

ORDINANCE NO. 2017-25

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA AMENDING AND RENUMBERING PORTIONS OF ARTICLE 14-37 OF THE PEORIA CITY ZONING ORDINANCE (1977) AND BY AMENDING CHAPTERS 2, 3, 5, 9, 10, 15, 18, 19 AND 20 OF THE PEORIA CITY CODE (1992) BY AMENDING SECTION 2-156 AND RENUMBERING IT AS SECTION 3-1 PERTAINING TO BOARDS AND COMMISSIONS; QUALIFICATIONS; BY RENUMBERING SECTION 2-157 AS SECTION 3-2 PERTAINING TO BOARDS AND COMMISSIONS; LIMITS ON TERMS; ADMINISTRATIVE POLICIES AND REGULATIONS; BY RENUMBERING SECTION 2-158 AS SECTION 3-3 PERTAINING REMOVAL OF BOARD, COMMISSION AND COMMITTEE MEMBERS; BY RENUMBERING SECTION 2-154 AS SECTION 3-4 PERTAINING TO VACANCIES; BOARDS, COMMISSIONS AND COMMITTEES; BY RENUMBERING SECTION 2-155 AS SECTION 3-5 PERTAINING TO UNEXPIRED TERMS; BY AMENDING SECTION 2-150 AND RENUMBERING IT AS SECTION 3-6 PERTAINING TO BOARDS AND COMMISSIONS; SCHEDULED BOARDS AND COMMISSIONS; TERMS; BY RENUMBERING SECTION 2-151 AS SECTION 3-7 PERTAINING TO REGULARLY SCHEDULED BOARDS AND COMMISSIONS; LIMITS ON TERMS; BY AMENDING SECTION 2-152 AND RENUMBERING IT AS SECTION 3-8 PERTAINING TO BOARDS AND COMMISSIONS; UNSCHEDULED BOARDS AND COMMISSIONS; BY RENUMBERING SECTION 2-153 AS SECTION 3-9 PERTAINING TO BOARDS AND COMMISSIONS; UNSCHEDULED BOARDS AND COMMISSIONS: TERMS; BY AMENDING SECTION 2-126 AND RENUMBERING IT AS SECTION 3-10 PERTAINING TO ARTS COMMISSION; DEFINITIONS; BY AMENDING SECTION 2-127 AND RENUMBERING IT AS SECTION 3-11 PERTAINING TO ARTS COMMISSION; ESTABLISHMENT; POWERS AND DUTIES; BY AMENDING SECTION 2-128 AND RENUMBERING IT AS SECTION 3-12 PERTAINING TO ARTS; MUNICIPAL ARTS FUND; BY AMENDING SECTION 2-129 AND RENUMBERING IT AS SECTION 3-13 PERTAINING TO ARTS; MUNICIPAL CONSTRUCTION PROJECTS; PUBLIC ART REQUIRED; BY AMENDING SECTION 2-130 AND RENUMBERING IT AS SECTION 3-14 PERTAINING TO ARTS; PLACEMENT OF WORKS OF ART; BY AMENDING SECTION 14-37-5 OF ARTICLE 14-37 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 3-15 OF THE CITY CODE PERTAINING TO BOARD OF ADJUSTMENT; BY AMENDING

SECTION 5-9 AND RENUMBERING IT AS SECTION 3-16 PERTAINING TO BUILDING BOARD OF APPEALS; BY ENACTING SECTION 3-17 PERTAINING TO CITIZENS COMMISSION ON ELECTED OFFICIALS; BY AMENDING SECTION 14-37-7 OF ARTICLE 14-37 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 3-18 OF THE CITY CODE PERTAINING TO DESIGN REVIEW APPEALS BOARD; BY AMENDING SECTION 20-74 AND RENUMBERING IT AS SECTION 3-19 PERTAINING TO DESIGN REVIEW: APPEALS; BY AMENDING SECTION 20-75 AND RENUMBERING IT AS SECTION 3-20 PERTAINING TO DESIGN REVIEW APPEALS BOARD; MEMBERS; POWERS AND DUTIES; BY AMENDING SECTION 2-101 AND RENUMBERING IT AS SECTION 3-21 PERTAINING TO ECONOMIC DEVELOPMENT ADVISORY BOARD; MEMBERS; POWERS AND DUTIES; BY AMENDING SECTION 2-85 AND RENUMBERING IT AS SECTION 3-22 PERTAINING TO FINANCE; WORKER'S COMPENSATION AND EMPLOYEE BENEFITS TRUST; BY AMENDING SECTION 14-37-8 OF ARTICLE 14-37 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 3-23 OF THE CITY CODE PERTAINING TO HISTORIC PRESERVATION COMMISSION; BY RENUMBERING SECTION 2-121 AS SECTION 3-24 PERTAINING TO HISTORIC PRESERVATION COMMISSION, MEMBERS; BY RENUMBERING SECTION 2-122 AS SECTION 3-25 PERTAINING TO HISTORIC PRESERVATION COMMISSION, OFFICERS; BY RENUMBERING SECTION 2-123 AS SECTION 3-26 PERTAINING TO HISTORIC PRESERVATION COMMISSION, MEETINGS; BY AMENDING SECTION 2-124 AND RENUMBERING IT AS SECTION 3-27 PERTAINING TO HISTORIC PRESERVATION COMMISSION, POWERS AND DUTIES; BY ENACTING SECTION 3-28 PERTAINING TO INDUSTRIAL DEVELOPMENT AUTHORITY; BY AMENDING SECTION 15-8 AND RENUMBERING IT AS SECTION 3-29 PERTAINING TO JUDICIAL SELECTION ADVISORY BOARD-ESTABLISHMENT; MEMBERSHIP; POWERS AND DUTIES; OPERATING PROCEDURES; BY RENUMBERING SECTION 10-16 AS SECTION 3-30 PERTAINING TO LIBRARY BOARD; CREATED; BY AMENDING SECTION 10-17 AND RENUMBERING IT AS SECTION 3-31 PERTAINING TO LIBRARY BOARD; MEMBERS; BY RENUMBERING SECTION 10-18 AS SECTION 3-32 PERTAINING TO LIBRARY BOARD; OFFICERS; BY AMENDING SECTION 10-19 AND RENUMBERING IT AS SECTION 3-33 PERTAINING TO LIBRARY BOARD; MEETINGS; BY RENUMBERING SECTION 10-20 AS SECTION 3-34 PERTAINING TO LIBRARY BOARD; FUNCTIONS; BY ENACTING SECTION 3-35 PERTAINING TO MUNICIPAL DEVELOPMENT AUTHORITY;

BY RENUMBERING SECTION 18-16 AS SECTION 3-36 PERTAINING TO PARKS AND RECREATION BOARD; ESTABLISHED; BY RENUMBERING SECTION 18-17 AS SECTION 3-37 PERTAINING TO PARKS AND RECREATION BOARD; MEMBERS; BY RENUMBERING SECTION 18-18 AS SECTION 3-38 PERTAINING TO PARKS AND RECREATION BOARD; OFFICERS; BY RENUMBERING SECTION 18-19 AS SECTION 3-39 PERTAINING TO PARKS AND RECREATION BOARD; MEETINGS; BY RENUMBERING SECTION 18-20 AS SECTION 3-40 PERTAINING TO PARKS AND RECREATION BOARD; POWERS AND DUTIES; BY AMENDING SECTION 19-31 AND RENUMBERING IT AS SECTION 3-41 PERTAINING TO PERSONNEL BOARD; ESTABLISHMENT; BY REPEALING SECTION 19-32 IN ITS ENTIRETY PERTAINING TO PERSONNEL BOARD; MEMBERS AND RENUMBERING IT AS RESERVED SECTION 3-42; BY RENUMBERING SECTION 19-33 AS SECTION 3-43 PERTAINING TO PERSONNEL BOARD; MEETINGS; BY RENUMBERING SECTION 19-34 AS SECTION 3-44 PERTAINING TO PERSONNEL BOARD; RULES AND REGULATIONS; BY RENUMBERING SECTION 19-35 AS SECTION 3-45 PERTAINING TO PERSONNEL BOARD; DUTIES; BY RENUMBERING SECTION 19-36 AS SECTION 3-46 PERTAINING TO HEARINGS; BY RENUMBERING SECTION 19-37 AS SECTION 3-47 PERTAINING TO RIGHT OF APPEAL; BY RENUMBERING SECTION 19-38 AS SECTION 3-48 PERTAINING TO METHOD OF APPEAL; BY RENUMBERING SECTION 19-39 AS SECTION 3-49 PERTAINING TO NOTICE; BY AMENDING SECTION 19-40 AND RENUMBERING IT AS SECTION 3-50 PERTAINING TO HEARINGS; BY RENUMBERING SECTION 19-41 AS SECTION 3-51 PERTAINING TO FINDINGS AND RECOMMENDATIONS; BY AMENDING SECTION 14-37-3 OF ARTICLE 14-37 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 3-52 OF THE CITY CODE PERTAINING TO PLANNING AND ZONING COMMISSION; BY RENUMBERING SECTION 20-16 AS SECTION 3-53 PERTAINING TO PLANNING AND ZONING COMMISSION; ESTABLISHED; BY RENUMBERING SECTION 20-17 AS SECTION 3-54 PERTAINING TO PLANNING AND ZONING COMMISSION; MEMBERS; BY RENUMBERING SECTION 20-18 AS SECTION 3-55 PERTAINING TO PLANNING AND ZONING COMMISSION; OFFICERS; BY RENUMBERING SECTION 20-19 AS SECTION 3-56 PERTAINING TO PLANNING AND ZONING COMMISSION; MEETINGS; BY RENUMBERING SECTION 20-20 AS SECTION 3-57 PERTAINING TO PLANNING AND ZONING COMMISSION; POWERS AND DUTIES; BY RENUMBERING SECTION 2-74 AS SECTION 3-58 PERTAINING TO PUBLIC DEFENDER CONTRACT REVIEW

