

ORDINANCE NO 2021-08

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AMENDING CHAPTER 3 OF THE PEORIA CITY CODE (1992) INCLUDING RENUMBERING VARIOUS SECTIONS THROUGHOUT THE CHAPTER WITH THE CURRENT ORIGINAL SECTIONS TO BE RENUMBERED AND/OR AMENDED RESPECTIVELY LATER IN THIS ORDINANCE. CHAPTER 3 OF THE PEORIA CITY CODE (1992) IS AMENDED BY AMENDING SECTION 3-1 PERTAINING TO BOARDS AND COMMISSIONS; QUALIFICATIONS; BY AMENDING SECTION 3-2 PERTAINING TO BOARDS AND COMMISSIONS; LIMITS ON TERMS; ADMINISTRATIVE POLICIES AND REGULATIONS; BY AMENDING SECTION 3-3 PERTAINING TO REMOVAL OF BOARD, COMMISSION AND COMMITTEE MEMBERS; BY AMENDING SECTION 3-4 PERTAINING TO VACANCIES; BOARDS, COMMISSIONS AND COMMITTEES; BY AMENDING SECTION 3-5 PERTAINING TO UNEXPIRED TERMS; BY AMENDING SECTION 3-6 PERTAINING TO BOARDS AND COMMISSIONS; SCHEDULED BOARDS AND COMMISSIONS; TERMS; BY REPEALING THE CONTENT IN THE CURRENT VERSION OF SECTION 3-7 IN ITS ENTIRETY PERTAINING TO REGULARLY SCHEDULED BOARDS AND COMMISSIONS; LIMITS ON TERMS; BY REPEALING THE CONTENT IN THE CURRENT VERSION OF SECTION 3-8 IN ITS ENTIRETY PERTAINING TO BOARDS AND COMMISSIONS; UNSCHEDULED BOARDS AND COMMISSIONS; BY REPEALING THE CONTENT IN THE CURRENT VERSION OF SECTION 3-9 IN ITS ENTIRETY PERTAINING TO BOARDS AND COMMISSIONS; UNSCHEDULED BOARDS AND COMMISSIONS; TERMS; BY AMENDING THE CURRENT VERSION OF SECTION 3-10 PERTAINING TO ARTS COMMISSION; DEFINITIONS AND RENUMBERING IT AS THE NEW SECTION 3-7; BY AMENDING THE CURRENT VERSION OF SECTION 3-11 PERTAINING TO ARTS COMMISSION; ESTABLISHMENT; POWERS AND DUTIES AND RENUMBERING IT AS THE NEW SECTION 3-8; BY ENACTING A NEW SECTION 3-9 PERTAINING TO ARTS COMMISSION; POWERS AND DUTIES; BY ENACTING A NEW SECTION 3-10 PERTAINING TO ARTS COMMISSION; MUNICIPAL ARTS FUND; PLACEMENT OF ARTWORK; BY REPEALING THE

CONTENT IN THE CURRENT VERSION OF SECTION 3-12 IN ITS ENTIRETY PERTAINING TO ARTS; MUNICIPAL ARTS FUND; BY ENACTING A NEW SECTION 3-12 PERTAINING TO BOARD OF ADJUSTMENT; POWERS AND DUTIES; BY REPEALING THE CONTENT IN THE CURRENT VERSION OF SECTION 3-13 IN ITS ENTIRETY PERTAINING TO ARTS; MUNICIPAL CONSTRUCTION PROJECTS; PUBLIC ART REQUIRED; BY ENACTING A NEW SECTION 3-13 PERTAINING TO CITIZENS COMMISSION ON SALARIES FOR ELECTED CITY OFFICIALS; ESTABLISHMENT AND MEMBERSHIP; BY REPEALING THE CONTENT IN THE CURRENT VERSION OF SECTION 3-14 IN ITS ENTIRETY PERTAINING TO ARTS; PLACEMENT OF WORKS OF ART; BY ENACTING A NEW SECTION 3-14 PERTAINING TO CITIZENS COMMISSION ON SALARIES FOR ELECTED CITY OFFICIALS; POWERS AND DUTIES; BY AMENDING THE CURRENT VERSION OF SECTION 3-15 PERTAINING TO BOARD OF ADJUSTMENT; ESTABLISHMENT AND MEMBERSHIP AND RENUMBERING IT AS THE NEW SECTION 3-11; BY AMENDING THE CURRENT VERSION OF SECTION 3-16 PERTAINING TO BUILDING BOARD OF APPEALS; AND RENUMBERING IT AS THE NEW SECTION 3-15; BY ENACTING A NEW SECTION 3-16 PERTAINING TO CONSTRUCTION BOARD OF APPEALS; POWERS AND DUTIES; BY REPEALING THE CONTENT IN THE CURRENT VERSION OF SECTION 3-17 IN ITS ENTIRETY PERTAINING TO CITIZENS COMMISSION ON ELECTED OFFICIALS SALARIES; BY AMENDING THE CURRENT VERSION OF SECTION 3-18 PERTAINING TO DESIGN REVIEW BOARD; ESTABLISHMENT AND MEMBERSHIP AND RENUMBERING IT AS THE NEW SECTION 3-17; BY AMENDING THE CURRENT VERSION OF SECTION 3-19 PERTAINING TO DESIGN REVIEW BOARD; POWERS AND DUTIES AND RENUMBERING IT AS THE NEW SECTION 3-18; BY AMENDING RESERVED SECTION 3-20 TO ADDRESS ECONOMIC DEVELOPMENT ADVISORY BOARD; POWERS AND DUTIES; BY AMENDING THE CURRENT VERSION OF SECTION 3-21 PERTAINING TO ECONOMIC DEVELOPMENT ADVISORY BOARD; MEMBERS; POWERS AND DUTIES AND RENUMBERING IT AS THE NEW SECTION 3-19; BY AMENDING THE CURRENT VERSION OF SECTION 3-22 PERTAINING TO FINANCE; WORKER'S COMPENSATION AND EMPLOYEE BENEFITS TRUST AND RENUMBERING IT AS THE NEW

SECTION 3-21; BY ENACTING A NEW SECTION 3-22 PERTAINING TO EMPLOYEE BENEFITS TRUST BOARD; POWERS AND DUTIES; BY AMENDING SECTION 3-23 PERTAINING TO HISTORIC PRESERVATION COMMISSION; BY REPEALING THE CONTENT IN THE CURRENT VERSION OF SECTION 3-24 IN ITS ENTIRETY PERTAINING TO HISTORIC PRESERVATION COMMISSION; MEMBERS; BY REPEALING THE CONTENT IN THE CURRENT VERSION OF SECTION 3-25 IN ITS ENTIRETY PERTAINING TO HISTORIC PRESERVATION COMMISSION; OFFICERS; BY REPEALING THE CONTENT IN THE CURRENT VERSION OF SECTION 3-26 IN ITS ENTIRETY PERTAINING TO HISTORIC PRESERVATION COMMISSION; MEETINGS; BY AMENDING THE CURRENT VERSION OF SECTION 3-27 PERTAINING TO HISTORIC PRESERVATION COMMISSION; POWERS AND DUTIES AND RENUMBERING IT AS THE NEW SECTION 3-24; BY AMENDING THE CURRENT VERSION OF SECTION 3-28 PERTAINING TO INDUSTRIAL DEVELOPMENT AUTHORITY AND RENUMBERING IT AS THE NEW SECTION 3-25; BY ENACTING A NEW SECTION 3-26 PERTAINING TO INDUSTRIAL DEVELOPMENT AUTHORITY; POWERS AND DUTIES; BY AMENDING THE CURRENT VERSION OF SECTION 3-29 PERTAINING TO JUDICIAL AND PUBLIC DEFENDER ADVISORY BOARD; ESTABLISHMENT AND MEMBERSHIP AND RENUMBERING IT AS THE NEW SECTION 3-27; BY AMENDING THE CURRENT VERSION OF SECTION 3-30 PERTAINING TO JUDICIAL AND PUBLIC DEFENDER ADVISORY BOARD; POWERS AND DUTIES AND RENUMBERING IT AS THE NEW SECTION 3-28; BY ENACTING A NEW SECTION 3-29 PERTAINING TO MUNICIPAL DEVELOPMENT AUTHORITY; ESTABLISHMENT AND MEMBERSHIP; BY ENACTING A NEW SECTION 3-30 PERTAINING TO MUNICIPAL DEVELOPMENT AUTHORITY; POWERS AND DUTIES; BY AMENDING THE CURRENT VERSION OF SECTION 3-33 PERTAINING TO PARKS, RECREATION AND COMMUNITY FACILITIES BOARD; ESTABLISHMENT AND MEMBERSHIP AND RENUMBERING IT AS THE NEW SECTION 3-31; BY AMENDING THE CURRENT VERSION OF SECTION 3-34 PERTAINING TO PARKS, RECREATION AND COMMUNITY FACILITIES BOARD; POWERS AND DUTIES AND RENUMBERING IT AS THE NEW SECTION 3-32; BY REPEALING THE CONTENT IN

