departments and agencies and of all officers and employees in matters relating to their official powers and duties. He shall

represent the city in all legal proceedings. It shall be his duty to perform all services incident to his position as may be required by statute, by this charter or by ordinance. He will serve at the pleasure of the council.

The legal department shall consist of a criminal and civil division with department employees appointed by and accountable to the city attorney. The city attorney will report to and be responsible for the operation of the legal department to the city council. The city attorney shall prepare the budget for the legal department for submission to the city council, and the legal department budget shall be established by the city council. (Adopted June 7, 2012)

Section 5 - Merit basis of appointment

Appointments and promotions in the administrative services of the city shall be made in accordance to merit and fitness to be ascertained so far as practicable, by competitive examination.

Section 6 - Merit system to be established

The council shall, by ordinance, provide for the establishment of a merit system for the purpose of regulating and controlling the appointments, promotions, discharges and reinstatements of all officers and employees of the city except those elected by the people.

Section 7 - Outside employment

The city manager, city magistrate, city clerk, and city attorney shall have no other employment for which compensation is received, which might constitute a conflict of interest or interfere with their city duties. The city clerk shall maintain a public file on any outside employment of council appointees. (Adopted December 11, 1979; September 7, 1999)

ARTICLE V

APPOINTIVE BOARDS AND COMMISSIONS

Section 1 - Appointive Boards and Commissions

The council may, by ordinance, create boards or commissions as in its judgment are required or as are now or hereafter provided by law, and may grant to them such power and duties as are consistent with the provisions of this charter.

Section 2 - Mayor and City Manager ex-officio members

The mayor and city manager shall be ex-officio members without voting privileges, of all boards and commissions.

ARTICLE VI

FINANCE AND TAXATION

Section 1 - Fiscal year

The fiscal year of the city shall commence on the first day of July each year.

Section 2 - Council to provide for tax system, use of county services

The council shall by ordinance provide a system for the assessment, levy and collection of all city taxes, not inconsistent with the provisions of this charter.

The council shall have power to avail itself by ordinance of any laws of this state, now or hereafter in force, and comply with the requirements thereof whereby assessments may be made by the assessor of the county in which the city is situated, and taxes collected by the tax collector of said county for and on behalf of the city. Other provisions of this charter concerning the assessment, levy and collection of taxes shall be subject to the provisions of any such ordinance while the same shall be in force.

Section 3 - Submission of estimates to Council; scope of City Manager's estimate

On or before such date as shall be fixed by the council, the city manager shall prepare and submit in writing to the council the estimates of each department and fund and his own personal report and recommendations and estimate as to the probable expenditures of the city for the next ensuing fiscal year, stating the amount in detail required to meet all expenditures necessary for city purposes, including interest and sinking funds, and outstanding indebtedness, if there be any; also an estimate of the amount of income expected from all sources in each department and fund, and the probable amount required to be raised by taxation to cover such expenditures, interest and sinking fund. (Adopted January 14, 1969; amended June 7, 2012)

Section 4 - Preparation and tentative adoption of a budget; publication of budget and notice of meeting to fix tax levies

The council shall meet annually prior to fixing the tax levy, and make a budget of the estimated amounts required to pay the expenses of conducting the business of the city for the ensuing fiscal year. The budget shall be

ARTICLE VI – Section 4 (Continued):

prepared in such detail as to show the aggregate sum and the items thereof allowed for each and every purpose, and such budget, together with a notice that the council will meet for the purpose of making tax levies, in accordance with said budget, at the time and place set out in said notice, shall be published in accordance with state law once a week for at least two consecutive weeks following the tentative adoption of such budget. (Amended June 7, 2012)