COMMITTEE; BY RENUMBERING SECTION 2-75 AS SECTION 3-59 PERTAINING TO PUBLIC DEFENDER CONTRACT REVIEW COMMITTEE; POWERS AND DUTIES; BY RENUMBERING SECTION 19-43 AS SECTION 3-60 PERTAINING TO PUBLIC SAFETY RETIREMENT SYSTEM BOARD; POLICE AND FIRE LOCAL BOARDS; TERMS; BY RENUMBERING SECTION 19-44 AS SECTION 3-61 PERTAINING TO PUBLIC SAFETY RETIREMENT SYSTEM BOARD; POLICE AND FIRE LOCAL BOARDS; ELECTION PROCEDURES FOR EMPLOYEE MEMBERS; BY AMENDING SECTION 2-131 AND RENUMBERING IT AS SECTION 3-62 PERTAINING TO SISTER CITIES BOARD; ESTABLISHMENT; POWERS AND DUTIES; BY AMENDING SECTION 2-132 AND RENUMBERING IT AS SECTION 3-63 PERTAINING TO SISTER CITIES BOARD; QUALIFICATIONS; BY AMENDING SECTION 2-135 AND RENUMBERING IT SECTION 3-64 PERTAINING TO VETERANS MEMORIAL BOARD; ESTABLISHMENT; POWERS AND DUTIES; BY AMENDING SECTION 2-136 AND RENUMBERING IT AS SECTION 3-65 PERTAINING TO VETERANS MEMORIAL BOARD; QUALIFICATIONS BY AMENDING SECTION 9-5 AND RENUMBERING IT AS SECTION 3-66 PERTAINING TO FIRE-MEDICAL DEPARTMENT; PENSION FUNDS, VOLUNTEERS, FIREFIGHTERS; BY RENUMBERING SECTION 18-26 AS SECTION 3-67 PERTAINING TO YOUTH ADVISORY BOARD; ESTABLISHED; BY AMENDING SECTION 18-27 AND RENUMBERING IT AS SECTION 3-68 PERTAINING TO YOUTH ADVISORY BOARD; MEMBERS; OFFICERS; BY RENUMBERING SECTION 18-28 AS SECTION 3-69 PERTAINING TO YOUTH ADVISORY BOARD; MEETINGS; BY RENUMBERING SECTION 18-29 AS SECTION 3-70 PERTAINING TO YOUTH ADVISORY BOARD; POWERS AND DUTIES; IDENTIFYING CURRENT CHAPTER 3 OF THE PEORIA CITY CODE (1992) TO BE RENUMBERED AND/OR AMENDED BY A SEPARATE ORDINANCE; AND PROVIDING FOR SEVERABILITY AND FOR AN EFFECTIVE DATE.

THEREFORE, it is ordained by the Mayor and Council of the City of Peoria as follows:

SECTION 1. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-156 and renumbering it as Section 3-1 pertaining to Boards and commissions; qualifications and which shall read as follows:

Sec. ~~2-156~~3-1. Boards and commissions; qualifications.

(a) All members of boards and commissions of the city shall meet the following minimum qualifications upon their appointment to any board or commission.

(1) Must be at least eighteen (18) years of age or older, except if appointed to the Youth Advisory Board.

(2) Resident of the City of Peoria.

(3) Qualified elector of the City of Peoria, except if appointed to the Youth Advisory Board.

(4) Notwithstanding paragraphs (2) and (3) of subsection (a), the following board or commission members are not required to be residents or qualified electors of the City, but must be residents and qualified electors of Maricopa County:-

(A) Members of the Economic Development Advisory Board, specified members of the Historic Preservation Commission, and specified members of the Design Review Board; and

(B) The fire protection engineer member and industrial safety professional –member of the Building Board of Appeals; and

(C) As provided in ~~Chapter 15 of~~ this chapter code pertaining to the Judicial Selection Advisory Board.

(b) Employees of the City of Peoria shall not be eligible for appointment to the following boards or commissions of the City. For purposes of this section, “Employee of the City of Peoria” means any City of Peoria employee who is in a benefit receipt status for payroll purposes.

(1) Personnel board.

(2) Board of adjustment.

(3) Board of appeals.

(4) Any board or commission that the department in which the employee is assigned acts as primary staff. The term “primary staff” means the department that provides staff support and reports to the applicable board or commission.

(5) Economic Development Advisory Board.

(6) Judicial Selection Advisory Board.

(c) Employees of the City of Peoria shall be ineligible for appointment to more than one board or commission at a given time.

(d) Unless required by state law, no board or commission of the City of Peoria shall have more than one (1) Employee of the City of Peoria as a member at any given time.

(e) Unless allowed by state law, Notwithstanding anything else contained in this section, no policy making or quasi-policy making Employee of the City of Peoria shall be appointed to any board or commission. Policy making or quasi-policy making Employee of the City of Peoria include:

- (1) Charter officers.
- (2) City manager's staff.
- (3) City attorney's staff.
- (4) Department heads.
- (5) Division managers.
- (6) Any other position in city employment upon recommendation of the city manager and determination of the city council that due to its assigned duties and responsibilities that the position exercises policy making responsibility.

SECTION 2. Chapter 2 of the Peoria City Code (1992) is amended by renumbering Section 2-157 as Section 3-2 pertaining Boards and Commissions; limits on terms; Administrative Policies and Regulations.

SECTION 3. Chapter 2 of the Peoria City Code (1992) is amended by renumbering Section 2-158 as Section 3-3 pertaining Removal of board, commission and committee members.

SECTION 4. Chapter 2 of the Peoria City Code (1992) is amended by renumbering Section 2-154 as Section 3-4 pertaining to Vacancies; boards, commissions and committees.

SECTION 5. Chapter 2 of the Peoria City Code (1992) is amended by renumbering Section 2-155 as Section 3-5 pertaining to Unexpired Terms.

SECTION 6. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-150 and renumbering it as Section 3-6 pertaining to Boards and Commissions; scheduled boards and commissions; terms and which shall read as follows:

Sec. ~~2-150~~3-6. Boards and Commissions; scheduled boards and commissions; terms.

(a) All boards and commissions of the city shall be classified as a regularly scheduled or unscheduled board or commission. Regularly scheduled boards and commissions are those that meet on a regular scheduled basis or may be quasi-judicial in nature. Unscheduled boards and commissions meet on an as called basis.

(b) Regularly scheduled Boards and Commissions include:

- (1) Arts Commission - 7 members
- (2) Board of Adjustment - 5 members and 1 alternate
- (3) Economic Development Advisory Board – 7 members
- (4) Library Board - 7 members
- (5) Parks and Recreation Board - 7 members
- (6) Planning and Zoning Commission - 7 members and 1 alternate
- (7) Youth Advisory Board – 19 members and two alternates

(c) All members of regularly scheduled boards and commissions of the city shall serve a term of four (4) years, unless otherwise required by the Arizona Revised Statutes. For those regularly scheduled boards and commissions having five (5) members, the terms of office shall be staggered such that no more than one (1) member's term shall expire in any single year. For those boards and commissions having five (5) or more members but less than eight (8) members, the terms of office shall be staggered such that no more than two (2) members' terms shall expire in any single year. For those boards and commissions having more than eight (8) members, the terms of office shall be staggered such that no more than three (3) members' terms expire in any single year. In the case of board and commission members whose current terms are four (4) years, the provisions of this section shall become effective upon the beginning of the new term of office.

(d) In the event a member of a board or commission of the city receives from the United States Secretary of Defense military orders for active duty in the armed forces of the United States or as a member of the Arizona National Guard, receives orders from the President of the United States federalizing the national guard for service in the armed forces of the United States and the period of active duty is projected to last at least four (4) months but no longer eighteen months (18 months) or the remainder of the term of the Board or Commission member, whichever is less, the Board or Commission member's term may be temporarily vacated as set forth below:

(1) A copy of the military orders or orders federalizing the member as a part of the National Guard shall be filed with the City Clerk.