THE CURRENT VERSION OF SECTION 3-35 IN ITS ENTIRETY PERTAINING TO MUNICIPAL DEVELOPMENT AUTHORITY; BY REPEALING THE CONTENT IN THE CURRENT VERSION OF SECTION 3-37 IN ITS ENTIRETY PERTAINING TO PARKS, RECREATION AND COMMUNITY FACILITIES BOARD; MEMBERS; BY AMENDING THE CURRENT VERSION OF SECTION 3-41 PERTAINING TO PERSONNEL BOARD; ESTABLISHMENT AND MEMBERS AND RENUMBERING IT AS THE NEW SECTION 3-33; BY REPEALING THE CONTENT IN THE CURRENT VERSION OF SECTION 3-43 IN ITS ENTIRETY PERTAINING TO PERSONNEL BOARD; MEETINGS; BY REPEALING THE CONTENT IN THE CURRENT SECTION 3-44 IN ITS ENTIRETY PERTAINING TO PERSONNEL BOARD; RULES AND REGULATIONS; BY AMENDING THE CURRENT SECTION 3-45 PERTAINING TO PERSONNEL BOARD; DUTIES AND RENUMBERING IT AS THE NEW SECTION 3-34; BY AMENDING SECTION 3-46 PERTAINING TO HEARINGS AND RENUMBERING IT AS THE NEW SECTION 3-35; BY REPEALING THE CONTENT OF THE CURRENT SECTION 3-47 IN ITS ENTIRETY PERTAINING TO RIGHT OF APPEAL; BY REPEALING SECTION 3-48 IN ITS ENTIRETY PERTAINING TO METHOD OF APPEAL; BY REPEALING SECTION 3-49 IN ITS ENTIRETY PERTAINING TO NOTICE; BY REPEALING SECTION 3-50 IN ITS ENTIRETY PERTAINING TO HEARING: RULES OF PROCEDURE; BY REPEALING SECTION 3-51 IN ITS ENTIRETY PERTAINING TO FINDINGS AND RECOMMENDATIONS; BY AMENDING THE CURRENT VERSION OF SECTION 3-52 PERTAINING TO PLANNING AND ZONING COMMISSION AND RENUMBERING IT AS THE NEW SECTION 3-36; BY REPEALING THE RESULTING BLANK SECTION 3-52 IN ITS ENTIRETY; BY REPEALING SECTION 3-53 IN ITS ENTIRETY PERTAINING TO PLANNING AND ZONING COMMISSION; ESTABLISHED; BY REPEALING SECTION 3-54 IN ITS ENTIRETY PERTAINING TO PLANNING AND ZONING COMMISSION; MEMBERS; BY REPEALING SECTION 3-55 IN ITS ENTIRETY PERTAINING TO PLANNING AND ZONING COMMISSION; OFFICERS; BY REPEALING SECTION 3-56 IN ITS ENTIRETY PERTAINING TO PLANNING AND ZONING COMMISSION; MEETINGS; BY AMENDING THE CURRENT VERSION OF SECTION 3-57 PERTAINING TO PLANNING AND ZONING COMMISSION; POWERS AND DUTIES AND RENUMBERING IT AS THE

NEW SECTION 3-37; BY REPEALING THE RESULTING BLANK SECTION 3-57 IN ITS ENTIRETY; BY REPEALING RESERVED SECTIONS 3-58 AND 3-59 IN THEIR ENTIRETY; BY AMENDING THE CURRENT VERSION OF SECTION 3-60 PERTAINING TO PUBLIC SAFETY RETIREMENT SYSTEM BOARD; POLICE AND FIRE LOCAL BOARDS; TERMS AND RENUMBERING IT AS THE NEW SECTION 3-38; BY REPEALING THE RESULTING BLANK SECTION 3-60 IN ITS ENTIRETY; BY AMENDING THE CURRENT VERSION OF SECTION 3-61 PERTAINING TO PUBLIC SAFETY RETIREMENT SYSTEM BOARD; POLICE AND FIRE LOCAL BOARDS; ELECTION PROCEDURES FOR EMPLOYEE MEMBERS AND RENUMBERING IT AS THE NEW SECTION 3-39; BY REPEALING THE RESULTING BLANK SECTION 3-61 IN ITS ENTIRETY; BY AMENDING THE CURRENT VERSION OF SECTION 3-62 PERTAINING TO SISTER CITIES BOARD; POWERS AND DUTIES AND RENUMBERING IT AS THE NEW SECTION 3-40; BY REPEALING THE RESULTING BLANK SECTION 3-62 IN ITS ENTIRETY; BY ENACTING A NEW SECTION 3-41 PERTAINING TO SISTER CITIES BOARD; POWERS AND DUTIES; BY REPEALING SECTION 3-63 IN ITS ENTIRETY PERTAINING TO SISTER CITIES BOARD; QUALIFICATIONS; BY AMENDING THE CURRENT VERSION OF SECTION 3-64 PERTAINING TO VETERANS MEMORIAL BOARD; ESTABLISHMENT; POWERS AND DUTIES AND RENUMBERING IT AS THE NEW SECTION 3-42; BY REPEALING THE RESULTING BLANK SECTION 3-64 IN ITS ENTIRETY; BY ENACTING A NEW SECTION 3-43 PERTAINING TO VETERANS MEMORIAL BOARD; POWERS AND DUTIES; BY REPEALING SECTION 3-65 IN ITS ENTIRETY PERTAINING TO VETERANS MEMORIAL BOARD; QUALIFICATIONS; BY AMENDING THE CURRENT VERSION OF SECTION 3-66 PERTAINING TO FIRE-MEDICAL DEPARTMENT; PENSION FUNDS, VOLUNTEERS, FIREFIGHTERS AND RENUMBERING IT AS THE NEW SECTION 3-44; BY REPEALING THE RESULTING BLANK SECTION 3-66 IN ITS ENTIRETY; BY ENACTING A NEW SECTION 3-45 PERTAINING TO VOLUNTEER FIREFIGHTERS PENSION FUND BOARD; POWERS AND DUTIES; BY AMENDING THE CURRENT VERSION OF SECTION 3-67 PERTAINING TO YOUTH ADVISORY BOARD; ESTABLISHED AND RENUMBERING IT AS THE NEW SECTION 3-46; BY REPEALING THE RESULTING BLANK

SECTION 3-67 IN ITS ENTIRETY; BY REPEALING SECTION 3-68 IN ITS ENTIRETY PERTAINING TO YOUTH ADVISORY BOARD; MEMBERS; OFFICERS; BY REPEALING SECTION 3-69 IN ITS ENTIRETY PERTAINING TO YOUTH ADVISORY BOARD; MEETINGS; BY AMENDING THE CURRENT VERSION OF SECTION 3-70 PERTAINING TO YOUTH ADVISORY BOARD; POWERS AND DUTIES AND RENUMBERING IT AS THE NEW SECTION 3-47; BY REPEALING THE RESULTING BLANK SECTION 3-70 IN ITS ENTIRETY; 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 3 of the Peoria City Code (1992) is amended by amending section 3-1 pertaining to Boards and commissions; qualifications, which shall read as follows:

Sec. 3-1. - Boards and commissions; ~~qualifications~~applicability.

- (a) ~~All members of boards and commissions of within the eCity of Peoria shall meet be subject to the following minimum qualifications upon their appointment to any board or commission provisions of this chapter, unless otherwise provided by State law.~~
- (b) Except for the powers and duties of boards or commissions, which are specifically and solely within the authority of the Council, in the event of conflicts between this chapter and the bylaws specific to each board or commission, the specific bylaws shall govern.
- (c) The Council may adopt administrative policies and regulations governing the procedures for the appointment and reappointment of board and commission members.
  - (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.;~~

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

~~(C) As provided in this chapter 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 3 of the Peoria City Code (1992) is amended by amending section 3-2 pertaining to Boards and commissions; limits on terms; Administrative Policies and Regulations, which shall read as follows:

Sec. 3-2. - Boards and Commissions; limits on terms; Administrative Policies and Regulations.

- (a) The Council shall outline the powers and duties of each board or commission upon formation may adopt administrative policies and regulations governing the procedures for the appointment of members of boards and commissions.
  - (1) The powers and duties shall be periodically reviewed by the board or commission, staff liaison and the applicable Subcommittee to ensure the effectiveness of the board or commission.
  - (2) Amendments to the powers and duties shall be approved by the City Council.
- (b) Notwithstanding the specific powers and duties outlined for each board and commission, the City Council may refer additional tasks and projects to any of the boards and commissions as deemed appropriate.
- (c) Unless otherwise noted in this chapter, each board and commission is responsible for acting in an advisory capacity to the City Council on matters specific to the board or commission.
- (d) The following boards and commissions have quasi-judicial functions:
  - (1) Board of Adjustment
  - (2) Construction Board of Appeals
  - (3) Planning and Zoning Commission
  - (4) Design Review Board
- (e) All board and commission members shall serve without pay. However, members may be reimbursed for their actual expenses incurred in connection with their duties upon authorization by the Department Director.
- (f) City staff and board and commission members shall conform to all applicable standards and guidelines.

SECTION 3. Chapter 3 of the Peoria City Code (1992) is amended by amending section 3-3 pertaining to Removal of board, commission and committee members, which shall read as follows:

Sec. 3-3. - ~~Removal of board, commission and committee members~~Boards and Commissions; qualifications.

- (a) All board and commission members, with the exception of board and commission members who are also employees of the City as outlined in this chapter, shall meet the following minimum qualifications upon their appointment to any board or commission: The provisions contained in this section shall apply to all of the boards, commissions or committees of the city, unless otherwise provided by state law.



- (1) Be at least eighteen (18) years of age or older, except if appointed to the Youth Advisory Board.
- (2) Be a resident of the City of Peoria, unless otherwise noted in this chapter.
- (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. Any board, commission or committee member may be removed from office upon a vote of not less than five of the members of the city council for any reasonable cause as determined by the city council.
  - (1) Board of Adjustment.
  - (2) Construction Board of Appeals.
  - (3) Economic Development Advisory Board.
  - (4) Judicial and Public Defender Advisory Board
  - (5) Personnel Board
  - (6) Any board or commission where the employee also acts as primary staff. "Primary staff" means the department that provides staff support and reports to the applicable board or commission.
- (c) With the exception of the Public Safety Personnel Retirement System Boards (Fire and Police) and the Volunteer Firefighter Pension Fund Board, employees of the City of Peoria shall be ineligible for appointment to more than one (1) board or commission at a time.
- (d) With the exception of the Youth Advisory Board or 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 time.
- (e) With the exception of the Employee Benefits Trust Board, or 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 employees 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 as determined by the City Council

SECTION 4. Chapter 3 of the Peoria City Code (1992) is amended by amending section 3-4 pertaining to Vacancies; boards, commissions and committees, which shall read as follows:

Sec. 3-4. - Vacancies; boards, commissions and committeesBoards and Commissions;  
resignation, removal and other membership vacancies.

- (a) Any board or commission member may voluntarily resign from a board or commission by submitting a written resignation to the City Clerk's Office.
- (b) Any board or commission member may be administratively removed from a board or commission. Administrative removal of a board or commission member does not require City Council action and must meet one of the following criteria:
  - (1) A member fails to attend three (3) consecutive meetings that are not excused by the board or commission;
  - (2) A member fails to attend five (5) consecutive meetings, even if the absences have been excused by the board or commission;
  - (3) A member fails to attend at least 75% of the scheduled meetings in any calendar year;
  - (4) A member who ceases to be a resident of the City of Peoria, unless otherwise provided for in this chapter;
  - (5) A member who otherwise fails to meet the minimum qualifications for the position on the board or commission;
  - (6) A member who has a conflict of interest with the City related to their duties and responsibilities on the board or commission.
- (c) Extraordinary circumstances, such as serious illness, may be considered by the board or commission staff when determining whether to administratively remove a member from a board or commission.
- (d) Absences may be excused by the board or commission at a subsequent meeting by placing a disposition of absence on the agenda for approval by the board or commission, if the absent member provides advanced notice of the absence.
- (e) Any board or commission member may be removed from office for reasonable cause as determined by the City Council on a case-by-case basis. In addition, the Council may remove a board or commission member based upon any applicable policies and procedures.
- (f) In the event a board or commission member receives military orders for a period that is projected to last at least four (4) months, the board or commission member's term may be temporarily filled on an interim basis as set forth below:
  - (1) A copy of the order for service shall be provided to the staff liaison or staff assistant of the board or commission;

(2) Upon receipt of the order, the interim position will be filled in the same manner as regular board or commission vacancies through the applicable Subcommittee with the term to be determined based on the military orders.