Section 5 - Public hearing and adoption of budget

The council shall, prior to final adoption of the budget, hold a public hearing at which any taxpayer who may appear shall be heard in favor of or against any proposed expenditure or tax levy. When such hearing shall have been concluded, the council shall finally determine and adopt estimates of proposed expenditures for the various purposes as set forth in the published proposal and such adopted estimates will constitute the budget for the current fiscal year. The total amounts in the budget proposed for expenditure shall not exceed the total amounts proposed for expenditure in the published estimate. (Amended January 14, 1969)

Section 6 - Adoption of ordinance fixing tax rate

On or before the day set for making tax levies as specified by state law, the council shall meet and adopt an ordinance levying upon the assessed valuation of the property within the city, subject to the provisions of this charter, a rate of taxation upon each one hundred ($100.00) dollars of valuation, sufficient to raise the amounts estimated to be required in the annual budget, less the amounts estimated to be received from fines, licenses and other sources of revenue. (Amended January 14, 1969)

Section 7 - Additional taxes for special purposes

The council shall have the power to levy and collect taxes in addition to the taxes herein authorized to be levied and collected sufficient to pay the interest and maintain the sinking fund of the bonded indebtedness of the city, and to provide for the establishment and support of free public libraries, and for advertising the advantages of the city, and an additional amount deemed to be advisable and necessary to create a reserve fund to provide for replacement of equipment for the furnishing of city services and the maintenance of all municipally owned and operated utilities.

ARTICLE VI – Section 7 (Continued):

The council shall have the power to levy a transaction privilege tax; provided that no transaction privilege tax if based on gross income, gross receipts or gross proceeds of sale, shall be levied at a rate in excess of the present 1% rate unless such rate is approved by a majority of the qualified electors voting on the question at a special or general election. (Amended December 11, 1979)

Further provided that, should a transaction privilege tax not be based on gross income, gross receipts or gross proceeds of sale, the council shall have the power to fix the amount of license taxes to be paid by any person, firm, corporation or association for carrying on of any business, game or amusement, calling, profession or occupation. (Adopted December 11, 1979)

Section 8 - Taxes to be uniform and for public purposes only; property to be assessed as provided by law

All taxes shall be uniform upon the same class of property within the corporate limits, and shall be levied and collected for public purposes only. All property shall be assessed as provided by law.

Section 9 - Tax exempt property

All the property within the city shall be subject to taxation, to be ascertained as provided by ordinance, except that property which is exempt from taxes under the laws of the United States, the laws of this state, under this charter and ordinances of this city.

Section 10 - Transfer of appropriations

From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes therein named. The transfer of funds among the various line items within a departmental budget shall require city manager approval. The transfer of funds among departments shall require city council approval. (Amended September 21, 1993)

Section 11 – Budget Establishes Appropriations; Method of Expenditure and Transfer of Appropriations. (Sections 10 and 11 replaced with new Section 10). (Amended September 21, 1993)

ARTICLE VI (Continued):

Section 12 - Appropriations lapse at end of year

All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or lawfully encumbered.

Section 13 - Claims or demands against the City

The council shall prescribe by ordinance the manner in which claims or demands against the city shall be presented, audited and paid.

Section 14 - Transfer of sums from any funds to interest funds

Whenever there shall not be sufficient moneys, in any of the interest funds for the bonded indebtedness of the city to pay the interest on such bonded indebtedness when due, the council shall direct the transfer from the general or any other fund having moneys therein to such interest funds the necessary amounts of money to pay the interest on said bonded indebtedness, and the amount so transferred shall be returned to the respective funds from which such transfer was made whenever sufficient moneys shall accrue in said bonded indebtedness funds, from the regular tax levied therefor.

Section 15 - Independent annual audit

The council shall designate certified public accountants who, as of the end of the fiscal year, shall make an independent audit of the city government and shall submit their report to the council and to the city manager. Such accountants shall have no personal interest, direct or indirect, in the fiscal affairs of the city government or of any of its officers. They shall not maintain any accounts or records of the city business, but, shall post-audit the books and documents kept by the city and any separate or subordinate accounts kept by any other office, department or agency of the city government. No firm shall make this audit more than three consecutive years. (Amended December 11, 1979; September 7, 1999)

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

A. Definitions:

1. "City" is defined as the City of Prescott, Arizona.