(2) Upon receipt of the orders, the City Council Boards and Commissions subcommittee shall meet within thirty days and provide the Mayor with one or more interim nominee(s) for the position. The Mayor shall designate one of the interim nominee(s) to serve as the Board or Commission member on an interim basis until the appointed Board or Commission member returns from active

military duty or federalized military service or eighteen months (18 months) or until the end of the Board or Commission member's term whichever occurs first.

(3) The interim Board or Commission member shall have all the rights and privileges of a board or commission member of the respective board or commission.

State Law Reference. A.R.S. §9-461.02, Municipal Planning Commission.

State Law Reference. A.R.S. §9-462.06, Municipal Board of Adjustment.

State Law Reference. A.R.S. §38-847, Local Public Safety Retirement boards.

SECTION 7. Chapter 2 of the Peoria City Code (1992) is amended by renumbering Section 2-151 as Section 3-7 pertaining to Regularly scheduled boards and commissions; limits on terms.

SECTION 8. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-152 and renumbering it as Section 3-8 pertaining to Boards and Commissions; unscheduled boards and commissions and which shall read as follows:

Sec. ~~2-152~~3-8. Boards and Commissions; unscheduled boards and commissions.

(a) The following are unscheduled boards and commissions and shall include:

- (1) Building ~~Code~~ Board of Appeals - 7 members
- (2) Citizens Commission on Elected Officials Salaries – 5 members
- (3) ~~Design Standards Advisory Board – 5 members~~
- (4) Design Review Appeals Board – ~~5~~7 members
- (5) Employee Benefits Trust Board – 5 members
- (6) Historic Preservation Commission - 7 members
- (7) Industrial Development Authority - 7 members
- (8) Judicial Selection Advisory Board – 5 members
- (9) Municipal Development Authority - 5 members
- (10) Peoria Municipal Sports Complex Authority – 7 members
- (11) Personnel Board - 3 members, 1 alternate
- (12) Public Defender Review Committee Board - 5 members
- (13) ~~Public Safety Review Board-Fire- Public Safety Retirement System Board for Fire~~ - 5 members
- (14) ~~Public Safety Review Board-Police- Public Safety Retirement System Board for Police~~ - 5 members
- (15) Veterans Memorial Board– 7 members
- (16) Volunteer Firefighter Pension Board - 7 members
- (17) 15 Sister Cities Board – 7 members

SECTION 9. Chapter 2 of the Peoria City Code (1992) is amended by renumbering Section 2-153 as Section 3-9 pertaining to Boards and Commissions; unscheduled boards and commissions; terms.

SECTION 10. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-126 and renumbering it as Section 3-10 pertaining to Arts Commission; definitions and which shall read as follows:

Sec. ~~2-126~~3-10. Arts Commission; definitions.

The following words, terms and phrases, when used in sections ~~2-126~~ 3-10 through ~~2-130~~ 3-14 of this code, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Artist: Any practitioner in the performing and visual arts, generally recognized by critics and peers as a professional in the field as evidenced by education and training, experience, exhibition record, and artwork production.

Capital Improvement ~~Project~~: means a Any capital project paid for wholly or in part by the city to design, including engineering and related costs, together with construction or substantially remodel any building, structure, park, utility, street, sidewalk, parking facility, bridge or utility undertaking, including water production and storage facilities and wastewater treatment and reclamation and drainage facilities or any portion thereof, within the limits of the city.

Eligible ~~Fund~~: means a A source of funds for capital improvement projects from which City expenditures for public art is not prohibited as an object of expenditure.

Fine Art: Original works of fine art accessible to the public and conceived in any discipline or medium designated as drawing, painting, photography, sculpture (ceramic and glass), and limited edition prints (not to exceed editions of 2,000) and performance arts that includes dance, drama, and music (vocal and instrument). fine art does not include crafts, commercial art, and architecture.

Municipal Arts Fund: The account that serves to hold the funding allocated for all city expenditures for public art as further defined in section 3-12.

Peoria Public Art Collection: Fine art as commissioned or direct-purchased from an artist. this includes the artwork identified and ratified by the arts commission that is exhibited in public view on city property, municipal buildings, or privately-held properties.

Public Art ~~means~~ ~~t~~ The creation, installation, display and preservation and maintenance of works of original fine art to include, performing arts and visual art that includes the design, engineering and construction of facilities to be used in whole or in part for the exhibition of works of art and the performing arts. Corporate and private public art also is included for research and development for the present and future development in Peoria neighborhoods.

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

SECTION 11. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-127 and renumbering it as Section 3-11 pertaining to Arts commission; establishment; powers and duties and which shall read as follows:

Sec. ~~2-127~~3-11. Arts commission; establishment; powers and duties.

(a) A Peoria Arts Commission is established to consist of seven (7) members. ~~For those members who are appointed in 1998, the total number of seats shall be reduced by one. For each succeeding year after 1998, the total number of members subject to appointment shall be reduced by one, until the total membership of the commission is seven members, thereafter t~~The members shall be appointed in accordance with Section 211-150 of this code. The members of the commission shall be selected and appointed by the Mayor with the approval of the Council. The Mayor shall appoint a member of the City Council to serve as an ex-officio member of the commission without voting rights.

(b) The Peoria Arts Commission shall have the following purposes and goals:

(1) To protect, enhance, serve and advocate excellence in the arts and related facilities for the people of Peoria in their city.

(2) To set priorities for and plan development of arts activities in Peoria and may cooperate with other public and private agencies in performing its duties.

(3) To raise the level of awareness and involvement of all citizens in the preservation, expansion and enjoyment of the arts in Peoria.

(4) To enhance the natural beauty of Peoria, its cultural and artistic diversity and to encourage the proliferation of the arts in all facets of the public and private sectors.

(5) To establish and carry out, as permitted by law, the policy of inclusion of art in public services of the City and the development of facilities to provide for the exhibition and display of the arts.

(c) The Peoria Arts Commission shall have the power and duty to implement recommendations adopted by the City Council including, but not limited to:

(1) Recommend to the City Council proposals for the development of public art and related facilities- including corporate and private public art.

(2) Coordinate with the private and corporate sectors and other governmental agencies in promoting arts excellence as a tool for the encouragement of economic development, business relocation and tourism.

(3) Organize and promote activities in coordination with other activities which celebrate the City and its unique cultural diversity.

(4) Review and recommend use of allocated and budgeted funds for arts funding. ~~§~~ Subject to the City Charter and the provisions of this Code and assist in recommending to the City Council the development of public facilities to be ~~sued~~ used for the performing and visual arts.

(5) Recommend to the City Council where works of public art should be placed.

(6) Apply for and accept gifts, grants, funds, contributions and bequests in furtherance of the purposes of this Section, from individuals, public and private entities, agencies, foundations, trusts, corporations, and other organizations or institutions. The City shall account for all proceeds received in a manner consistent with generally accepted accounting principles.

(d) The Peoria Arts Commission shall:

(1) ~~Consultation and discussion~~ Consult and discuss with staff regarding Mayor and Council on Arts related to capital improvement projects, percent for the arts projects, arts programming, budgets and schedules.

(2) Recommend the selection and commissioning of artists with respect to the design, execution, and placement of works of art for which appropriations have been made

(3) Advise the appropriate City departments through the City Manager concerning maintenance requirements of works of art, and recommend to the responsible department the type, frequency and extent of maintenance required to preserve the quality and value of such works. Any proposed work of art which is demonstrated by an appropriate City department head or the Peoria Arts Commission to require extraordinary operations or maintenance expense, shall be reviewed with the City Manager and approved by the City Council.

(4) Recommend to the City Council payment for the design, execution and placement of works of art, within the appropriations in connection with specific projects or from designated appropriations to the Municipal Art Fund.

(5) Establish guidelines for accepting, selecting, purchasing, commissioning, placing, and maintaining City art acquisitions, gifts or temporary use and placement of loaned art.

(6) To recommend to the City Council the use of ~~Public~~ the Municipal Arts Funds for the design, engineering, construction and operation of facilities owned by the City in whole or in part for the performing arts.

(7) In addition, the Peoria Arts Commission shall have such other powers and duties as directed by the City Council.

(e) Percent for arts funding.

(1) All Capital Improvement Projects as defined in Section 2-126 shall include an amount equal to one percent (1%) of the projected cost at the time the project is included within the City's Capital Improvements Program. For the budget year that the Council appropriates funding for the Capital Improvement Project and that the Capital Improvements Project is instituted, the one percent shall be deposited in the Municipal Arts Fund.