(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.

~~A vacancy upon a board or commission of the city shall be deemed to have occurred upon the occurrence of the following:~~

~~(a) Death or resignation of a member of a board or commission.~~

~~(b) Ceasing to be a resident of the City of Peoria, unless exempted from the residency requirement pursuant to City Code § 3-1.~~

~~(c) Failure to meet the minimum qualifications for the position of board or commission member.~~

~~(d) Three consecutive unexcused absences from board or commission meetings.~~

~~(e) Removal of a member of a board or commission by the City Council as provided in this chapter.~~

SECTION 5. Chapter 3 of the Peoria City Code (1992) is amended by amending section 3-5 pertaining to Unexpired Terms, which shall read as follows:

Sec. 3-5. - ~~Unexpired Terms~~Boards and Commissions; meetings.

~~Whenever a vacancy has occurred upon one of the boards or commissions of the City, the Mayor with the approval of Council shall appoint a replacement to complete the remainder of the term.~~

(a) Each board and commission shall schedule meetings appropriate to the needs of the board or commission.

(b) Meetings shall be held at such times and places within the City as shall be designated by the staff liaison of the board or commission.

(c) Board and commission meetings shall conform to all applicable standards and guidelines.

(d) Board and commission meetings shall be open to the public.

(e) Board and commission meetings, at the discretion of the Presiding Officer, may offer the public an opportunity to provide feedback on agenda items as well as comments to the board or commission on non-agenda items.

(f) A majority of the total number of members to be appointed to a board or commission, rather than the total number of members currently seated on the board or commission, shall constitute a quorum and no meetings shall be held without a quorum of the board or commission in attendance.

- (g) The affirmative vote of a majority of those members present at a meeting and voting shall be required for passage of any matter before the board or commission.
- (h) Board and commission meetings shall be conducted in compliance with Open Meeting Laws, as well as in accordance with such rules and procedures as may be adopted by the board or commission.

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

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

- (a) Upon establishment of a ~~All boards and or commissions commission,~~ of the applicable Subcommittee shall appoint members to initial varying terms to encourage continuity on the board or commission, unless otherwise outlined in state statute. ~~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) All board and commission members shall serve a term of two (2) years, unless otherwise required by state statute. 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) A person shall not serve on multiple boards and commissions where the duties thereof are determined to be incompatible by the applicable Subcommittee. 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.~~

SECTION 7. Chapter 3 of the Peoria City Code (1992) is amended by repealing the content in the current section 3-7 in its entirety pertaining to Regularly scheduled boards and commissions; limits on terms, which shall read as follows:

~~Sec. 3-7. - Regularly scheduled boards and commissions; limits on terms.~~

- ~~(a) Any person who has completed the maximum number of terms on any regularly scheduled board or commission or the Judicial Selection Advisory Board shall not be eligible for appointment to that board for a period of one year following completion of their term.~~
- ~~(b) No person shall serve more than two consecutive four year terms on any regularly scheduled board or commission of the City of Peoria or the Judicial Selection Advisory Board. In the event that a person is appointed for part of a term, the partial term regardless of length shall not be counted for purposes of calculating the limit of two consecutive terms. Notwithstanding any provision of this section, no person shall serve more than twelve years on any regularly scheduled board or commission of the city or the Judicial Selection Advisory Board.~~
- ~~(c) A person shall serve on no more than one regular scheduled board at any time and no person shall serve on any regular scheduled board and unscheduled board where the duties thereof are deemed to be incompatible in the determination of the city council.~~

SECTION 8. Chapter 3 of the Peoria City Code (1992) is amended by repealing the content in the current section 3-8 in its entirety pertaining to Boards and Commissions; unscheduled boards and commissions, which shall read as follows:

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

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

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

SECTION 9. Chapter 3 of the Peoria City Code (1992) is amended by repealing the content in the current section 3-9 in its entirety pertaining to Boards and Commissions; unscheduled boards and commissions; terms which shall read as follows:

~~Sec. 3-9. Boards and Commissions; unscheduled boards and commissions; terms.~~

~~(a) All members of unscheduled boards and commissions of the city shall serve a term of four (4) years, unless otherwise required by the Arizona Revised Statutes. For those boards and commissions having five (5) members or less, the terms of office shall be staggered that no more than two (2) terms shall expire in any single year. For those boards and commissions having more than (5) members but less than eight (8) members, the terms of office shall be staggered that no more than two (2) terms shall expire in any single year. In the case of board and commission members whose current terms are less than four (4) years and where more than the maximum number of members will come up for appointment in a single year, two (2)~~

~~board and commission members will be appointed for four (4) year terms and one member shall be appointed for a three (3) year term. Thereafter all board and commission members shall be appointed for four (4) year terms. In the case of board and commission members whose current terms are less than four (4) years, the provisions of this section shall become effective upon the beginning of the new term of office.~~

- ~~(b) Except as otherwise provided in this code, members of unscheduled boards and commissions may be appointed and/or reappointed at council discretion to one or more unscheduled boards or commissions.~~

SECTION 10. Chapter 3 of the Peoria City Code (1992) is amended by amending the current version of section 3-10 pertaining to Arts Commission; definitions and renumbering it as the new Section 3-7, which shall read as follows:

Sec. 3-~~10~~7. - Arts Commission; definitions.

The following words, terms and phrases, when used in ~~s~~Sections 3-10-7 through 3-~~14-10~~10 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:* 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:* 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:* 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.

SECTION 11. Chapter 3 of the Peoria City Code (1992) is amended by amending the current version of section 3-11 pertaining to Arts Commission; establishment; powers and duties and renumbering it as the new Section 3-8, which shall read as follows:

Sec. 3-418. - Arts commission; establishment; ~~powers and duties~~and membership.

(a) ~~There is hereby created an A Peoria Arts Commission is established to be composed consist of seven (7) members, all of whom shall be residents of the City. The members shall be appointed in accordance with Chapter 3 of this code.~~

(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 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) Consult and discuss with staff regarding 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 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) 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).~~

SECTION 12. Chapter 3 of the Peoria City Code (1992) is amended by enacting a new section 3-9 pertaining to Arts Commission; powers and duties, which shall read as follows:

Sec. 3-9. – Arts Commission; powers and duties.

(a) The commission shall have the following powers and duties:

- (1) Set priorities for and plan development of public art activities in Peoria and may cooperate with other public and private agencies in performing its duties.
- (2) Raise the level of awareness and involvement of all citizens in the preservation, expansion and enjoyment of public art in Peoria.
- (3) 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.
- (4) Implement recommendations adopted by the City Council.

- (5) Recommend proposals for the development of public art and related facilities including corporate and private public art.
- (6) 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.
- (7) Organize and promote activities and events that celebrate the City and its unique cultural diversity.
- (8) 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 the development of public facilities to be used for the performing and visual arts.
- (9) Recommend where works of public art should be placed.
- (10) 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.
- (11) Consult with staff regarding arts related to capital improvement projects, percent for the arts projects, arts programming, budgets and schedules.
- (12) 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.
- (13) Advise the appropriate City departments concerning maintenance requirements of works of art, and recommend the type, frequency and extent of maintenance required to preserve the quality and value of such works. Any proposed work of art that demonstrates extraordinary operations or maintenance expense, shall be approved by the City Council.
- (14) Recommend 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.
- (15) Establish guidelines for accepting, selecting, purchasing, commissioning, placing, and maintaining City art acquisitions, gifts or temporary use and placement of loaned art.
- (16) Recommend the use of 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 and visual arts.

SECTION 13. Chapter 3 of the Peoria City Code (1992) is amended by enacting a new section 3-10 pertaining to Arts Commission; Municipal Arts Fund; placement of artwork, which shall read as follows:

Sec. 3-10. – Arts Commission; Municipal Arts Fund; placement of artwork

- (a) There is established in the City a special fund designated the Municipal Arts Fund into which funds appropriated as contemplated by Sections 3-7 through 3-10 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 3-10 (c)(3) shall be recommended by the Arts Commission and authorized in accordance with this code and the City's budget.
- (b) Money collected in the Municipal Arts Fund shall be appropriated for projects as prescribed by sections 3-7 through 3-10.
- (c) Percent for arts funding.
- (1) All Capital Improvement Projects as defined in Section 3-7 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 this code. Such expenditures may include the payment of debt service or lease obligations to construct permanent facilities for visual and performing 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 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.
- (d) Donations received and all expenditures shall follow the City's financial policies and procedures.
- (e) 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.
- (f) Works of art selected and implemented pursuant to the provisions of Sections 3-7 through 3-10 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. Place of works of art shall be authorized by the 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.

(g) 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 (f).

SECTION 14. Chapter 3 of the Peoria City Code (1992) is amended by repealing the content in the current version of section 3-12 in its entirety pertaining to Arts; Municipal Arts Fund, which shall read as follows:

Sec. 3-12. – Arts; Municipal Arts Fund.

~~There is established in the city a special fund designated the Municipal Arts Fund into which funds appropriated as contemplated by sections 3-10 through 3-14 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 15. Chapter 3 of the Peoria City Code (1992) is amended by enacting a new section 3-12 pertaining to Board of Adjustment; powers and duties, which shall read as follows:

Sec. 3-12. – Board of Adjustment; powers and duties.

(a) The board shall have the following powers and duties:

- (1) Hear and decide appeals in which it is alleged there is an error in an order, requirement or decision made by the Zoning Administrator or designee in the enforcement of the Zoning Code. The Board may reverse or affirm, in whole or in part, or modify the order, requirement or decision of the Zoning Administrator or designee in the enforcement of the Zoning Code.
- (2) Hear and decide appeals for variances pursuant to Chapter 21 of the City Code and A.R.S. § 9-463.06.
- (3) Hear or decide appeals for temporary use permits pursuant to Chapter 21 of the City Code.