ARTICLE VI – Section 16 (Continued):

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

ARTICLE VI – Section 16 (Continued):

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.

ARTICLE VI – Section 16 (Continued):

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 to be made by the City, entities controlled by the City, City 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.

ARTICLE VI – Section 16 (Continued):

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)

ARTICLE VII

COUNCIL ACTION

Section 1 - Council action (Title adopted May 18, 1976)

The council shall act by resolution, ordinance or formal recorded action. (Amended May 18, 1976)

Section 2 - Ayes and nays to be recorded

The ayes and nays shall be taken upon passage of all ordinances, resolutions, or formal recorded actions and entered upon the minutes of the proceedings of the council. (Amended May 18, 1976)

Section 3 - When majority vote required

A majority vote of all the members of the council shall be necessary to pass any ordinance or resolution. (Amended September 7, 1999)

Section 4 - Enacting style

The enacting clause of all ordinances passed by the council shall be in these words: "Be it ordained by the council of the City of Prescott as follows:"

Section 5 - Action requiring an ordinance

In addition to other acts required by law or by specific provision of the charter to be done by ordinance, those acts of the city council shall be by ordinance which:

(1) Levy any tax or assessment;

(2) Acquire or sell public real property, and to sell personal property valued in excess of Three Thousand Dollars ($3,000.00); (Amended September 21, 1993)

(3) Establish or change fire limits or zones;

(4) Establish or change a zoning district;

(5) Impose or provide for imposing a fine or other penalties;

ARTICLE VII – Section 5 (Continued):

(6) Adopt a code by reference or amend the city code;

(7) Establish, alter or abolish any city department, office or agency;

(8) Authorize the borrowing of money;

(9) Grant, renew or extend a franchise;

(10) Amend or repeal any ordinance;

(11) Abandonment or vacation of streets, alleys or subdivisions. (Amended January 14, 1969; May 18, 1976)

Section 6 - Reading and passage of ordinances and resolutions; effective date

All proposed ordinances and resolutions shall be either read in full or posted in a public place at least forty-eight (48) hours prior to the meeting at which they are to be considered for adoption, provided that if any amendments are proposed to a posted ordinance or resolution, such amendments shall be read in full prior to their consideration for adoption. (Amended January 14, 1969; December 11, 1979; September 21, 1993)

Section 7 - Emergency measures; effective date

An emergency measure is one passed by the affirmative vote of three-fourths (3/4) of the council taken by "ayes" and "nays" for the immediate preservation of the public peace, health or safety. An emergency measure shall take effect immediately upon its passage. (Amended December 11, 1979; September 21, 1993)

Section 8 - Motions to reconsider

When a proposed ordinance or a resolution put upon final passage fails to pass and a motion is made to reconsider, the vote on such motion shall not be taken within twenty-four (24) hours thereafter. (Amended December 11, 1979; September 21, 1993)

Section 9 - Signing of ordinances and resolutions

All ordinances and resolutions shall be signed by the mayor and attested by the city clerk.

ARTICLE VII (Continued):

Section 10 - Publication of ordinances and resolutions

All ordinances, except those necessary for the immediate preservation of the peace, health or safety of the city, shall be published at least two times in accordance with state law before they become effective and operative. (Amended September 7, 1999; June 7, 2012)

Emergency ordinances necessary for the immediate preservation of the peace, health or safety of the city which have been passed by the necessary three-fourths vote of the members of the council become effective and operative immediately, and shall be published once in accordance with state law within ten (10) days after their passage. (Amended May 18, 1976; September 7, 1999; June 7, 2012)

Section 11 - How ordinances to be revised, re-enacted and amended

Ordinances shall not be revised, re-enacted or amended by reference to title only, but the ordinances to be revised or re-enacted, or the section or sections thereof to be amended, or the new section or sections to be added hereto, shall be set forth and adopted in the method provided in this charter for the adoption of ordinances.