(2) Money collected in the Municipal Arts Fund shall be budgeted and expended in the same manner as other City revenues and used for projects pursuant to sections 2-126 through 2-130 of this code. Such expenditures may include the payment of debt service or lease obligations to construct permanent facilities for the display of and performing of arts. Funds unexpended may be re-budgeted in subsequent years in accordance with the City's budget processes. Such funds shall be treated as capital funds for the purpose of section 1-181 of this code.

(3) Money collected in the municipal arts fund may be expended for the following:

A. Art planning and related professional services for the design and commissioning of artists;

B. Documented artist design and related expenses;

C. Expenses for the maintenance of art and expenses for maintenance of facilities where art is contained; and

D. Grants to third parties for arts and cultural services.

~~(f) Funds received as donations shall be accounted for in accordance with the City's financial policies and procedures and all expenditures in excess of five thousand dollars (\$5,000.00) shall be approved by the city council. All expenditures shall follow the city's procurement policies and procedures. Donations received and all expenditures shall follow the City's financial policies and procedures.~~

(g) Works of art under this chapter shall be recommended for placement by the Peoria Arts Commission outside public buildings and in lobbies, rights of way or other publicly or privately held properties and parks. The city manager or his or her designee may direct placement of art inside public buildings in locations designed to appropriately display the works of art.

(h) Any works of art or other personal property coming into possession of the Peoria Arts Commission shall be subject to the control of the City of Peoria. All donated works of art or other personal property shall be placed in accordance with subsection (g).

~~(i) The city manager may designate a department or staff member of the city to furnish support to the Commission, as requested or required. Such support may but not be limited to consist of the following:~~

~~(1) Provide secretarial assistance to include the organization of and taking of minutes.~~

~~(2) Prepare, post, and publish, when required, all notices and agendas.~~

~~(3) To assist in the preparation of agendas and research, obtain and furnish information in support of an explanation of agenda items.~~

~~(4) To assist in the preparation of budgets and financial reports.~~

~~(5) To assist and coordinate the implementation of Commission sponsored events.~~

State Law Reference. A.R.S. §38-431., et.seq.

Charter reference(s)--Appointed boards, art. V.

SECTION 12. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-128 and renumbering it as Section 3-12 pertaining to Arts; Municipal Arts Fund and which shall read as follows:

Sec. ~~2-128~~3-12. Arts; ~~m~~Municipal ~~a~~Arts ~~f~~Fund.

There is established in the city a special fund designated the ~~m~~Municipal ~~a~~Arts ~~f~~Fund into which funds appropriated as contemplated by sections ~~23-10~~23-14 through ~~23-14~~23-14 of this code shall be deposited. Each disbursement from such fund or from other appropriations for works of art or for design, engineering and construction costs or facilities for the display and exhibition of art, and Section 3-11 (e)(3) shall be recommended by the arts commission and authorized in accordance with this code and the City's budget.

SECTION 13. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-129 and renumbering it as Section 3-13 pertaining to Arts; municipal construction projects; public art required and which shall read as follows:

Sec. ~~2-129~~3-13. Arts; municipal construction projects; public art required.

(a) All capital improvement projects submitted for inclusion in the City's capital improvements program, as defined in section ~~23-10~~23-14 of this code shall include an amount equal to one (1) percent of the project cost of such capital improvement project for public

art. Such appropriations shall be amended as necessary by the City to reflect actual project cost.

(b) Money collected in the municipal arts fund shall be appropriated for projects as prescribed by sections ~~23-1026~~ through ~~23-1430~~.

SECTION 14. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-130 and renumbering it as Section 3-14 pertaining to Arts; placement of works of art and which shall read as follows:

Sec. ~~2-130~~3-14. Arts; placement of works of art.

Works of art selected and implemented pursuant to the provisions of sections ~~23-1026~~ through ~~23-1430~~ of this code, may be placed in, on or about any municipal construction project of other municipally owned, leased or rented property. They may be attached or detached within or about such property, and may be either temporary or permanent. Works of art may be placed on private property with documented and recorded easements and/or agreements. Placement of works of art shall be authorized by the Peoria Arts Commission and approved by the City Manager. The city officers responsible for the design and construction of such projects shall make appropriate space available for the placement of works of art.

SECTION 15. Article 14-37 of the Peoria City Zoning Ordinance is amended by amending Section 14-37-5 and renumbering it as Section 3-15 of the Peoria City Code (1992) pertaining to Board of Adjustment and which shall read as follows:

Sec.14-37-53-15. Board Of Adjustment.

(a)A.—Establishment. The City has established the Board of Adjustment pursuant to A.R.S. §9-462 and the City Code, Chapter 20, Section 20-31, and all amendments thereof.

(b)B.—Membership. The ~~board~~ Board of Adjustment shall be composed of five (5) members and one alternate who shall be appointed by the Mayor with the approval of the City Council.

(c)C.—General Powers and Duties. The Board of Adjustment shall hear and decide appeals from decisions of the Community Development Department concerning the interpretation or administration of provisions of ~~this Ordinance contained in Chapter 21 of this Code~~ and minor variances, ~~shall hear appeals from decisions of administrative hearing officers, shall act on applications for temporary use permits and variances (other than those variances determined to be minor),~~ and shall exercise such other powers as granted by Council.

SECTION 16. Chapter 5 of the Peoria City Code (1992) is amended by amending Section 5-9 and renumbering it as Section 3-16 pertaining to Building Board of Appeals and which shall read as follows:

~~Section 5-9~~3-16. Building Board of Appeals.

~~(a)~~(A) The Building Board of Appeals shall be composed of a total of seven (7) regular members. All members of the Board shall be appointed by the Mayor with the approval of the City Council in accordance with the provisions of this Code. The members of the Board shall consist of:

- (1) One member shall be an Arizona registered architect or structural engineer doing business in the City of Peoria.
- (2) One member shall be an Arizona licensed contractor in one or more areas of electrical, mechanical, fire protection or plumbing.
- (3) One member with a background or experience in one or more of the following areas: single family home construction, real estate or general construction.
- (4) Two members who are private citizens, familiar with the construction industry and trades who are residents of the City.
- (5) One member shall be a fire protection engineer.
- (6) One member shall be an industrial safety professional with a background in hazardous materials.

~~(b)~~(B) All members shall serve without pay. However, members may be reimbursed for their actual expenses incurred in connection with their duties upon authorization or ratification by the City Council.

~~(c)~~(C) Members shall be appointed in accordance with Section ~~23-9153~~3-153 of this Code, with the initial terms being staggered to meet the requirements of that section. Members currently serving who do not meet these qualifications shall continue to serve until their terms are expired.

~~(d)~~(D) The Building Board of Appeals is authorized to hear appeals of any final decision or determination of the Building Official relative to the application and interpretation of the following building safety codes adopted and as amended in this Chapter: International Property Maintenance Code, International Building Code, International Residential Code, National Electrical Code, International Mechanical Code, International Plumbing Code, International Energy Conservation Code, and the International Fuel Gas Code.

~~(e)~~(E) A written appeal, outlining the Code provision from which relief is sought and the remedy proposed, shall be submitted to the designated Clerk for the Building Board of Appeals within 20 calendar days of notification of a final decision or determination subject to appeal.

SECTION 17. Chapter 3 of the Peoria City Code (1992) is amended by enacting Section 3-17 pertaining to Citizens Commission on Elected Officials Salaries and which shall read as follows:

Sec. 3-17. Citizens Commission on Elected Officials Salaries.

The Citizens Commission on Elected Officials Salaries shall be organized and shall carry out the duties prescribed in Article II, Section 9 of the City Charter.

SECTION 18. Article 14-37 of the Peoria City Zoning Ordinance is amended by amending Section 14-37-7 and renumbering it as Section 3-18 of the Peoria City Code (1992) pertaining to Design Review Appeals Board and which shall read as follows:

~~14-37-7~~Sec. 3-18. Design Review Appeals Board; Establishment and Membership.

~~(a)~~A. *Establishment.* The City has established the Design Review Appeals Board pursuant to the City Code, Chapter 20, Section 20-75, and all amendments thereof.

~~(b)~~B. *Membership.* The Design Review Appeals Board shall be composed of ~~five (5)~~ seven (7) regular members and one alternate member. All members who shall be appointed by the Mayor with the approval of the City Council in accordance with the provision of this code. The members of the Board shall consist of:

(1) One member shall be a registered architect residing in the city or maintaining an office in the City of Peoria.

(2) One member shall be a registered Landscape Architect.

(3) One member shall be a registered professional engineer.

(4) One member with a background or experience in land planning and/or urban design.

(5) Three private citizens who are resident of the City.

(6) One alternate member meeting any of the qualifications contained in subsections (b)(1) - (b)(5)

~~(c) *General Powers and Duties.* The Design Review Appeals Board shall hear and render a decision on all appeals of decisions of the Community Development Department of design review. All members shall serve without pay. However members may be reimbursed their actual expenses incurred in connection with their duties upon authorization or ratification by the Council.~~

(d) Members shall be appointed in accordance with Section 3-6 of this Code, with the initial terms being staggered to meet the requirements of that section.