SECTION 16. Chapter 3 of the Peoria City Code (1992) is amended by repealing the content in the current version of section 3-13 in its entirety pertaining to Arts; municipal construction projects; public art required, which shall read as follows:

~~Sec. 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 3-10 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 3-10 through 3-14.~~

SECTION 17. Chapter 3 of the Peoria City Code (1992) is amended by enacting a new section 3-13 pertaining to Citizens Commission on Salaries for Elected Officials; establishment and membership, which shall read as follows:

Sec. 3-13. - Citizens Commission on Salaries for Elected City Officials; establishment and membership.

(a) There is hereby created a Citizens Commission on Salaries for Elected City Officials to be composed of five (5) members, all of whom shall be residents of the City.

SECTION 18. Chapter 3 of the Peoria City Code (1992) is amended by repealing the content in the current version of section 3-14 in its entirety pertaining to Arts; placement of works of art, which shall read as follows:

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

~~Works of art selected and implemented pursuant to the provisions of sections 3-10 through 3-14 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 19. Chapter 3 of the Peoria City Code (1992) is amended by enacting a new section 3-14 pertaining to Citizens Commission on Salaries for Elected Officials; powers and duties, which shall read as follows:

Sec. 3-14. – Citizens Commission on Salaries for Elected City Officials; powers and duties.

(a) The commission shall have the following powers and duties pursuant to Article II, Section 9 of the City Charter:

- (1) Conduct reviews of the compensation provided to elected City officials for the purpose of recommending adjustments to pay levels based on the duties and responsibilities of the position.
- (2) In even-numbered years, submit to the City Clerk, no later than 150 days prior to the date of the primary election a copy of their review and their recommendations.

SECTION 20. Chapter 3 of the Peoria City Code (1992) is amended by amending the current version of section 3-15 pertaining to Board of Adjustment; establishment and membership and renumbering it as the new section 3-11, which shall read as follows:

Sec. 3-1511. - Board of Adjustment; establishment and membership.

- (a) ~~Establishment.~~ The City has established ~~the~~ There is hereby created a Board of Adjustment pursuant to A.R.S. § 9-462, et seq to be composed of five (5) members and one (1) alternate member, all of whom shall be residents of the City, and this section of the City Code, and all amendments thereof.
- (b) ~~Membership.~~ The 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) ~~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 contained in Chapter 21 of this Code and variances, and shall exercise such other powers as granted by Council.

SECTION 21. Chapter 3 of the Peoria City Code (1992) is amended by amending the current version of section 3-16 pertaining to Building Board of Appeals and renumbering it as the new section 3-15, which shall read as follows:

Sec. 3-1615. - Building Construction Board of Appeals; establishment and membership.

- (a) ~~The Building~~ There is hereby created a Construction Board of Appeals to shall be composed of a total of seven (7) regular members, consisting of the following. 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 employed by 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~~One member shall be a fire protection professional with knowledge in fire and building codes.
  - (5) One member shall be an industrial safety professional with knowledge in hazardous materials~~shall be a fire protection engineer.~~
  - (6) ~~One member shall be an industrial safety professional with a background in hazardous materials~~Two individuals familiar with the construction industry and trades.
- (b) ~~All~~Only 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 Councillisted in Subsection (a)(6) above are required to be residents of the City. However, a significant effort shall be made to recruit Peoria residents in all categories.
- (c) ~~Members shall be appointed in accordance with Section 3-9 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~~In cases where a vacancy cannot be filled, due to inability to recruit a qualified applicant as outlined in Subsections (a)(1) through (a)(6) above, an applicant from another category may be appointed, but shall not exceed a total of two (2) members of each category from Subsections (a)(1) through (a)(5).
- (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) ~~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 22. Chapter 3 of the Peoria City Code (1992) is amended by enacting a new section 3-16 pertaining to Construction Board of Appeals; powers and duties, which shall read as follows:

Sec. 3-16. – Construction Board of Appeals: powers and duties.

- (a) The board shall have the following powers and duties:



(1) Hear a written and timely filed appeal outlining the construction code provision from which relief is sought and the remedy proposed. Appeals shall be of any final decision or determination of the Building Official or Fire Marshal relative to the application and interpretation of the following construction 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, International Fire Code, International Existing Building Code and the International Fuel Gas Code. A timely appeal shall be submitted to the designated clerk for the Construction Board of Appeals within twenty (20) calendar days of notification of a final decision or determination subject to appeal.

(2) Issue written decisions regarding the appeal.

SECTION 23. Chapter 3 of the Peoria City Code (1992) is amended by repealing the content in the current version of section 3-17 pertaining to Citizens Commission on Elected Officials Salaries, 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 24. Chapter 3 of the Peoria City Code (1992) is amended by amending the current version of section 3-18 pertaining to Design Review Board; Establishment and Membership and renumbering it as the new section 3-17, which shall read as follows:

~~Sec. 3-18~~17. - Design Review Board; ~~E~~establishment and ~~M~~membership.

(a) ~~Establishment.~~ There is hereby created ~~the a~~ a Design Review Board to be composed of seven (7) members consisting of the following:-

(b) ~~To be composed of seven (7) regular members and one alternate member consisting of the following:~~

(1) ~~One~~ Five (5) members shall be a registered architects.

(2) ~~One member shall be a registered landscape architect~~ Two (2) individuals who are residents of the City.

(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 individuals who are residents of the City.~~

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

(b) Only members listed in subsection (a)(2) above are required to be residents of the City. However, a significant effort shall be made to recruit Peoria residents in all categories.

SECTION 25. Chapter 3 of the Peoria City Code (1992) is amended by amending the current version of section 3-19 pertaining to Design Review Board; Powers and Duties and renumbering it as the new section 3-18, which shall read as follows:

Sec. 3-18. - Design Review Board; Power and Duties.

(a) ~~The Design Review Board~~ shall have the following powers and duties:

~~(1) Review and provide guidance to staff related to the design of residential, mixed-use and non-residential development projects as set forth within the Peoria Design Review Manual. 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) Hear appeals of staff decisions on design components of any development application as authorized in the Peoria Design Review Manual. The board may take action to uphold, modify, continue to a later date, or overturn staff decisions in whole or in part.

~~(23) Review standards for commercial and residential design in the City and make recommendations modifications and changes to the City Council and City Manager on matters pertaining to design policies and guidelines that support the character and design goals and policies of the General Plan and the Peoria Design Review Manual.~~

~~(34) Work with assigned city staff on issues in the city's design review process. Review and provide make recommendations on modifications to the process to ensure community review and input on design review concepts matters pertaining to design and development related issues.~~

(45) Make recommendations to the Council and City Manager pertaining to design and development review issues. Review applications for the installation of original artwork or art installation intended for public display on non-residential or mixed-use privately owned property. The artwork or art installation application is privately initiated, and not associated with any public art program, or public-private partnership. The board may approve, approve with stipulations, continue to a later date, or deny the application.

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

SECTION 26. Chapter 3 of the Peoria City Code (1992) is amended by amending reserved section 3-20 to address Economic Development Advisory Board; powers and duties, which shall read as follows:

Sec. 3-20. ~~Reserved~~Economic Development Advisory Board; powers and duties.

(a) The board shall have the following powers and duties:

- (1) Advise and assist in matters related to economic development planning and advocacy.
- (2) Make recommendations on economic development related programs, strategies, plans and policies.
- (3) Act as ambassadors of the Economic Development Advisory Board and the City of Peoria, with a commitment to promoting economic development activities and initiatives, and advance the City of Peoria's mission and impact in the community.
- (4) Support the economic development element of the City's General Plan.
- (5) Support workforce investment activities with economic development strategies and develop other employer linkages with such activities.
- (6) Provide guidance on Workforce Investment Act programs and related matters.
- (7) Facilitate communication between the City and small businesses within the City, which may include recommending alternative measures to encourage small, minority and women-owned business participation.
- (8) Develop private sector leadership in Peoria.
- (9) Make recommendations on necessary improvements to, and expansion of, infrastructure systems to encourage growth and investment among private sector enterprises.
- (10) Bring the public sector, the business sector, and the non-profit sector together to promote Peoria as world class, sustainable and future-ready.
- (11) Review and make recommendations on incentives and financing such as Opportunity Zones, Foreign Trade Zones, Industrial Development Authority bonds, etc.
- (12) Make recommendations on matters regarding the business climate or other matters directly related to increasing the economic vitality of the community.
- (13) Act in an advisory capacity regarding the economic development, tourism, beautification, enhancement and development of public land within the City including master planning, budgeting, event- and activity-planning, marketing strategies and coordination.

SECTION 27. Chapter 3 of the Peoria City Code (1992) is amended by amending the current version of section 3-21 pertaining to Economic Advisory Board;

Powers and Duties and renumbering it as the new section 3-19, which shall read as follows:

Sec. 3-2419. - Economic Development Advisory Board; establishment and membership; powers and duties.

(a) ~~The~~ There is hereby created an Economic Development Advisory Board shall to be composed of a total of seven (7) regular members, and one (1) 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 consisting of the following:

(1) Four members who shall be employed in any of the following occupations~~:-~~:

(A) Public or private higher education, consisting of an accredited college or university~~:-~~:

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

(C) Federally or state chartered lending institutions~~:-~~:

(D) Business advocacy organizations~~:-~~:

(E) Public or private utility companies~~:-~~:

(F) Commercial or industrial real estate development~~:-~~:

(G) Business development or corporate site selection companies.

(2) Three (3) additional regular members plus one (1) alternate member who are private citizens of Maricopa County.

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

(b) All-Only members listed in Subsection (2) above are required to be residents of the City. However, a significant effort shall be made to recruit Peoria residents in all categories 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) In cases where a vacancy cannot be filled, due to inability to recruit a qualified applicant as outlined in Subsections (1)(A) through (1)(G) above, an applicant from another category may be appointed, but shall not exceed a total of two (2) members of each category from Subsections (1)(A) through (1)(G). 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.

~~(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.~~
  - ~~(3) Economic Development Implementation Strategies and policies for promoting economic development in the City.~~~~

SECTION 28. Chapter 3 of the Peoria City Code (1992) is amended by amending the current version of section 3-22 pertaining to Finance; worker's compensation and employee benefits trust and renumbering it as the new section 3-21, which shall read as follows:

Sec. 3-2221. - Finance; worker's compensation and employee benefits trust Employee Benefits Trust Board; establishment and membership.