Section 12 - How ordinances to be repealed or suspended

No ordinance or section thereof shall be repealed or suspended except by ordinance adopted in the manner provided in this charter.

Section 13 - Ordinances and resolutions to be filed, recorded and certified; ordinances and resolutions as evidence

All ordinances and resolutions shall be filed and safely kept by the city clerk and duly recorded and certified by him in books for that purpose marked "City Ordinances" and "City Resolutions" respectively; and record copies thereof certified by the city clerk, or the originals thereof shall be prima facie evidence of the contents of such ordinances or resolutions and of the due passage and publication of the same, and shall be admissible in evidence in any court of this state, or in any proceeding where the contents of such

ordinance or resolution, or any of them, is in question; provided, however, that nothing herein contained shall be construed to prevent the proof of the passage and publication of any ordinance or resolution in the manner otherwise prescribed by law.

Section 14 - Procedure for adoption by reference

The council may enact the provisions of a code or public record theretofore in existence without setting forth such provisions, but the adopting ordinance shall be published in full. At least three (3) copies of the code or public record shall be filed in the office of the city clerk and kept available for public use and inspection. A code or public record enacted by reference may be amended in the same manner.

No penalty clause shall be enacted by reference thereto. A penalty clause contained in a code or public record adopted by reference shall be set forth in full in the adopting ordinance.

Section 15 - Recording of certain ordinances

All ordinances extending or changing the boundaries of the city, zoning territory or establishing or vacating of streets, alleys, or subdivisions, after publication, shall be recorded in the office of the County Recorder of Yavapai County and after being so recorded, the same shall constitute public notice to all parties of the legal import thereof.

Section 16 - Codification of ordinances

Any and all ordinances of the city which have been enacted and published in the manner required at the time of their adoption, and which have not been repealed, may be compiled, consolidated, revised, indexed and arranged as a comprehensive ordinance code, and such code may be adopted by reference, with the same effect as an ordinance, by the passage of any ordinance for such purpose. Such code need not be published in the manner required for other ordinances, but not less than three (3) copies thereof shall be filed for use and examination by the public in the office of the city clerk prior to the adoption thereof. Ordinances codified shall be repealed as of the effective date of the code. Amendments to the code shall be enacted in the same manner as ordinances.

ARTICLE VIII

CONTRACTS

Section 1 - Preparation

All contracts shall be drawn under the supervision of the city attorney, must be in writing, executed in the name of the City of Prescott by the mayor, except as it may be otherwise provided either by this charter or by law, and must be countersigned by the city clerk, who shall number and register the same in a book kept for that purpose.

Section 2 - Contracts for city improvements or materials

Deleted September 11, 2001.

Section 3 - Contracts or purchases

The city council shall prescribe by ordinance the manner and method of purchases and entering into of contracts, the manner and method of executing change orders, and shall set forth therein the purchases and contract amounts which shall require approval of the city council. (Amended January 14, 1969; December 11, 1979; September 20, 1983; November 10, 1987; September 21, 1993)

Section 4 – Contracts; Contracts or purchases $3,000.01 to $10,000.

Deleted September 21, 1993

Section 5 – Contracts; Contracts or purchases in excess of $10,000.

Deleted September 21, 1993

Section 6 - Formal bidding requirements

Advertisements for bids shall distinctly and specifically state the character of the city improvement contemplated and/or the kind of supplies, materials, equipment and services required. Such advertisement shall be published at least once in a newspaper of general circulation in the city, not less than five (5) days prior to the opening of bids. Bidding will be by sealed proposals only and under such regulations as may be prescribed by the council. (Amended January 14, 1969)

ARTICLE VIII (Continued):

Section 7 - Transfer of property

The city manager may transfer to or between offices, departments and agencies, supplies, materials and equipment, subject to such regulations as the council may prescribe. (Amended January 14, 1969)