(e) Members of the Board appointed as alternates shall be able to participate in all proceedings, but shall not be able to vote, except in accordance with the provisions of this section. Upon a determination by the Chairman that a regular member(s) of the Board is disqualified from participating in a matter or is absent, the Chairman shall designate the alternate member present to sit in place of the absent or disqualified regular member. The designated alternate member shall exercise all powers and duties granted to a regular member during the meeting that they are so designated, except to be nominated to the position of chairman or vice chairman. In the event a matter before the board during which an alternate member is designated is continued to a subsequent meeting, the alternate member shall participate in all subsequent proceedings involving the matter.

(f) Alternate Board members shall not automatically succeed to the seat of a vacant board member, unless appointed by the Mayor with the approval of the Council in the manner provided by this Code.

~~C. *General Powers and Duties.* The Design Review Appeals Board shall hear and render a decision on all appeals of decisions of the Community Development Department of design review.~~

SECTION 19. Chapter 20 of the Peoria City Code (1992) is amended by amending Section 20-74 and renumbering it as Section 3-19 pertaining to Design Review; appeals and which shall read as follows:

Sec. ~~20-743-19.~~ Design Review Board; ~~appeals~~ Power and Duties.

(a) The Design Review Appeals Board shall have the following powers and duties-

(1). The Design Review Board is authorized to hear appeals of the staff decision on any design review application prescribed herein. The Board may take action to uphold, modify or overturn in whole or in part the staff decision on the design review application.

2) Review standards for commercial and residential design in the City and recommend modifications and changes to the City Council and City Manager.

(3) Work with assigned city staff on issues in the city's design review

process and provide recommendations on modifications to the process to ensure community review and input on design review concepts.

(4) Make recommendations to the Council and City Manager pertaining to design and development review issues.

(5) Perform such other duties as may be prescribed by the Council.

~~(a) — A final decision of the community development department on a design review submittal may be appealed by the applicant to the Design Review Appeals Board within 10 calendar days of the date of the final decision. The community development department shall submit any response to the appeal and relevant background material on file within 10 calendar days following the submission of the appeal~~

~~—— (b) — Appeals shall be filed with the community development department on a form provided by the City. The appeal shall specifically indicate those items of the final decision by staff being appealed. The city may charge a fee in the amount provided in chapter 27 of the city code for the appeal.~~

~~—— (c) — All appeals shall be heard within 30 calendar days from the date of submission of the appeal. Any person invited to the review of the design review submittal shall be informed by the community development department of the date, time and location of the appeal hearing.~~

~~—— (d) — A decision on the appeal will be made by the Design Review Appeals Board on the date of the hearing, unless continued at the discretion of the Board and shall be transmitted to the applicant in writing. The decision of the Design Review Appeals Board shall be final.~~

SECTION 20. Chapter 20 of the Peoria City Code (1992) is amended by amending Section 20-75 and renumbering it as Section 3-20 pertaining to Design Review Board; Appeals ~~Board; members; powers and duties~~ and which shall read as follows:

Sec. ~~20-75~~3-20. Design Review Appeals Board; Appeals ~~members; powers and duties~~

~~(a) — The Design Review Board shall be composed of a total of five (5) regular members and one alternate member. All members of the Board shall be appointed by the Mayor with the approval of the Council in accordance with the provisions of this code. The members of the Board shall consist of: A final decision of the Community Development Department on a design review application may be appealed by the applicant to the Design Review Board within 14 calendar days of the date of the final decision.~~

~~—— (1) — One member shall be a registered architect residing in the city or~~

~~_____ maintaining an office in the City of Peoria.~~

~~_____ (2) _____ One member shall be a registered Landscape Architect.~~

~~_____ (3) _____ One member shall be a registered professional engineer.~~

~~_____ (4) _____ One member with a background or experience in land planning
_____ and urban design.~~

~~_____ (5) _____ One private citizens who is resident of the City.~~

~~_____ (6) _____ One alternate member meeting any of the qualifications contained in
_____ subsections (a)(1) - (a)(5)~~

~~(b) _____ All members shall serve without pay. _____ However members may be reimbursed their actual expenses incurred in connection with their duties upon authorization or ratification by the Council. Appeals shall be filed with the Community Development Department on a form provided by the City. The appeal shall specifically indicate those items of the final decision by staff being appealed. The city may charge a fee in the amount provided in Chapter 27 of the city code for the appeal.~~

~~(c) _____ Members shall be appointed in accordance with Section 2-150 of this Code, with the initial terms being staggered to meet the requirements of that section. All appeals shall be heard within 45 calendar days from the date of submission of the appeal. The appellant shall be informed by the Community Development Department of the date, time and location of the appeal hearing.~~

~~(d) _____ Members of the Board appointed as alternates shall be able to participate in all proceedings, but shall not be able to vote, except in accordance with the provisions of this section. Upon a determination by the Chairman that a regular member(s) of the Board is disqualified from participating in a matter or is absent, the Chairman shall designate the alternate member present to sit in place of the absent or disqualified regular member. The designated alternate member shall exercise all powers and duties granted to a regular member during the meeting that they are so designated, except to be nominated to the position of chairman or vice chairman. In the event a matter before the board during which an alternate member is designated is continued to a subsequent meeting, the alternate member shall participate in all subsequent proceedings involving the matter. A decision on the appeal will be made by the Design Review Board on the date of the hearing, unless continued at the discretion of the Board and shall be transmitted to the applicant in writing. The decision of the Design Review Board shall be final.~~

SECTION 21. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-101 and renumbering it as Section 3-21 pertaining to Economic Development Advisory Board; members; powers and duties and which shall read as follows:

Sec. ~~2-101~~3-21. Economic Development Advisory Board; members; powers and duties.

(a) The Economic Development Advisory Board shall be composed of a total of seven (7) regular members, and one alternate member. All members of the Board shall be appointed by the Mayor with the approval of the Council in accordance with the provisions of this code. The members of the Board shall consist of:

(1) Four members who shall be employed in any of the following occupations.

~~(A)a.~~ Public or private higher education, elementary-consisting of an accredited college or university, secondary and higher education.

~~(B)b.~~ Licensed or registered professions of this state in the fields of architecture, engineering, commercial and office or industrial development.

~~(C)c.~~ Federally or state chartered lending institutions.

~~(D)d.~~ Business advocacy organizations

~~(E)e.~~ Public-Service Corporations or Telecommunications or private utility companies.

~~(F)f.~~ Commercial or industrial rReal eEstate dDevelopment

~~g(G).~~ Private Sector Corporation managementBusiness development or corporate site selection companies.

(2) Three members plus one alternate member who are private citizens of ~~this state~~Maricopa County.

(3) The Economic Development Service Director of the City shall be a non-voting member

(b) All members shall serve without pay. However members may be reimbursed their actual expenses incurred in connection with their duties upon approval of the City Manager or his designee.

(c) Members shall be appointed in accordance with Section ~~2-3-6150~~2-3-6150 of this Code, with the initial terms being staggered to meet the requirements of that section.

(d) Members of the Board appointed as alternates shall be able to participate

in all Board proceedings, but shall not be able to vote, except in accordance with the provisions of this section. Upon a determination by the Chairman that a regular member(s) of the Board is disqualified from participating in a matter or the Board is lacking a quorum, the Chairman shall designate the alternate member present to sit in place of the absent or disqualified regular member(s). The designated alternate member(s) shall exercise all powers and duties granted to a regular member during the meeting that they are so designated, except to be nominated to the position of chairman or vice chairman. In the event a matter before the Board during which an alternate member is designated is continued to a subsequent meeting, the alternate member shall participate in all subsequent proceedings involving the matter.

(e) Alternate Board members shall not automatically succeed to the seat of a vacant board member, unless appointed by the Mayor with the approval of the council in the manner provided by this code.

(f) The Economic Development Advisory Board shall make recommendations to the Mayor and Council on Economic Development issues, including but not limited to:

- (1) Economic Development element of the City's General Plan
- (2) Recommendations on Economic Development Related programs ~~Projects~~
- (3) Economic Development Implementation Strategies and policies ~~Plans~~ for promoting economic development in the City.

SECTION 22. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-85 and renumbering it as Section 3-22 pertaining to Finance; worker's compensation and employee benefits trust and which shall read as follows:

Sec. ~~2-85~~3-22. Finance; worker's compensation and employee benefits trust.

(a) The City ~~shall~~may designate a risk management consultant or insurance administrator licensed pursuant to title 20, chapter 2, Arizona Revised Statutes.