- ~~(a) The City may designate a risk management consultant or insurance administrator licensed pursuant to A.R.S. Title 20, Chapter 2.~~
- ~~(b) There is hereby created shall be an Employee Benefits Trust Board to be composed, 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, pursuant to A.R.S. §§ 11-981, consisting of the following: notwithstanding 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.
  - ~~(1) Up to five (5) bonded individuals who are residents of the City;~~
  - ~~(2) One bonded member may be an employee of the City and is not required to be a resident of the City;~~~~
- ~~(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 A.R.S. Title 42, Chapter 17, Article 3.~~

SECTION 29. Chapter 3 of the Peoria City Code (1992) is amended by enacting a section 3-22 pertaining to Employee Benefits Trust Board; powers and duties, which shall read as follows:

Sec. 3-22. – Employee Benefits Trust Board; powers and duties.

(a) The board shall have the following powers and duties:

- (1) Make recommendations/decisions regarding the use of monies contained in the Employee Benefits Trust Fund, which are not subject to the provisions of A.R.S. Title 42, Chapter 17, Article 3.
- (2) Perform all other duties as outlined in the Employee Benefits Trust Agreement.

SECTION 30. Chapter 3 of the Peoria City Code (1992) is amended by amending section 3-23 pertaining to Historic Preservation Commission, which shall read as follows:

Sec. 3-23. - Historic Preservation Commission; establishment and membership.

- ~~(a) *Establishment.* There is hereby created a Historic Preservation Commission to be composed of seven (7) members, consisting of the following: is established as set forth in this section and any amendments thereof.~~

~~(1) All members shall have an express interest in historic preservation.~~

~~(2) Two (2) members shall have a professional background in the areas of architecture, history, architectural history, planning or archaeology.~~

~~(a) Only members listed in Subsection (a)(1) above are required to be residents of the City. However, a significant effort shall be made to recruit Peoria residents in all categories.~~

- ~~(b) *Membership.* The Historic Preservation Commission shall be composed of seven (7) members who shall be appointed by the Mayor with the approval of the City Council.~~

~~(c) *General Powers and Duties.* Pursuant to the City Code, 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 31. Chapter 3 of the Peoria City Code (1992) is amended by repealing the content in the current version of section 3-24 in its entirety pertaining to Historic Preservation Commission, members, which shall read as follows:

~~Sec. 3-24. Historic Preservation Commission, members.~~

- ~~(a) The Historic Preservation Commission shall consist of seven (7) members. All members shall be appointed by the Mayor with the approval of the Council in accordance with the provisions of this code.~~
- ~~(b) All members shall have a known interest in historic preservation, planning or architectural development within the City of Peoria. At least two members shall have a professional background in the areas of architecture, history, architectural history, planning or archeology. For the two members who have a professional background in the areas of architecture, history, architectural history, planning or archeology, notwithstanding any other provision of this code, such members need not be residents of the City of Peoria, Arizona.~~
- ~~(c) Permit board members to be reimbursed their actual expenses incurred in connection with their duties upon authorization or ratification by the Council or in accordance with adopted administrative procedures of the City pertaining to official travel.~~

SECTION 32. Chapter 3 of the Peoria City Code (1992) is amended by repealing the content in the current version of section 3-25 in its entirety pertaining to Historic Preservation Commission, officers, which shall read as follows:

~~Sec. 3-25. Historic Preservation Commission, officers.~~

~~The Historic Preservation Commissions shall elect a chairman and a vice-chairman from among its own members, each of whom 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 a similar organization. The vice-chairman shall perform the duties of the chairman in the absence or disability of the chairman. Officer vacancies created by any cause shall be filled for the unexpired term by a new election.~~

SECTION 33. Chapter 3 of the Peoria City Code (1992) is amended by repealing the content in the current version of section 3-26 in its entirety pertaining to Historic Preservation Commission, meetings, which shall read as follows:

~~Sec. 3-26. Historic Preservation Commission; meetings.~~

- ~~(a) The Historic Preservation Commission shall provide in its rules for such meetings as necessary.~~
- ~~(b) Four (4) members shall constitute a quorum. The Historic Preservation Commission shall provide in its rules for voting methods and procedures.~~

SECTION 34. Chapter 3 of the Peoria City Code (1992) is amended by amending the current version of section 3-27 pertaining to Historic Preservation

Commission; powers and duties, and renumbering it as the new section 3-24, which shall read as follows:

Sec. ~~3-27~~24. - Historic Preservation Commission; powers and duties.

(a) ~~It shall be the duty of t~~The Historic Preservation Commission t~~shall have the following powers and duties:~~

(1) Review and make recommendations on matters concerning criteria for the identification of significant historic, architectural, and cultural structures, sites, or resources as landmarks and for the delineation of historic district within the City.

(2) Review and make recommendations for the formation or modification of a heritage area or historic district within the City.

(3) Review and make recommendations regarding updates to the Peoria Historic Preservation Master Plan.

~~(24)~~ 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.

~~(45)~~ 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 celebration and protection of Peoria's historic, architectural, archaeological or cultural heritage.~~purposes of this ordinance.~~

~~(56)~~ Promote and iincrease public awareness of the value of historic, cultural and architectural preservation within the City.

~~(67)~~ Make recommendations to the City Council concerning the utilization of state, federal or private funds to promote the preservation of landmarks, heritage areas, and historic districts within the City.

~~(78)~~ Approve or disapprove of applications for Certificate or Appropriateness and Finding of Hardship pursuant to ~~City Code Chapter Sections 21-629 and 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 35. Chapter 3 of the Peoria City Code (1992) is amended by amending the current version of section 3-28 pertaining to Industrial Development Authority, and renumbering it as the new section 3-25, which shall read as follows:



Sec. 3-~~28~~25. - Industrial Development Authority; establishment and membership.

The Industrial Development Authority shall be organized and shall carry out the duties prescribed in A.R.S. § 35-701 et seq.

(a) There is hereby created an Industrial Development Authority to be composed of seven (7) members pursuant to A.R.S. § 35-701, et seq. and shall consist of the following:

(1) At least five (5) individuals who have a background in multi-family residential, commercial or industrial development, or finance;

(2) At least one (1) member who has a background in bond financing, in particular, private activity bonds which attract private investment to finance projects that provide a public benefit.

(b) Only members listed in Subsection (1) above are required to be residents of the City. However, a significant effort shall be made to recruit Peoria residents in all categories.

SECTION 36. Chapter 3 of the Peoria City Code (1992) is amended by enacting a new section 3-26 pertaining to Industrial Development Authority, powers and duties, which shall read as follows:

Sec. 3-26. – Industrial Development Authority; powers and duties.

(a) The authority shall have the following powers and duties:

(1) Create and maintain jobs.

(2) Assist residents in achieving a better standard of living and way of life by providing an avenue for affordable financing for projects that impact the community.

(3) Perform the duties outlined in A.R.S. § 35-701, et seq.

SECTION 37. Chapter 3 of the Peoria City Code (1992) is amended by amending the current version of section 3-29 pertaining to Judicial and Public Defender Advisory Board; establishment and membership, and renumbering it as the new section 3-27, which shall read as follows:

Sec. 3-~~29~~27. - Judicial and Public Defender Advisory Board; establishment and membership.

(a) There is hereby created a Judicial and Public Defender Advisory Board to be composed of seven (7) members: ~~One (1) additional private citizen member may also serve; however, the additional member's term shall expire no later than July 1, 2020. The members of the board 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 (2) active members of the State Bar of Arizona, one of whom 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) A member of the Maricopa County Public Defender's Office;
- (4) A prosecutor from the Maricopa County Attorney's Office;
- (5) The President of the Western Maricopa County Bar Association or a member of that association recommended by the President;
- (6) An private citizen individual who is a resident of the City;
- ~~(7) A private citizen who is a resident of the City whose term shall expire no later than July 1, 2020.~~

SECTION 38. Chapter 3 of the Peoria City Code (1992) is amended by amending the current version of section 3-30 pertaining to Judicial and Public Defender Advisory Board; powers and duties, and renumbering it as the new section 3-28, which shall read as follows:

Sec. 3-~~30~~28. - Judicial and Public Defender Advisory Board; powers and duties.

(a) 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, or appointment of a successor presiding judge, the board shall commence the process to review and submit a recommendations ~~to the City Council~~ regarding the appointment of the Presiding Municipal Judge.
- (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~~ up to three (3) 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, 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.
- (5) If the position of the Associate Municipal Judge is vacant, the board shall review all eligible applications for the position. The board shall recommend to the

Presiding Municipal Judge up to three (3) 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.

- (6) Review proposals for selection of public defender and alternative defender services and recommend the award of contracts ~~to the City Council.~~
- (7) Review proposed contracts for public defender and alternative defender services and recommend the inclusion of appropriate terms and conditions in such contracts.
- (8) Conduct annual reviews for all city public defenders.
- (9) Make recommendations ~~to the City Council~~ pertaining to the provisions of public defender services.
- ~~(10) Perform such other duties as may be prescribed by the City Council.~~

SECTION 39. Chapter 3 of the Peoria City Code (1992) is amended by enacting a new section 3-29 pertaining to Municipal Development Authority; establishment and membership, which shall read as follows:

Sec. 3-29. - Municipal Development Authority; establishment and membership.

- (a) There is hereby created a Municipal Development Authority, which shall be organized as an Arizona nonprofit corporation to be composed of five (5) members all of whom shall be residents of the City.

SECTION 40. Chapter 3 of the Peoria City Code (1992) is amended by enacting a new section 3-30 pertaining to Municipal Development Authority; powers and duties, which shall read as follows:

Sec. 3-30. – Municipal Development Authority; powers and duties.

- (a) The board shall have the powers and duties as prescribed by Title 10, Chapters 24 through 40 of the Arizona Revised Statutes, including the following:
- (1) Assist the City in acquiring land and constructing and acquiring improvements thereon.
  - (2) Assist the City in constructing and acquiring improvements upon land owned by the City for use as a recreational facility, including baseball and other sports facilities, general municipal and civic activities, and any other land, building improvements or facilities for any other civic, municipal and governmental purpose.
  - (3) Borrow funds to pay all legal, financial, architectural and incidental expenses incurred.
  - (4) Repay the principal of and pay the interest accrued on indebtedness incurred.