Section 8 - Fraud and collusion

Any member of the council or any officer or employee of the city who shall aid or assist a bidder in securing a contract to furnish labor, material, equipment, supplies or services at a higher price than that proposed by any other bidder, or who shall favor one bidder over another by giving or withholding information or who shall willfully mislead any bidder in regard to the character of the labor, material, equipment, supplies or services called for or the conditions under which the proposed work is to be done, or who shall knowingly accept materials, supplies or equipment of a quality inferior to those called for by any contract, or who shall knowingly certify to a greater amount of labor or service performed than has been actually performed, or to receipt of a greater amount or different kind of material, supplies or equipment than has been actually received, shall be guilty of a misdemeanor and shall be removed from office. (Amended January 14, 1969)

Section 9 - Avoidance of contracts made through fraud and collusion

If at any time it shall be found that the person to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other party or parties for the purpose of preventing any other bid being made, then the contract so awarded shall be null and void, and the city manager shall advertise for new bids for said city improvements and/or supplies, materials, equipment and services required, or the council may provide for such public work to be done by the city under the direction of the city manager. (Amended January 14, 1969)

Section 10 - Personal interest

State statutes regulating conflict of interest shall apply to all members of the council, officers and employees of the city. (Amended January 14, 1969 and September 21, 1993)

ARTICLE VIII (Continued):

Section 11 - Leases of city property

The council may lease any land, building or part thereof owned by the city by public auction, sealed bids or negotiation. All such leases shall be approved by ordinance of the city council. Prior to the approval and execution of any such lease, the city shall publish a Notice of Intent to Lease City Property at least one time per week for two weeks. However, the council may, in its discretion, reject any and all offers. (Adopted January 14, 1969) (Amended December 11, 1979)

Section 12 - Sale of city property

The council may sell such portions of the real and personal property of the city not needed or not likely to be needed within a reasonable future time. Each sale shall be made on such conditions as the council may prescribe to the highest responsible bidder after published notice of the sale in accordance with the following schedule:

1. Personal property valued in excess of $3,000.00 shall be sold after published notice of the sale for at least once not less than five (5) days prior to opening of bids, proposals or auction. (Amended September 7, 1999)
2. Real property shall be sold after published notice of sale for at least one time per week for three weeks prior to opening of bids.

The council shall have the right to reject any and all bids.

The city manager may sell or otherwise dispose of any personal property having a value of $3,000.00 or less without published notice but with written advice of such sale or disposal to be given to the council. (Amended September 11, 2001)

The council may also in its discretion subdivide and plat city property which it determines to sell, providing restrictions relative to its use and dedicate streets and alleys as determined necessary for the use of the public. (Adopted January 14, 1969)

Notwithstanding any portion of this section, the approximately 75 acres east of Senator Highway and south of Virginia Street, given to the city by J. S. Acker, shall be retained as a park in perpetuity. No portion shall ever be sold, leased, transferred or otherwise disposed of. In order to retain the integrity of this park, no through road shall ever be constructed on the property. (Adopted September 26, 1995)

ARTICLE VIII – Section 12 (Continued):

Notwithstanding any portion of this section, the property known as Watson Lake and Willow Lake, and adjacent property, consisting of a cumulative total of approximately eight hundred fifty (850) acres, which were acquired by the city from the Chino Valley Irrigation District from the bond proceeds, pursuant to that Special Bond Election held on May 19, 1998, shall not be sold by the city, and shall be retained as open space and/or utilized for water supply and recreational purposes in perpetuity. (Adopted September 7, 1999; amended June 7, 2012)

ARTICLE IX

ELECTIONS

Section 1 - Permitted types of elections

Elections to be held in the city shall be either primary, general or special.

(a) Primary elections shall be held for the purposes of making nominations for the general election and electing officers as hereinafter provided, and for such other purposes as the council may prescribe.