(b) There shall be an Employee Benefits Trust Board, which shall serve as trustees for the City's Employee Benefit Trust, if any and the Worker's Compensation Trust Fund. The Employee Benefits Trust Board shall consist of five (5) trustees, not withstanding any other provision of this code, no more than one may be an employee of the City. The City's Human Resources Director or their designee shall be an ex-officio member of the Employee Benefits Trust Board.

(c) The trustees of the Employee's Benefit Trust Board trust must be bonded. The Board shall provide for an annual audit to be performed by an external auditor and a copy of the report kept on file in the Department of the City Clerk.

- (1) The trustees of the Employee's Benefit Trust Board shall not make

any expenditure from the trust fund for any purpose not specified in this code.

(2) Expenditures during the fiscal year from the trust fund and monies in the trust fund at the close of the fiscal year shall not be subject to the provisions of title 42, chapter 17, article 3, Arizona Revised Statutes.

SECTION 23. Article 14-37 of the Peoria City Zoning Ordinance is amended by amending Section 14-37-8 and renumbering it as Section 3-23 of the Peoria City Code (1992) pertaining to Historic Preservation Commission and which shall read as follows:

~~14-37-8~~ Sec. 3-23 ~~HISTORIC — PRESERVATION — BOARD~~ Historic Preservation Commission.

~~(a)A.~~ *Establishment.* The City has established the Historic Preservation Commission pursuant to the City Code, Chapter 20, Section 20-30, and all amendments thereof.

~~(b)B.~~ *Membership.* The Historic Preservation Commission shall be composed of ~~five~~ seven (57) members who shall be appointed by the Mayor with the approval of the City Council.

~~(c)C.~~ *General Powers and Duties.* Pursuant to the City Code, ~~Chapter 20, Section 20-34,~~ and all amendments thereof, the Historic Preservation Commission shall review and make recommendations to the City Council on matters concerning significant historic, architectural, and cultural landmark's within the City.

SECTION 24. Chapter 2 of the Peoria City Code (1992) is amended by renumbering Section 2-121 as Section 3-24 pertaining to Historic Preservation Commission; members.

SECTION 25. Chapter 2 of the Peoria City Code (1992) is amended by renumbering Section 2-122 as Section 3-25 pertaining to Historic Preservation Commission; officers.

SECTION 26. Chapter 2 of the Peoria City Code (1992) is amended by renumbering Section 2-123 as Section 3-26 pertaining to Historic Preservation Commission; meetings.

SECTION 27. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-124 and renumbering it as Section 3-27 pertaining to Historic Preservation Commission; powers and duties and which shall read as follows:

~~Sec. 2-124~~ 3-27 Historic Preservation Commission; powers and duties.

(a) It shall be the duty of the Historic Preservation Commission to:

- (1) Review criteria for the identification of significant historic, architectural, and cultural landmarks and for the delineation of historic district.
 - (2) Review existing surveys of significant historic, architectural, and cultural landmarks and historic districts within the City and periodically update the survey.
 - (3) Recommend to the City Council the designation of identified structures, sites or resources as landmarks and historic districts.
 - (4) Recommend to the City Council acceptance of the donation or other method of acquisition of facade easements, development rights or other interests in real property as necessary to carry out the purposes of this ordinance.
 - (5) Increase public awareness of the value of historic, cultural and architectural preservation.
 - (6) Make recommendations to the City Council concerning the utilization of state, federal or private funds to promote the preservation of landmarks and historic districts within the City.
 - (7) Approve or disapprove of applications for Certificate of Appropriateness and Finding of Hardship pursuant to City Code Chapter 21-629 ~~Section 14-38-5~~ and ~~Sec. 14-38-8~~ 21-632 of the Peoria City Code (1977 edition).
 - (8) Promulgate bylaws, guidelines and rules of procedure as approved by the Council.
- (b) The Historic Preservation Commission may recommend a uniform schedule of fees for services. Such fees shall be adopted by ordinance.

SECTION 28. Chapter 3 of the Peoria City Code (1992) is amended by enacting Section 3-28 pertaining to Industrial Development Authority and which shall read as follows:

Section 3-28. Industrial Development Authority.

The Industrial Development Authority shall be organized and shall carry out the duties prescribed in Arizona Revised Statutes Sections 35-701, et seq.

SECTION 29. Chapter 15 of the Peoria City Code (1992) is amended by amending Section 15-8 and renumbering it as Section 3-29 pertaining to Judicial Selection advisory Board – Establishment; membership; powers and duties; operating procedures and which shall read as follows:

Sec. ~~15-83-29~~. Judicial Selection advisory Board – Establishment; membership; powers and duties; operating procedures.

(a) There is hereby created a Judicial Selection Advisory Board to be composed of five members, consisting of the following:

- (1) A Judge of the Arizona Superior Court-Maricopa County as designated by the Presiding Judge of that Court;
- (2) Two active members of the State Bar of Arizona, one of who must be a resident of the City of Peoria and who shall be appointed by the Mayor from among nominees recommended by the State Bar's Board of Governors;
- (3) Two public members who are nominated by the Mayor and who are residents of the City of Peoria. None of the public members or a member of their immediate family shall be an employee or elected official of the City of Peoria. Immediate family is defined as Spouse, Parent, Child, Sibling, Step Parent, Step Child, Grand Parent, Grand child.

(b) All members other than the Judge of –Superior Court shall be subject to confirmation by the City Council. The Judicial Selection Advisory Board shall be deemed a non scheduled board in accordance with Chapter 2 of the Peoria City Code. Members shall serve a term of four years. The members shall serve without salary or compensation.

(c) The Board's officers shall consist of a chairman and vice-chairman, each selected from the Board's members. Officers shall serve one-year terms. The members shall determine operating procedures for the Board, which shall be kept in writing. The vice-chairman shall preside whenever the chairman is absent or unable to act. The chairman will have the duty to prepare written reports as may be requested by the City Council.

(d) The Board shall have the following powers and duties:

(1) To conduct investigations into the background and qualifications of candidates for the office of Presiding Municipal Judge and Associate Municipal Judge, including but not limited to the use of questionnaires, personal interviews, and contacting such individuals and institutions as it deems reasonable to obtain as much background information on the candidate as possible.

(2) In the case of the appointment of a new Presiding Municipal Judge, ~~if the Presiding Municipal Judge is seeking reappointment for a new term of office commencing July 1, then by January 31, of the year in which the term of the Presiding Municipal Judge ends,~~ or appointment of a successor presiding judge, the Board shall commence the process to review and submit a recommendation to the City Council Subcommittee on Charter Officers regarding the

~~reappointment of the Presiding Municipal Judge. The Board shall submit its recommendation no later than April 1 of the year in which the term of the Presiding Municipal Judge ends.~~

(3) If the position of the Presiding Municipal Judge is vacant, The Board shall review all applications for the position. The Board shall recommend to the City Council, three persons nominated by the Board to fill the vacancy. The vacancy shall be filled by the City Council from the names submitted to the Council by the Board.

(4) In the case of an Associate Municipal Judge, if the Associate Municipal Judge position is vacant ~~is seeking reappointment for a new term of office commencing July 1, then by January 31, of the year in which the term of the Associate Municipal Judge ends,~~ the Board shall commence the process to review and submit a recommendation to the Presiding Municipal Judge regarding the appointment of an Associate Municipal Judge. ~~reappointment of the Presiding Municipal Judge. The Board shall submit its recommendation no later than April 1 of the year in which the term of the Associate Municipal Judge ends.~~

(5) If the position of the Associate Municipal Judge is vacant, The Board shall review all applications for the position. The Board shall recommend to the Presiding Municipal Judge, three persons nominated by the Board to fill the vacancy. The vacancy shall be filled by the Presiding Municipal Judge from the names submitted by the Board.

(e) The Board may consider the diversity of the community in making its recommendations, However, in submitting its recommendations for candidates for appointment or reappointment to the office of Presiding Municipal Judge or Associate Municipal Judge, the Board shall make such recommendations without regard for race, religion, political affiliation or sex of the candidate.

~~(f) The meetings of the Board shall be held once each year for the purpose of reviewing operating procedures and on call of the chairman or a majority of the members.~~

~~—(g)—~~The chairman of the Board shall issue a call for a meeting promptly upon learning of the existence or anticipated existence of a vacancy in the office of judge of the City Court. The Board shall, whenever practical, hold public meetings designed to permit interested parties and groups to submit and recommend persons for consideration.

SECTION 30. Chapter 10 of the Peoria City Code (1992) is amended by renumbering Section 10-16 as Section 3-30 pertaining to Library Board; created.

SECTION 31. Chapter 10 of the Peoria City Code (1992) is amended by amending Section 10-17 and renumbering it as Section 3-31 pertaining to Library Board; members and which shall read as follows:

Sec. ~~10-17~~3-31. Library Board; members.