- (5) Make reasonable charges for any services rendered or for assets furnished as applicable.
- (6) Hold in trust all funds received by the Corporation in excess of the cost of its operation to be used for the accomplishment of its purpose.
- (7) Transfer rights to lands and improvements after indebtedness has been paid.
- (8) Perform all other duties prescribed in the Municipal Development Authority governing documents.

SECTION 41. Chapter 3 of the Peoria City Code (1992) is amended by amending the current version of section 3-33 pertaining to Parks, Recreation and Community Facilities Board; establishment and membership, and renumbering it as the new section 3-31, which shall read as follows:

Sec. 3-~~33~~31. - Parks, Recreation and Community Facilities Board; establishment and membership.

~~The Parks, Recreation and Community Facilities Board of the city is established.~~

- (a) There is hereby created a Parks, Recreation and Community Facilities Board to be composed of seven (7) members, all of whom shall be residents of the City, consisting of the following:
- (1) Two (2) individuals with an express interest in the City's parks, trails and recreation services and facilities;
  - (2) Two (2) individuals with an express interest in public library services;
  - (3) Three (3) individuals with interests in bettering the City through Parks, Recreation and Community Facilities.

SECTION 42. Chapter 3 of the Peoria City Code (1992) is amended by amending the current version of section 3-34 pertaining to Parks, Recreation and Community Facilities Board; powers and duties, and renumbering it as the new section 3-32, which shall read as follows:

Sec. 3-~~34~~32. - Parks, Recreation and Community Facilities Board; powers and duties.

- ~~(a) The Parks, Recreation and Community Facilities Board shall act in an advisory advisory capacity, as outlined in subsection (b) of this section, on the following matters in the City:~~
- (1) Parks, amenities, playgrounds and sports fields.
  - (2) Recreation services.
  - (3) Library services and facility amenities.
  - (4) Open space, trails and natural settings.

- (5) Non-motorized and recreational transportation.
  - ~~(6) Human services.~~
  - ~~(7) Neighborhood and livability services.~~
  - ~~(8)~~ (6) Urban forestry, horticulture and landscaping.
- (b) When advising on matters outlined in subsection (a) of this section, the ~~Parks, Recreation and Community Facilities B~~oard may:
- (1) Address appropriate plans, programs, developments, initiatives, criteria and management, as applicable.
  - (2) Address the location, nature and acquisition of real property to meet community needs.
  - (3) Address a schedule of charges and fundraising activities, as applicable.
  - (4) Address the use and application of intergovernmental agreements, contracts and grants, as applicable.
  - (5) Review and Propose rules, criteria, policies, programs and services and promote to the community, as applicable.
  - (6) Address criteria for recommending the award and/or distribution of City funding, as applicable.
  - (7) Promote programs, events and activities and foster community collaborations and partnerships when possible.
  - (8) Educate the public on matters as outlined in subsection (a) of this section, as applicable.
  - (9) Address master plans and engage in long-term direction planning and community visioning, as applicable.

SECTION 43. Chapter 3 of the Peoria City Code (1992) is amended by repealing the content in the current version of section 3-35 in its entirety pertaining to Municipal Development Authority, which shall read as follows:

~~Sec. 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 44. Chapter 3 of the Peoria City Code (1992) is amended by repealing the content in the current version of section 3-37 in its entirety pertaining to Parks, Recreation and Community Facilities Board; members, which shall read as follows:

~~Sec. 3-37. Parks, Recreation and Community Facilities Board; members.~~

- ~~(a) The Parks, Recreation, and Community Facilities Board shall be composed of a total of seven (7) members. Up to two (2) additional members may also serve; however, the additional members' terms shall expire no later than July 1, 2020. The members of the Board consist of:~~
- ~~(1) Two (2) residents with an express interest in the City's parks;~~
  - ~~(2) Two (2) residents with an express interest in library services;~~
  - ~~(3) Three (3) private citizens who are residents of the City;~~
  - ~~(4) Two (2) additional members whose terms shall expire no later than July 1, 2020.~~

SECTION 45. Chapter 3 of the Peoria City Code (1992) is amended by amending the current version of section 3-41 pertaining to Personnel board; establishment and members, and renumbering it as the new section 3-33, which shall read as follows:

Sec. 3-4133. - Personnel bBoard; establishment and membershipip.

- (a) There is hereby created a Personnel Board to be composed of three (3) regular members and one (1) alternate member, all of whom shall be residents of the City. Preference shall be shown to candidates with experience in employee relations, labor relations or discipline. ~~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. Thereafter the members shall be appointed in accordance with Section 3-1 and 3-6 of this chapter.~~
- (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 46. Chapter 3 of the Peoria City Code (1992) is amended by repealing the content in the current version of section 3-43 in its entirety pertaining to Personnel board; meetings, which shall read as follows:

~~Sec. 3-43. - Personnel board; meetings.~~

~~The Personnel Board shall hold regular meetings or at least annually at such time and place within the city 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. A majority of the members of the Board shall constitute a quorum for the transaction of business. Meetings shall be conducted informally in accordance with such rules and procedures as may be adopted by the Personnel Board.~~

SECTION 47. Chapter 3 of the Peoria City Code (1992) is amended by repealing the content in the current version of section 3-44 in its entirety pertaining to Personnel board; rules and regulations, which shall read as follows:

~~Sec. 3-44. - Personnel board; rules and regulations.~~

~~The Personnel Board may adopt rules for its conduct and the conduct of hearings not inconsistent with this article or the resolutions of the Council.~~

SECTION 48. Chapter 3 of the Peoria City Code (1992) is amended by amending the current version of section 3-45 pertaining to Personnel board; duties, and renumbering it as the new section 3-34, which shall read as follows:

~~Sec. 3-45~~34. - Personnel ~~b~~Board; powers and duties.

(a) The board shall have the following powers and duties:

- (1) Upon review of the findings and recommendations of the Hearing Officer, make recommendations to the City Manager to adopt, modify or reject the recommendations of the Hearing Officer, in accordance with the Personnel Administrative Regulations.

~~Unless otherwise provided in this Chapter, the duties of the Personnel Board shall be to conduct hearings on matters properly brought before the Board under the grievance procedures established by this Article or by other Ordinance or Resolution of the City Council. As to grievances heard by the Personnel Board, the decision of the Personnel Board shall be final. The Personnel Board shall meet at least once annually to discuss and review its own procedures and organization.~~

SECTION 49. Chapter 3 of the Peoria City Code (1992) is amended by amending the current version of section 3-46 pertaining to Hearings, and renumbering it as the new section 3-35, which shall read as follows:

Sec. 3-4635. - Hearings.

- (a) Within ten (10) calendar days of a notice of a qualifying suspension or demotion, or of a notice of dismissal, any full time employee, excluding those to be determined at-will, shall have the right to appeal any qualifying disciplinary action by presenting a written appeal to the Human Resources Director. The Human Resources Director shall forward the appeal to a non-City employee as retained by the City to act and perform duties as a Hearing Official, and establish a date for the hearing. Hearings shall be conducted in accordance with the personnel administrative regulations promulgated by the City Manager.
- (b) The appeal process and hearings shall be conducted in accordance with the Personnel Administrative Regulations as promulgated by the City Manager. The City shall retain one or more persons to act and perform the duties of an administrative hearing officer for all hearings under this article or arising out of the personnel administrative regulations which have resulted in the dismissal of an employee. The hearing shall be conducted in private, unless the appealing employee requests a public hearing. Upon request, the hearing officer may exclude from any hearing, during the examination of a witnesses, any or all other witnesses in the matter being heard by the hearing officer. The hearing officer may admit all relevant or probative evidence regardless of whether such evidence is admissible under the rules of evidence applicable to the Arizona Court.

SECTION 50. Chapter 3 of the Peoria City Code (1992) is amended by repealing the content in the current version of section 3-47 in its entirety pertaining to Right of Appeal, which shall read as follows:

~~Sec. 3-47. - Right of Appeal.~~

~~Any employee covered under the merit system shall have the right to appeal any disciplinary action. The right of appeal shall not apply to those matters subject to the grievance provisions of any personnel administrative regulations until all of the remedies afforded under such grievance regulations have been exhausted. After the exhaustion of grievance remedies provided under personnel administrative regulations adopted by the Mayor and Council, appeals shall be handled in the same manner as all other appeals under this article or pursuant to the personnel administrative regulations.~~

SECTION 51. Chapter 3 of the Peoria City Code (1992) is amended by repealing section 3-48 in its entirety pertaining to Method of Appeal, which shall read as follows:



~~Sec. 3-48. - Method of Appeal.~~

~~All appeals shall be in writing signed by the appealing employee and filed with the Human Resources Department. The Human Resources Department within ten working days after receipt of the appeal, shall transmit the appeal and any other relevant information to the administrative hearing officer assigned to this matter. The appeal shall be a written statement, addressed to the Human Resources Department, explaining the matter appealed and setting forth a statement of the action desired by the appealing employee, with the reasons therefor. All appeals must be filed within ten working days of the date of the action to be appealed~~

SECTION 52. Chapter 3 of the Peoria City Code (1992) is amended by repealing section 3-49 in its entirety pertaining to Notice, which shall read as follows:

~~Sec. 3-49. - Notice.~~

~~Upon the filing of an appeal, the hearing officer assigned to the appeal shall set a date for a hearing on the appeal not less than ten working days nor more than 30 calendar days from the date of filing. The Human Resources Department shall notify all interested parties of the date, time and place of the hearing.~~

SECTION 53. Chapter 3 of the Peoria City Code (1992) is amended by repealing section 3-50 in its entirety pertaining to Hearing: Rules of Procedure, which shall read as follows:

~~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 54. Chapter 3 of the Peoria City Code (1992) is amended by repealing section 3-51 in its entirety pertaining to Findings and Recommendations, which shall read as follows:

~~Sec. 3-51. - Findings and Recommendations.~~

- ~~(a) The hearing officer assigned to the appeal within ten working days after the conclusion of the hearing held by the hearing officer, shall submit their findings and recommendations to the appealing employee, the City Manager and legal counsel representing the City and the Personnel Board.~~
- ~~(b) The Personnel Board shall schedule a meeting within thirty days after receipt of the decision of the hearing officer to review the findings and recommendations of the~~

~~hearing officer. The personnel board may adopt the findings of the hearing officer; modify the findings and recommendations of the hearing officer or reject the findings and recommendations of the hearing officer. The decision of the Personnel Board shall be final.~~

SECTION 55. Chapter 3 of the Peoria City Code (1992) is amended by amending the current version of section 3-52 pertaining to Planning and Zoning Commission, and renumbering it as the new section 3-36, which shall read as follows:

Sec. 3-5236. - Planning and Zoning Commission; establishment and membership.