(b) General elections shall be held for the purposes of electing officers of the city and such other purposes as the council may prescribe.

(c) All other municipal elections that may be held by authority of this charter, or of any law, shall be known as special elections.

Section 2 - Application of state law

The provisions of the laws of this state relating to and governing the nomination of elective officers and the conduct of elections, and each and every provision of said law, with all amendments thereto shall apply and shall govern the nomination of elective officers and the conduct of elections, except as otherwise provided in this charter. The council shall have the power to make any further and additional provisions relating to the nomination of officers and to the conduct of elections not repugnant nor contrary to the provisions of the laws of this state or the provisions of this charter.

Section 3 - Qualifications of electors; registration; Candidates

A. The qualification of electors shall be as required by the constitution and laws of this state for state and county elections. Registration of voters shall be as required by the laws of this state and the register of qualified electors may be compiled from the general county register. (Amended May 18, 1976)

B. The City Clerk shall perform the following ministerial duties with respect to nomination papers and nominating petitions:

ARTICLE IX – Section 3 (Continued):

1. Verify that official candidates are qualified electors of the city for one year prior to the primary election, as required in Article II Section 5 of the Prescott City Charter.

2. Remove signatures of those signers on petitions who list an address outside of the City of Prescott.

3. Remove signatures of those signers that signed before the Statement of Organization or $500 Threshold Exemption was filed.

(Amended November 2, 2010)

Section 4 - Arrangement of names not to reveal source of candidacy or support of candidates

The names of the candidates for each office shall be arranged as provided by law and nothing on the ballot shall be indicative of the source of the candidacy or of the support of the candidate.

Section 5 - Time of holding primary election

The primary election shall be held in the fall of every odd-numbered year on dates consistent with those permitted by State law. (Amended May 18, 1976; September 7, 1999; November 2, 2010)

Section 6 - Majority to elect in primary

At the primary election any candidate who shall receive a majority of all the valid ballots cast at such election for that office shall be declared elected to the office for which he is a candidate, and no further election shall be held as to said candidate. (Amended September 20, 1983; November 2, 2010)

Section 7 - Nomination for general election

If at any primary election there be any office or offices to which no candidate therefore was elected, then, said election shall be considered a primary election for the nomination of candidates for such office or offices, and a second or general election shall be held to vote for candidates to fill such office or offices. The candidates, not elected at such first election, equal in number to twice the number to be elected to any given office, or less if so

there be, and who received the highest number of votes for the respective offices at such first election, shall be the only candidates at such second election. Candidates who do not qualify in the primary election shall not be eligible to move up and become candidates in the general election in the event a qualifying candidate withdraws for any reason from the general election or is deceased; provided, that if there be any person who under the provisions of this section, would have been entitled to become a candidate for any office except for the fact that some other candidate received an equal number of votes therefor, then all such persons receiving said equal number of votes shall likewise become candidates for such office. A qualifying candidate who elects to withdraw or a representative of a deceased candidate may request to have the candidate's name removed from the ballot provided that the request is made prior to the time required for printing of the ballots. In the event that any withdrawal results in fewer candidates than the number of vacant offices, the council shall appoint the officer(s) to fill the vacant position subsequent to the general election and prior to installation of new council members. (Amended November 2, 2010)

Section 8 - Time of holding general election

The general election, if necessary, shall be held in November of every odd-numbered year. (Amended December 11, 1979; September 7, 1999)

Section 9 - Candidates receiving most votes to be elected

The candidates equal in number to the persons to be elected who shall receive the highest number of votes at said general election shall be declared elected to such office.

Section 10 - Special elections

The council shall provide the time, manner and means of holding any special election. All special elections shall be conducted in the same manner and under the same provisions as are provided for the holding of general elections.