(a) The Library Board of the City shall be composed of a total of seven (7) voting members. ~~The Mayor may appoint no more than two (2) Emeritus members to the Board. The members of the Board shall be appointed by the Mayor with the approval of the Council.~~

~~(b) The Emeritus members of the Board shall be non-voting members. An Emeritus member shall be a qualified elector of the City who has provided a significant contribution to the City in the development and growth of the City Library. With the exception of voting and holding the position of Chairman and Vice Chairman, an Emeritus member shall have all the rights and privileges of a member of the library board. The terms of an Emeritus board member shall be set in accordance with all other terms for Board members under this Code, however an Emeritus member shall not be subject to the term limitations for voting board members contained in this code.~~

~~(c) All members shall serve without pay; however members of the board may be reimbursed for actual expenses incurred in connection with their duties upon authorization or ratification by the board and approval of such expenditure by the council.~~

~~(d) Notwithstanding subsection (a) of this section, any member may be removed by a majority vote of the council, upon motion made by any councilmember.~~

SECTION 32. Chapter 10 of the Peoria City Code (1992) is amended by renumbering Section 10-18 as Section 3-32 pertaining to Library Board; officers.

SECTION 33. Chapter 10 of the Peoria City Code (1992) is amended by amending Section 10-19 and renumbering it as Section 3-33 pertaining to Library Board; meetings and which shall read as follows:

Sec. ~~10-19~~3-33. Library Board; meetings.

(a) Regular meetings of the library board will be held ~~(in January, March, September and November)~~ at such time and place as shall be designated by the chairman of the board. In addition, the board may hold special meetings upon the call of the chairman or a majority of the members of the board.

(b) A majority of the members comprising the board shall constitute a quorum shall be necessary to transact board business. The affirmative vote of a majority of those members present and voting shall be required for passage of any matter before the board. The minutes of the meetings shall reflect the "ayes" and "noes" cast on a particular measure and shall reflect the vote of each member present. A member may abstain from

voting only upon a declaration that he has a conflict of interest, in which case such member shall take no part in the deliberations on the matter in question. The vote of any member who fails to declare his vote shall be recorded as an "aye" vote, provided that he is not exempt from voting by reason of a declared conflict of interest.

SECTION 34. Chapter 10 of the Peoria City Code (1992) is amended by amending Section 10-20 and renumbering it as Section 3-34 pertaining to Library Board; Functions.

Sec. ~~10-20~~ 3-34. Library board; functions.

The library board shall serve in an advisory capacity only to the city council on matters relating to the library system and services , and shall perform such other duties as may be prescribed by the council.

SECTION 35. Chapter 3 of the Peoria City Code (1992) is amended by enacting Section 3-35 pertaining to Municipal Development Authority and which shall read as follows:

Section 3-35. Municipal Development Authority.

The Municipal Development Authority shall be organized as an Arizona non-profit corporation and shall carry out the duties prescribed in its governing documents.

SECTION 36. Chapter 18 of the Peoria City Code (1992) is amended by renumbering Section 18-16 as Section 3-36 pertaining to Parks and Recreation Board; Established.

SECTION 37. Chapter 18 of the Peoria City Code (1992) is amended by renumbering Section 18-17 as Section 3-37 pertaining to Parks and Recreation Board; members.

SECTION 38. Chapter 18 of the Peoria City Code (1992) is amended by renumbering Section 18-18 as Section 3-38 pertaining to Parks and Recreation Board; officers.

SECTION 39. Chapter 18 of the Peoria City Code (1992) is amended by renumbering Section 18-19 as Section 3-39 pertaining to Parks and Recreation Board; meetings.

SECTION 40. Chapter 18 of the Peoria City Code (1992) is amended by renumbering Section 18-20 as Section 3-40 pertaining to Parks and Recreation Board; powers and duties.

SECTION 41. Chapter 19 of the Peoria City Code (1992) is amended by amending Section 19-31 and renumbering it as Section 3-41 pertaining to Personnel board; establishment and which shall read as follows:

~~Sec. 19-31.~~ Sec. 3-41 Personnel board; establishment and members.

(a) There is hereby created a Personnel Board. The scope of the Personnel Board shall include the conduct of hearings on certain employee appeals and the formulation of supplemental personnel system rules, regulations and recommendations. The recommended supplemental personnel system rules, regulations and recommendations pertaining thereto shall be advisory only and shall be forwarded to the City Council for its consideration and action.

(b) The Personnel Board of the City shall be composed of a total of three (3) regular members and one alternate member. The members of the Board shall be appointed by the Mayor with the approval of the council. ~~Upon the effective date of this ordinance the Board shall be reduced in number by the number of vacant seats. For each succeeding year after 1998, the total number of members subject to appointment shall be reduced by one, until the total membership of the Personnel Board is three members. However, if only one member of the Personnel Board is subject to appointment in that year, the year shall be skipped until the next year where more than one member is subject to appointment. Thereafter the members shall be appointed in accordance with Section 3-1 and 3-6~~ 2-150 of this chapter code.

(c) Members of the Board appointed as alternates shall be able to participate in all Board proceedings, but shall not be able to vote, except in accordance with the provisions of this section. Upon a determination by the Chairman that a regular member(s) of the Board is disqualified from participating in a matter or the Board is lacking a quorum, the Chairman shall designate the alternate member present to sit in place of the absent or disqualified regular member(s). The designated alternate member(s) shall exercise all powers and duties granted to a regular member during the meeting that they are so designated, except to be nominated to the position of chairman or vice chairman. In the event a matter before the Board during which an alternate member is designated is continued to a subsequent meeting, the alternate member shall participate in all subsequent proceedings involving the matter.

(d) Alternate Board members shall not automatically succeed to the seat of a vacant board member, unless appointed by the Mayor with the approval of the council in the manner provided by this code.

SECTION 42. Chapter 19 of the Peoria City Code (1992) is amended by repealing Section 19-32 in its entirety and renumbering it as reserved Section 3-42 pertaining to Personnel board; members and which shall read as follows:

~~Sec. 19-32.~~ Sec. 3-42 ~~Personnel board; members.~~ Reserved

~~—The Personnel Board of the City shall be composed of a total of three (3) regular members and one alternate member. The members of the Board shall be appointed by the mayor with the approval of the Council.~~

~~(Code 1977, § 3-3-2)~~

~~(Ord. No. 90-61, 12/11/90)~~

~~(Ord. No. 98-103, 9/22/98, amended)~~

SECTION 43. Chapter 19 of the Peoria City Code (1992) is amended by renumbering Section 19-33 as Section 3-43 pertaining to Personnel board; meetings.

SECTION 44. Chapter 19 of the Peoria City Code (1992) is amended by renumbering Section 19-34 as Section 3-44 pertaining to Personnel board; rules and regulations.

SECTION 45. Chapter 19 of the Peoria City Code (1992) is amended by renumbering Section 19-35 as Section 3-45 pertaining to Personnel board; duties.

SECTION 46. Chapter 19 of the Peoria City Code (1992) is amended by renumbering Section 19-36 as Section 3-46 pertaining to Hearings.

SECTION 47. Chapter 19 of the Peoria City Code (1992) is amended by renumbering Section 19-37 as Section 3-47 pertaining to Right of Appeal.

SECTION 48. Chapter 19 of the Peoria City Code (1992) is amended by renumbering Section 19-38 as Section 3-48 pertaining to Method of Appeal.

SECTION 49. Chapter 19 of the Peoria City Code (1992) is amended by renumbering Section 19-39 as Section 3-49 pertaining Notice.

SECTION 50. Chapter 19 of the Peoria City Code (1992) is amended by amending Section 19-40 and renumbering it as Section 3-50 pertaining to Hearing and which shall read as follows:

19-50 Sec 3-50 Hearing: Rules of Procedure.

The Personnel Board shall recommend to the City Manager rules of procedure under which hearings provided for by this article or pursuant to Personnel Administrative Regulations shall be conducted. The City Manager shall review the rules recommended by the Personnel Board and together with any amendments which he has incorporated shall promulgate such rules.

SECTION 51 Chapter 19 of the Peoria City Code (1992) is amended by renumbering Section 19-41 as Section 3-51 pertaining Findings and Recommendations.

SECTION 52. Article 14-37 of the Peoria City Zoning Ordinance is amended by amending Section 14-37-3 and renumbering it as Section 3-46 of the Peoria City Code (1992) pertaining to Planning and Zoning Commission and which shall read as follows:

~~14-37-3~~Sec. 3-52 ~~PLANNING AND ZONING COMMISSION~~Planning and Zoning Commission

~~(a)A.~~ *Establishment.* The City has established the Planning and Zoning Commission pursuant to Chapter 20, Section 20-16, of the Peoria City Code (1992 edition) and in accordance with ARS § 9-461.

~~(b)B.~~ *Membership.* The Planning and Zoning Commission shall be composed of seven members and one alternate who shall be appointed by the Mayor with the approval of the City Council in accordance with the provisions of the City Code.