- (a) ~~Establishment.~~ The City has established theThere is hereby created a Planning and Zoning Commission in accordance with ARS § 9-461, et seq. to be composed of seven (7) regular members all of whom shall be residents of the City.
- (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) ~~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, rezones, conditional use permits, zoning ordinance text amendments, and other matters affecting land use and development within the City.

SECTION 56. Chapter 3 of the Peoria City Code (1992) is amended by repealing the resulting blank section 3-52 in its entirety.

SECTION 57. Chapter 3 of the Peoria City Code (1992) is amended by repealing section 3-53 in its entirety pertaining to Planning and Zoning Commission; established, which shall read as follows:

~~Sec. 3-53. - Planning and Zoning Commission; established.~~

~~The planning and zoning commission is established.~~

SECTION 58. Chapter 3 of the Peoria City Code (1992) is amended by repealing section 3-54 in its entirety pertaining to Planning and Zoning Commission; members, which shall read as follows:

~~Sec. 3-54. - Planning and Zoning Commission; members.~~

- (a) ~~The Planning and Zoning Commission of the City shall be composed of seven regular members and one alternate member. All members of the Commission shall be appointed by the Mayor with the approval of the Council in accordance with the provisions of this code.~~

- ~~(b) Members of the Commission appointed as alternates shall be able to participate in all Commission 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 commission is disqualified from participating in a matter or the commission is lacking a quorum, 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 commission 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.~~
- ~~(c) All members shall serve without pay. However, members of the commission may be reimbursed for actual expenses incurred in connection with their duties upon authorization or ratification by the commission and approval of such expenditures by the council.~~
- ~~(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 59. Chapter 3 of the Peoria City Code (1992) is amended by repealing section 3-55 in its entirety pertaining to Planning and Zoning Commission; officers, which shall read as follows:

~~Sec. 3-55. Planning and Zoning Commission; officers.~~

~~The planning and zoning commission shall elect a chairman and vice chairman from among its own members, each of whom 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. The chairman shall have the power to administer oaths and to take evidence. The vice chairman shall perform the duties of the chairman in the absence or disability of the chairman. Vacancies created by any cause shall be filled for the unexpired term by a new election.~~

SECTION 60. Chapter 3 of the Peoria City Code (1992) is amended by repealing section 3-56 in its entirety pertaining to Planning and Zoning Commission; meetings, which shall read as follows:

~~Sec. 3-56. Planning and Zoning Commission; meetings.~~

- ~~(a) The planning and zoning commission shall provide in its rules for its meetings. Special meetings may be called by the chairman, or in his absence, the vice chairman. Any three (3) members of the commission may make written request to the chairman for a special meeting and in the event such meeting is not called, such~~

~~members may call such special meeting in such manner and form as may be provided in the commission rules.~~

- ~~(b) Four (4) members shall constitute a quorum. The affirmative vote of a majority of members present at any meeting shall be required for passage of any matter before the commission at such meeting. 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 61. Chapter 3 of the Peoria City Code (1992) is amended by amending the current version of section 3-57 pertaining to Planning and Zoning Commission; powers and duties and renumbering it as the new section 3-37, which shall read as follows:

Sec. ~~3-57~~37. - Planning and Zoning Commission; powers and duties.

- (a) ~~It is the duty of the planning and zoning commission to~~The commission shall have the following powers and duties:
- (1) Review and make recommendations on proposals to amend the General Plan. Formulate, create and administer any lawful plan duly adopted by the council for the present and future growth of the city pertaining to the use of land and buildings for any purpose, together with all incidental activities usually associated therewith and commonly known as "planning and zoning."
  - (2) Review and ~~M~~make recommendations on proposals to amend the Official Zoning Map or the provisions of the Zoning Ordinance~~or cause to be made a continuous study of the best present and future use to which land and buildings shall be put within the city.~~
  - (3) Initiate changes to the Official Zoning Map or text of the Zoning Code to ensure conformance and consistency with the City's General Plan~~In cooperation with adjacent areas, recommend to the council revisions in such plans which, in the opinion of the commission, are for the best interest of the citizens of the city.~~
  - (4) Review and make recommendations on proposals to amend conditions of approval associated with an adopted ordinance pertaining to a Rezoning or amendments thereto, pursuant to Chapter 21-317 of the City Code~~Promulgate rules of procedure and supervise the enforcement of rules so promulgated by the commission and approved by the council.~~
  - (5) Approve, with modifications and/or conditions, or deny Conditional Use Permits, pursuant to Chapter 21-321 of the City Code.
  - (6) Revoke Conditional Use Permits pursuant to Chapter 21-321 of the City Code.

~~(b) The commission may establish a uniform schedule of fees for services with all receipts to be paid into the general fund of the city. Such fee schedule shall become effective upon approval by the council.~~

SECTION 62. Chapter 3 of the Peoria City Code (1992) is amended by repealing the resulting blank section 3-57 in its entirety.

SECTION 63. Chapter 3 of the Peoria City Code (1992) is amended by repealing reserved sections 3-58 and 3-59 in their entirety as follows.

~~Sec. 3-58. - Reserved.~~

~~Sec. 3-59. - Reserved.~~

SECTION 64. Chapter 3 of the Peoria City Code (1992) is amended by amending the current version of section 3-60 pertaining to Public Safety Retirement System Board; police and fire local boards; terms and renumbering it as the new section 3-38, which shall read as follows:

~~Sec. 3-60~~38. - Public Safety Retirement System Board; police and fire local boards; terms.

(a) ~~There is hereby created shall be~~ a local Public Safety Retirement System Board for Fire-Medical Department employees and a local Public Safety Retirement System Board for Peace-Police Department Officer-employees who are members of the Public Safety Retirement System to be composed of five (5) members each, consisting of the following. ~~Each board shall have the following membership:~~

(a1) The Mayor or designee of the Mayor approved by resolution of the City Council for the term concurrent with that of the Mayor. Should the Mayor fail to designate an appointee for a board, the Mayor shall be deemed to be the appointee.

(b2) Two (2) citizens-residents of the City, who shall serve on both the local boards for the Fire-Medical Department and the Police Department ~~and peace officer employees~~ who, are members of the Public Safety Retirement System. ~~The terms for the citizens shall be as follows:~~

~~(1) One citizen shall serve a term ending on July 1, 2000. Thereafter the citizen appointed shall serve a term of four years.~~

~~(2) One citizen shall serve a term ending on July 1, 2002. Thereafter the citizen appointed shall serve a term of four years.~~

(e3) There shall be two (2) peace officer/Police Department employee members and two (2) Fire-Medical Department employee members of their respective boards who shall serve a term of four (4) years and shall be elected by secret ballot in

~~accordance with the provisions of this Chapter. The Terms shall be as follows: City Clerk's Office Administrative Procedures.~~

- ~~(1) One peace officer and one Fire-Medical Department member shall serve a term that shall end on July 1, 2000. Thereafter each member shall serve a term of four years.~~
  - ~~(2) One peace officer and one Fire-Medical Department member shall serve a term that shall end on July 31, 2002. Thereafter each member shall serve a term of four years.~~
- ~~(d) Notwithstanding any other resolutions, the terms of board members shall be adjusted to conform to this section. All current non-holdover members shall be deemed elected or appointed in accordance with this section and no new election shall be required.~~

SECTION 65. Chapter 3 of the Peoria City Code (1992) is amended by repealing the resulting blank section 3-60 in its entirety.

SECTION 66. Chapter 3 of the Peoria City Code (1992) is amended by amending the current version of section 3-61 pertaining to Public Safety Retirement System Board; police and fire local boards; election procedures for employee members and renumbering it as the new section 3-39, which shall read as follows:

Sec. 3-6439. - Public Safety Retirement System Board; ~~p~~Police and ~~f~~Fire ~~l~~Local ~~b~~Boards; ~~election procedures for employee members~~powers and duties.

- ~~(a) With the exception of peace officer and Fire-Medical Department members of the local whose term expires in 2000, the Office of the City Attorney or any other department designated by the City Manager or their designee shall publish a Notice of Election on or before May 1 of the year in which a term expires. For any vacancy existing on the date of this ordinance, Notice shall be published within thirty (30) days following the date of this ordinance. The published notice shall be placed on file in the Office of the City Clerk and posted at the locations designated for employee notices in the Police and Fire-Medical Departments~~Each board shall perform the duties outlined in A.R.S. § 38-847.
- ~~(b) The Notice of Election shall indicate that any peace officer member or Fire-Medical Department member may be nominated as a candidate for the board by filing a written petition having not less than the names of ten current employed members of the Police or Fire-Medical Department. Only Police Department members may sign police employee nominations and only Fire-Medical Department members may sign fire employee nominations.~~
- ~~(c) Written petitions must be filed with the Office of the City Attorney or any department designated by the City Manager or their designee within thirty days after the date of the Notice of Election. No candidates other than those who submit written petitions shall be permitted.~~

- ~~(d) Within one month following the deadline for submission of written petitions, the Office of the City Attorney or any department designated by the City Manager or their designee shall prepare a ballot for the Police and Fire Medical Department Members containing all designated candidates. The ballot shall also include an envelope for enclosure and sealing of the ballot and shall be mailed or delivered to each employee separately or in conjunction with his or her biweekly payroll documents. In order for the ballot to be valid, the employee must sign the designated area on the envelope used to enclose the ballot. The ballot may be returned personally or by mail in a separate envelope to the Office of the City Attorney or any department designated by the City Manager more than ten (10) days after distribution to the employees. The Director of Human Resources or their designee shall verify the signature on the ballot against the employee record and shall provide all verified ballots to the Office of the City Attorney or any department designated by the City Manager for Tally. The Office of the City Attorney or any department designated by the City Manager shall tally the ballots and shall certify to the Director of Human Resources and each local board the name of the candidate having the most votes. Such candidate shall be deemed elected for the term.~~
- ~~(e) In the event a seat of an employee member becomes vacant with more than one hundred and eighty days left in the term, a special election shall be held to fill the vacancy. In the event that one hundred and eighty or less days are left, the election may be advanced to fill the remainder of the existing term and the new term.~~

SECTION 67. Chapter 3 of the Peoria City Code (1992) is amended by repealing the resulting blank section 3-61 in its entirety.