ARTICLE X

INITIATIVE, REFERENDUM AND RECALL

Section 1 - Initiative; referendum; recall

There is hereby reserved to the electors of the city the powers of the initiative and referendum and of the recall of the elective officers. The provisions of the constitution and general laws of this state, as the same now exist or hereafter may be amended, governing the initiative and referendum and the recall of the elective officers, shall apply to the use thereof in the city so far as such provisions are not in conflict with the provisions of this charter. Any initiative or referendum matter may be voted on at the next ensuing primary or general election, or at a special election called by the city council for such purpose. (Amended September 21, 1993)

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-juridical days

The city court shall always be open, except on non-juridical days, and on such non-juridical 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.

ARTICLE XI (Continued):

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 the council, the council may, by appropriate ordinance, abolish, reinstate or make other arrangements in the office of city court. (Adopted May 18, 1976)

ARTICLE XII

FRANCHISE AND PUBLIC UTILITIES

Section 1 - Elections for approval of franchises

A person or entity desiring to obtain any utility franchise shall present the franchise desired to the City Council of the City and it shall be filed among its records. If the council deems the granting of the franchise beneficial and in the public interest, it shall pass a resolution recommending the franchise and shall thereafter submit the question to qualified voters. In the event the council shall determine the franchise is not beneficial and in the public interest the council shall pass a resolution not recommending the franchise. No franchise shall be granted, extended or renewed by the city without the approval of a majority of the qualified electors residing within its corporate limits voting thereon at a primary, general or special election; the council shall submit any matter for approval or disapproval to such election at any primary or general election or call a special election for such purposes at any time upon thirty (30) days notice; and the council shall require, before calling any such election, that the estimated expense thereof (to be determined by the council) shall be first deposited by the applicant for such franchise with the city clerk, The applicant shall be responsible for payment of all actual expenses and costs associated with such franchise election.

If a majority of the votes cast are in favor of granting the franchise the proposed franchise shall be granted in such form as determined and approved by the City Council and in compliance with applicable State and Federal laws. (Amended November 2, 2010)

Section 2 - Establishment of municipally owned and operated utilities

The city shall have power to own and operate any public utility, to construct and install all facilities that are reasonably needed, and to lease or purchase any existing utility properties used or useful to public service. The city may also furnish service to adjacent and nearby territories which may be conveniently and economically served by the municipally owned and operated utility, subject to the limitations of the provisions of the general laws of this state. The council may provide by ordinance for the establishment of such utility and provide for its regulation and control and the fixing of rates to be charged. The council may by ordinance provide for the extension, enlargement or improvement of existing utility, and provide reasonable reserves for such purpose.

ARTICLE XIII

GENERAL PROVISIONS

Section 1 - Publicity of records

All records and accounts of every office, department or agency of the city shall be open to inspection by any citizen, any representative of a citizens' organization or any representative of the press at all reasonable times and under reasonable regulations established by the city council, except records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish.

Section 2 - Official bonds

All elected and appointed officers and such other employees as the council may by general ordinance require to do so, shall give bond in such amount and with such surety as may be approved by the council. The premiums on such bonds shall be paid by the city.

Section 3 - Oath of office

Every officer of the city, whether elected or appointed under the provisions of this charter, or under any ordinance of the city, shall, before entering upon the duties of his office, take and subscribe an oath of office, in the form of the official oath required by the constitution.

Section 4 - Insurance

(a) General Insurance. The city is empowered to insure any of its property against such risks as it may determine.

(b) Liability Insurance. The council shall procure liability insurance covering the city and its officers, agents, and employees while engaged in governmental or proprietary capacities. The premiums on such insurance shall be paid by the city.