~~(c)C.~~ *General Powers and Duties.* The Planning and Zoning Commission acts as an advisory board to the City Council on land use and zoning matters. The Planning and Zoning Commission shall hold public hearings as required by law and make recommendations to the City Council on all matters concerning or relating to General Plan amendments, ~~zoning district map amendments~~rezones, conditional use permits, zoning ordinance text amendments, and other matters affecting land use and development within the City.

SECTION 53. Chapter 20 of the Peoria City Code (1992) is amended by renumbering Section 20-16 as Section 3-53 pertaining to Planning and Zoning Commission; established.

SECTION 54. Chapter 20 of the Peoria City Code (1992) is amended by renumbering Section 20-17 as Section 3-54 pertaining to Planning and Zoning Commission; members.

SECTION 55. Chapter 20 of the Peoria City Code (1992) is amended by renumbering Section 20-18 as Section 3-55 pertaining to Planning and Zoning Commission; officers.

SECTION 56. Chapter 20 of the Peoria City Code (1992) is amended by renumbering Section 20-19 as Section 3-56 pertaining to Planning and Zoning Commission; meetings.

SECTION 57. Chapter 20 of the Peoria City Code (1992) is amended by renumbering Section 20-20 as Section 3-57 pertaining to Planning and Zoning Commission; powers and duties.

SECTION 58. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-74 and renumbering it as Section 3-58 pertaining to Public defender contract review committee and which shall read as follows:

Sec. ~~2-74~~3-58. Public defender contract review committee.

(a) There is established the Public Defender Contract Review Committee. The committee shall consist of five members appointed by the mayor and confirmed by the council. The members of the committee shall consist of:

- (1) A member of the Maricopa County Public Defender's Office.
- (2) The President of the Western Maricopa County Bar Association or a member of that association recommended by the President.
- (3) One private person who shall be an active member in good standing of the State Bar of Arizona.
- (4) Two private citizens who are residents of the City.

(b) All members shall serve without pay. However members may be reimbursed their actual expenses incurred in connection with their duties upon authorization or ratification by the council.

(c) Members shall be appointed in accordance with Section ~~3-62-150~~ of this Code, with the initial terms being staggered to meet the requirements of that section.

(d) Notwithstanding subsection (a) of this section, any member of the board may be removed by a majority vote of the council upon motion of any member of the council.

SECTION 59. Chapter 2 of the Peoria City Code (1992) is amended by renumbering Section 2-75 as Section 3-59 pertaining to Public defender contract review committee; powers and duties.

SECTION 60. Chapter 19 of the Peoria City Code (1992) is amended by renumbering Section 19-43 as Section 3-60 pertaining to Public Safety Retirement System Board; police and fire local boards; terms.

SECTION 61. Chapter 19 of the Peoria City Code (1992) is amended by renumbering Section 19-44 as Section 3-61 pertaining to Public Safety Retirement System Board; police and fire local boards; election procedures for employee members.

SECTION 62. Chapter 2 of the Peoria City Code (1992) is amended by renumbering Section 2-131 as Section 3-62 pertaining to Sister Cities Board; establishment; powers and duties.

SECTION 63. Chapter 2 of the Peoria City Code (1992) is amended by renumbering Section 2-132 as Section 3-63 pertaining to Sister Cities Board; qualifications.

SECTION 64 Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-135 and renumbering it as Section 3-64 pertaining to Veterans Memorial Board; establishment; powers and duties and which shall read as follows:

Sec. ~~2-135~~3-64. Veterans Memorial Board; establishment; powers and duties.

(a) A Veterans Memorial Board is established to consist of seven (7) members. The members shall be appointed in accordance with Section ~~3-62-150~~ of this code. The members of the board shall be selected and appointed by the Mayor with the approval of the Council.

(b) The Veterans Memorial Board shall have the following purposes and goals:

(1) Develop and promote recognition of veterans of the armed forces of the United States and their contributions to the community.

(2) Provide opportunities for City officials and citizens of Peoria to organize activities and events including the Veterans Memorial to remind the community of sacrifices made by Veterans and members of the armed forces.

(3) Cooperate with other communities as requested by the Council to develop activities and events recognizing the contributions of veterans of the armed forces.

(c) The Veterans Memorial Board shall:

(1) Recommend activities and events to the City to focus on the contributions of veterans of the armed forces to the community.

(2) Recommend programs focused on the Veterans Memorial to recognize the contributions of veterans and current members of the armed forces of the United States.

(3) Recommend to the City Council agreements with other governmental and non-governmental organizations to collaborate on promoting understanding of the needs and services of veterans of the armed forces to the community.

(4) In addition, the Veterans Memorial Board shall have such other powers and duties as directed by the City Council.

(d) The City Council may budget such funds as it deems appropriate for the activities of the Veteran's Memorial Board through the annual appropriations process. Funds received as donations shall be accounted for in accordance with the City's financial policies and procedures and all expenditures in excess of ten thousand dollars (\$10,000.00) shall be approved by the City Manager. All expenditures shall follow the City's procurement policies and procedures.

(e) The City Manager may designate a department or staff member of the City to furnish support to the Board, as requested or required.

SECTION 65. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-136 and renumbering it as Section 3-65 pertaining to Veterans Memorial Board; establishment; qualifications and which shall read as follows:

Sec. ~~2-1363-65~~. Veteran's Memorial Board; qualifications

Notwithstanding Section ~~23-156~~ of this code, members of the Veteran's Memorial Board are not required to be residents of the City.

SECTION 66. Chapter 9 of the Peoria City Code (1992) is amended by amending Section 9-5 and renumbering it as Section 3-66 pertaining to Fire-Medical Department; pension funds, volunteers, firefighters and which shall read as follows:

Sec. ~~9-53-66~~. Fire-Medical Department; pension funds, volunteers, firefighters.

(a) A volunteer firemen's relief and pension fund is established pursuant to A.R.S. title 9, ch. 8, art. 3 [§ 9-951 et seq.]. The Mayor with the consent of the ~~e~~Council shall appoint members to the Board of Trustees of the Volunteer Firemen's Relief and Pension Fund in accordance with the provisions of this code.

The city may also purchase a private benefit plan for individuals covered under this fund.

~~(b) A firemen's relief and pension fund is established pursuant to A.R.S. tit. 9, ch. 8, art. 3 [§ 9-951 et seq.].~~

SECTION 67. Chapter 18 of the Peoria City Code (1992) is amended by renumbering Section 18-26 as Section 3-67 pertaining to Youth Advisory Board; established.

SECTION 68. Chapter 18 of the Peoria City Code (1992) is amended by amending Section 18-27 and renumbering it as Section 3-68 pertaining to Youth Advisory Board; Members; Officers and which shall read as follows:

Sec. ~~18-273-68~~. Youth Advisory Board; Members; Officers.

(a) The Youth Advisory Board of the City shall be composed of a total of Nineteen (19) regular and two (2) alternate members. Alternate Board members shall not automatically succeed to the seat of a vacant board member unless appointed by the Mayor with the approval of the Council in the manner provided by this Code. All members and alternates shall be appointed by the Mayor with the approval of the Council.

(b) All members shall serve without pay. However, members may be reimbursed for actual expenses incurred in connection with their duties upon authorization or ratification by the Board and approval of the expenditure by the Council.

(c) Notwithstanding the provisions of Section ~~3-62-150~~ of this code, the terms of members of the Youth Advisory Board shall be two (2) years. At the time of initial appointment, the terms shall be staggered so that no more than 10 members shall serve

two-year terms and 9 members having one-year terms. The terms of the alternate members shall be two years. Notwithstanding any other provision of this code, members of the Youth Advisory Board shall be eligible for reappointment for up to two additional terms.

(d) The Youth Advisory Board shall elect a chairman and vice-chairman from among its own members; each of who shall serve for one (1) year and until his successor is elected and qualified. The chairman shall preside at all meetings and exercise all the usual rights, duties and prerogatives of the head of any similar organization. Upon vacancy in the position of chairman, the vice-chairman shall succeed as chairman and complete the remainder of their term. Vacancies for any other position, created by any cause shall be filled for the unexpired term by a new election.

SECTION 69. Chapter 18 of the Peoria City Code (1992) is amended by renumbering Section 18-28 as Section 3-69 pertaining to Youth Advisory Board; meetings.

SECTION 70. Chapter 18 of the Peoria City Code (1992) is amended by renumbering Section 18-29 as Section 3-70 pertaining to Youth Advisory Board; powers and duties.

SECTION 71. The current sections of Chapter 3 of the Peoria City Code (1992) will be renumbered and/or amended by way of a separate ordinance to be submitted to the Mayor and City Council for approval.

SECTION 72. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 73. This Ordinance shall become effective in the manner provided by law.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this
13th day of June, 2017.

Cathy Carlat, Mayor

Date Signed

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Stephen Burg,

Published in Peoria Times
Publication Dates: June 23, 2017
Effective Date: _____