SECTION 68. Chapter 3 of the Peoria City Code (1992) is amended by amending the current version of section 3-62 pertaining to Sister Cities Board; establishment; powers and duties and renumbering it as the new section 3-40, which shall read as follows:

Sec. 3-6240. - Sister Cities Board; establishment and membership; ~~powers and duties.~~

- ~~(a) There is hereby created a A-Sister Cities Board is established to be consist composed of seven (7) members all of whom shall be residents of Maricopa County. However, significant effort shall be made to recruit Peoria residents. The members shall be appointed in accordance with Chapter 3 of this code. The members of the board shall be selected and appointed by the Mayor with the approval of the Council.~~
- ~~(b) The Sister Cities Board shall have the following purposes and goals:~~
- ~~(1) Develop and promote municipal partnerships between the City of Peoria and other similar jurisdictions in other nations.~~
  - ~~(2) Provide opportunities for City officials and citizens of Peoria to experience and explore other cultures through long-term community partnerships.~~

- ~~(3) Create an atmosphere in which economic and community development between Peoria and other similar jurisdictions can be implemented and strengthened.~~
- ~~(4) Stimulate environments through which communities will creatively learn, work and solve problems through reciprocal cultural, educational, municipal, business, professional and technical exchanges and projects.~~
- ~~(5) Collaborate with organizations in the United States and other countries that share similar goals.~~
- ~~(c) The Sister Cities Board shall:
  - ~~(1) Recommend the selection of cities to the City Council for the development of municipal partnerships.~~
  - ~~(2) Recommend to the City Council events, opportunities, programs and projects to develop a community partnership with designated sister cities and to provide a forum for citizens to experience such community partnerships.~~
  - ~~(3) Recommend to the City Council guidelines for reciprocal cultural, educational, municipal, business, professional and technical exchanges and projects with designated sister cities.~~
  - ~~(4) Recommend to the City Council agreements with other governmental and non-governmental organizations to collaborate on promoting cultural understanding and stimulating economic development.~~
  - ~~(5) In addition, the Sister Cities 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 Sister Cities 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 69. Chapter 3 of the Peoria City Code (1992) is amended by repealing the resulting blank section 3-62 in its entirety.

SECTION 70. Chapter 3 of the Peoria City Code (1992) is amended by enacting a new section 3-41 pertaining to Sister Cities Board; powers and duties, which shall read as follows:

Sec. 3-41. – Sister Cities Board; powers and duties.

- (a) The board shall have the following powers and duties:



- (1) Develop and promote municipal partnerships between the City of Peoria and other similar jurisdictions in other nations.
- (2) Provide opportunities for City officials and residents of Peoria to experience and explore other cultures through long-term community partnerships.
- (3) Create an atmosphere in which economic and community development between Peoria and other similar jurisdictions can be implemented and strengthened.
- (4) Stimulate environments through which communities will creatively learn, work and solve problems through reciprocal cultural, educational, municipal, business, professional and technical exchanges and projects.
- (5) Collaborate with organizations in the United States and other countries that share similar goals.
- (6) Recommend the selection of cities for the development of municipal partnerships.
- (7) Recommend events, opportunities, programs and projects to develop a community partnership with designated sister cities and to provide a forum for citizens to experience such community partnerships.
- (8) Recommend guidelines for reciprocal cultural, educational, municipal, business, professional and technical exchanges and projects with designated sister cities.
- (9) Recommend agreements with other governmental and non-governmental organizations to collaborate on promoting cultural understanding and stimulating economic development.
- (10) In addition, the Sister Cities Board shall have such other powers and duties as directed by the City Council.

SECTION 71. Chapter 3 of the Peoria City Code (1992) is amended by repealing section 3-63 in its entirety pertaining to Sister Cities Board; qualifications, which shall read as follows:

~~Sec. 3-63. – Sister Cities Board; qualifications.~~

~~Notwithstanding Section 3-1 of this Code, members of the Sister Cities Board are not required to be residents of the City.~~

SECTION 72. Chapter 3 of the Peoria City Code (1992) is amended by amending the current version of section 3-64 pertaining to Veterans Memorial Board; establishment; powers and duties and renumbering it as the new section 3-42, which shall read as follows:

~~Sec. 3-6442. - Veterans Memorial Board; establishment and membership; powers and duties.~~

- (a) ~~There is hereby created a~~ Veterans Memorial Board ~~is established to be consist~~ composed of seven (7) regular members and two (2) alternate members, all whom shall be residents of Maricopa County. However, a significant effort shall be made to recruit Peoria residents. ~~The members shall be appointed in accordance with Section 3-6 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 73. Chapter 3 of the Peoria City Code (1992) is amended by repealing the resulting blank section 3-64 in its entirety.

SECTION 74. Chapter 3 of the Peoria City Code (1992) is amended by enacting a new section 3-43 pertaining to Veterans Memorial Board; powers and duties, which shall read as follows:

Sec. 3-43. – Veterans Memorial Board; powers and duties.

(a) The board shall have the following powers and duties:

- (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 to remind the community of sacrifices made by Veterans and members of the armed forces.
- (3) Cooperate with other communities to develop activities and events recognizing the contributions of veterans of the armed forces.
- (4) Recommend activities, events and programs to focus on the contributions of veterans and current members of the armed forces.
- (5) Recommend agreements with other governmental and non-governmental organizations to collaborate on promoting understanding of the needs and services of veterans of the armed forces.

SECTION 75. Chapter 3 of the Peoria City Code (1992) is amended by repealing section 3-65 in its entirety pertaining to Veterans Memorial Board; qualifications, which shall read as follows:

~~Sec. 3-65. – Veteran's Memorial Board; qualifications.~~

~~Notwithstanding Section 3-1 of this code, members of the Veteran's Memorial Board are not required to be residents of the City.~~

SECTION 76. Chapter 3 of the Peoria City Code (1992) is amended by amending the current version of section 3-66 pertaining to Fire-Medical Department; pension funds, volunteers, firefighters and renumbering it as the new section 3-44, which shall read as follows:

Sec. 3-6644. – Volunteer Firefighters-Medical Department; pPension fFunds Board; volunteers, firefightersestablishment and membership.

(a) There is hereby created a A vVolunteer firemen's relief andFirefighters pPension fFund Board to be composed of seven (7) members is established pursuant to A.R.S. Title 9, Ch. 8, Art. 3 [§ 9-951 et seq.] consisting of the following: The Mayor with the consent of the 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.

- (1) The Mayor or Mayor's designee;

(2) The City's Fire Chief who is not required to be a resident of the City;

(3) Five (5) individuals who are residents of the City.

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

SECTION 77. Chapter 3 of the Peoria City Code (1992) is amended by repealing the resulting blank section 3-66 in its entirety.

SECTION 78. Chapter 3 of the Peoria City Code (1992) is amended by enacting a new section 3-45 pertaining to Volunteer Firefighters Pension Fund Board; powers and duties, which shall read as follows:

Sec. 3-45. – Volunteer Firefighters Pension Fund Board; powers and duties.

(a) The board shall have the following powers and duties:

(1) Cause an annual report of the Firefighters Relief and Pension Fund.

(2) Provide an annual report of the Firefighters Relief and Pension Fund to the Office of the State Fire Marshal.

SECTION 79. Chapter 3 of the Peoria City Code (1992) is amended by amending the current version of section 3-67 pertaining to Youth Advisory Board; established and renumbering it as the new section 3-46, which shall read as follows:

Sec. 3-6746. - Youth Advisory Board; ~~established~~establishment and membership.

(a) There is hereby created a Youth Advisory Board to be composed of nineteen (19) regular members and two (2) alternate members, all of whom shall be residents of the City.

~~The Youth Advisory Board of the City is established.~~

SECTION 80. Chapter 3 of the Peoria City Code (1992) is amended by repealing the resulting blank section 3-67 in its entirety.

SECTION 81. Chapter 3 of the Peoria City Code (1992) is amended by repealing section 3-68 in its entirety pertaining to Youth Advisory Board; Members; Officers, which shall read as follows:

~~Sec. 3-68. - 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 3-6 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 82. Chapter 3 of the Peoria City Code (1992) is amended by repealing section 3-69 in its entirety pertaining to Youth Advisory Board; Meetings, which shall read as follows:

~~Sec. 3-69. - Youth Advisory Board; meetings.~~

- ~~(a) The Youth Advisory board shall provide in its rules for its meetings. Special meetings may be called by the chairman, or in his absence, the vice-chairman. Any five (5) members of the board may make a written request to the chairman for a special meeting and if a meeting is not called, the members may call such special meeting in such manner and form as may be provided in the board's bylaws and or rules.~~
- ~~(b) A majority of the members comprising the board shall constitute a quorum. A quorum is 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 a vote in favor the prevailing side, provided that he is not exempt from voting by reason of a declared conflict of interest.~~

SECTION 83. Chapter 3 of the Peoria City Code (1992) is amended by amending the current version of section 3-70 pertaining to Youth Advisory Board; powers and duties and renumbering it as the new section 3-47, which shall read as follows:

Sec. 3-7047. - Youth Advisory Board; powers and duties.

(a) The ~~Youth Advisory Board~~ shall have the following powers and duties:

- (1) ~~Advise the city, through the city manager, on the development of public recreational facilities in the City~~Adopt bylaws governing the operation of the board, subject to the approval of the City Council;
- (2) ~~Assist the city staff through the city manager or their designee with the planning and implementation of a Student Government Day.~~
- (~~3~~2) ~~Advise the city, through the city manager or their designee on the activities, programs and events offered to the Youth of Peoria.~~
- (~~4~~3) Review ordinances and proposals pertaining to youth issues as directed by the Mayor and Council.
- (~~5~~) ~~Adopt bylaws governing the operation of the board, subject to the approval of the Council.~~
- (~~6~~4) Perform such other duties as may be prescribed by ordinance or resolution.

SECTION 84. Chapter 3 of the Peoria City Code (1992) is amended by repealing the resulting blank section 3-70 in its entirety.

SECTION 85. 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 86. This ordinance shall become effective in the manner provided by law.

PASSED AND ADOPTED by the Mayor and Council for the City of Peoria,  
Arizona this 6<sup>th</sup> day of April, 2021

\_\_\_\_\_  
Cathy Carlat, Mayor

\_\_\_\_\_  
Date signed

ATTEST:

\_\_\_\_\_  
Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Vanessa P. Hickman, City Attorney

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