(c) Group Insurance. The city may participate to the extent determined by the council in the cost of group insurance programs for city officers and employees. (Amended January 14, 1969)

ARTICLE XIII (Continued):

Section 5 - Short title

This charter, adopted by the people of the City of Prescott, shall be known and may be cited as the Council-Manager Form of Government of the City of Prescott. (Amended December 11, 1979)

Section 6 - Separability clause

If any section or part of section of this charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this charter, the context in which such section or part of section so held invalid may appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

Section 7 - Violations of charter and city ordinances; imprisonment of violators

The violation of any provisions of this charter shall be deemed a misdemeanor and the violation of any ordinance of the city may be deemed a civil violation, a misdemeanor or a petty offense, and such violations may be prosecuted by the authorities of the city in the name of the State of Arizona. (Amended September 21, 1993)

Section 8 - Plenary and implied powers of the council

The council shall have plenary powers to enact and make all proper and necessary ordinances, resolutions and orders to carry out and give effect to the express, as well as the implied powers granted in this charter to the end that a complete, harmonious and effective municipal government may be initiated, installed, operated and maintained in the city, and thereby protect and safeguard the rights, interests, safety, morality, health and welfare of the city and its inhabitants.

ARTICLE XIV

SUCCESSION IN GOVERNMENT

Section 1 - Right of officers and employees preserved

Nothing in this charter contained, except as specifically provided, shall affect or impair the rights or privileges of officers or employees of the city or of any office, department or agency existing at the time when this charter shall take effect, or any provision of law in force at the time when this charter shall take effect and not inconsistent with the provisions of this charter, in relation to the personnel, appointment rank, grades, tenure of office, promotion, removal, pension and retirement rights, civil rights or any other rights or privileges of officers or employees of the city or any office, department or agency.

Section 2 - Continuance of present officers

All persons holding executive and administrative office at the time this charter takes effect shall continue in office and in the performance of their duties until provisions shall have been made in accordance therewith for the performance of such duties or the discontinuance of such office.

Section 3 - Continuance of present offices, departments or agencies

Any office, department or agency provided for in this charter to be named or with powers and duties the same or substantially the same as those heretofore existing, shall be deemed a continuation of such office, department or agency and shall have powers to continue any business proceedings or other matters within the scope of the powers and duties prescribed by this charter. Any office, department or agency not provided for in this charter, heretofore existing, shall continue to exercise powers and duties as the same were heretofore exercised and shall have the power to continue any business proceedings or other matters within the scope of its regular powers and duties until such office, department or agency shall be changed or abolished by the council as heretofore provided in this charter.

The powers conferred and the duties imposed upon any office, department or agency of the city by the laws of this state shall, if such office, department or agency be abolished by this charter or under its authority, be thereafter exercised and discharged by the office, department or agency designated by the council, unless otherwise provided herein.

ARTICLE XIV (Continued):

Section 4 - Continuance of appointive boards and commissions

All appointive boards and commissions heretofore existing shall continue and shall exercise such powers and duties as were granted them until such boards and commissions shall be changed or abolished by the council, as heretofore provided in this charter.

Section 5 - Transfer of records and property

All records, property and equipment whatsoever of any office, department or agency or part thereof, all the powers and duties of which are assigned to any other office, department or agency by this charter or under its authority, shall be transferred and delivered to the office, department or agency to which such powers and duties are so assigned.

Section 6 - Continuance of contracts

All contracts entered into by the city, or for its benefit, prior to the taking effect of this charter, shall continue in full force and effect.

Section 7 - Pending actions and proceedings

The adoption of this charter shall not abate or otherwise affect any action or proceeding, civil or criminal, pending when it takes full effect, brought by or against the city or any office, department, agency or officer thereof.

Section 8 - Ordinances to remain in force

All ordinances, resolutions and regulations of the city in force at the time this charter takes effect, and not inconsistent with the provisions thereof, are hereby continued in force until the same shall be duly amended or repealed.

Section 9 - Inauguration of government under this charter

If a majority of the qualified electors of the city, voting on the question, vote to ratify this charter, the provisions of this charter shall go into effect for all purposes immediately upon the approval of the governor as provided by the constitution of this state.

ARTICLE XV

AMENDMENTS

Section 1 - Method of amendment

This charter, or any part or article or section thereof, may be amended in the manner provided by the constitution of this state.

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