

ORDINANCE NO. 773

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING CERTAIN TOWN CODE PROVISIONS RELATED TO THE SURFACE TRANSPORTATION ADVISORY BOARD AND RENAMING SUCH BOARD THE 'TRANSPORTATION ADVISORY BOARD.'

WHEREAS, it is the intention of the Town of Payson to amend sections 33.85 through 33.89 of the Code of the Town of Payson (Surface Transportation Advisory Board); and

WHEREAS, an amendment to sections 33.85 through 33.89 of the Code of the Town of Payson was declared to be a public record by Resolution 2527; and

WHEREAS, it is the desire of the Mayor and Common Council to amend the Code of the Town of Payson by amending sections 33.85 through 33.89 by reference pursuant to A.R.S. § 9-802,

NOW, THEREFORE, THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, DO HEREBY ORDAIN AS FOLLOWS:

- Section 1. That the amendment to sections 33.85 through 33.89 of the Code of the Town of Payson (Surface Transportation Advisory Board) set forth in Resolution 2527 was heretofore declared to be a public record by such Resolution, and that the amendment to such sections is hereby referred to and adopted by this reference as though all the provisions thereof were set forth in full in this Ordinance Number 773.
- Section 2. That at least three copies of the amendment to sections 33.85 through 33.89 of the Code of the Town of Payson (Surface Transportation Advisory Board), as adopted by this Ordinance Number 773 shall be filed in the Office of the Clerk of the Town of Payson and the same shall be maintained and kept available for public use and inspection.
- Section 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance Number 773 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 Number 773. The Mayor and Common Council of the Town of Payson declares that it would have adopted this Ordinance Number 773 and each section, subsection, sentence, clause, phrase or portion thereof despite the fact that any one or more sections, subsections, sentences, clauses, phrases or portions would be declared invalid or unconstitutional.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE  
TOWN OF PAYSON this \_\_\_\_ day of \_\_\_\_\_, 2009, by the following vote:

AYES \_\_\_\_ NOES \_\_\_\_ ABSTENTIONS \_\_\_\_ ABSENT \_\_\_\_

\_\_\_\_\_  
Kenny J. Evans, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Silvia Smith, Town Clerk

\_\_\_\_\_  
Samuel I. Streichman, Town Attorney

**RESOLUTION NO. 2527 IS  
PROVIDED FOR INFORMATION  
ONLY  
AT THE 10/22/09 COUNCIL MEETING.**

**RESOLUTION NO. 2527 WILL  
BE AGENDIZED AS AN ACTION ITEM  
AT THE 11/5/09 COUNCIL MEETING.**

**RESOLUTION NO. 2527**

**A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING CERTAIN TOWN CODE PROVISIONS RELATED TO THE SURFACE TRANSPORTATION ADVISORY BOARD, RENAMING SUCH BOARD THE 'TRANSPORTATION ADVISORY BOARD,' AND DECLARING SUCH AMENDMENTS TO BE A PUBLIC RECORD.**

**WHEREAS**, the Code of the Town of Payson was declared to be a public record by Resolution Number 1536 of the Town of Payson; and

**WHEREAS**, the Code of the Town of Payson was adopted as a public record by Ordinance Number 588 of the Town of Payson; and

**WHEREAS**, it is the intention of the Town of Payson to amend sections 33.85 through 33.89 of the Code of the Town of Payson (Surface Transportation Advisory Board); and

**WHEREAS**, such amendment may be enacted by reference, pursuant to A.R.S. § 9-802,

**NOW, THEREFORE, THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, DO HEREBY RESOLVE AS FOLLOWS:**

- Section 1. Sections 33.85 through 33.89 of the Code of the Town of Payson is hereby amended, is declared to be a public record, and as amended shall read as set forth in Exhibit A attached hereto.
- Section 2. If any section, subsection, sentence, clause, phrase or portion of Resolution Number 2527 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 Resolution Number 2527. The Town Council of Payson declares that it would have adopted Resolution Number 2527 and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses, phrases, or portions may be declared invalid or unconstitutional.

**PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON** this \_\_\_\_ day of \_\_\_\_\_, 2009, by the following vote:

AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSTENTIONS \_\_\_\_\_ ABSENT \_\_\_\_\_

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Kenny J. Evans, Mayor

ATTEST:

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Silvia Smith, Town Clerk

APPROVED AS TO FORM:

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Samuel I. Streichman, Town Attorney

# EXHIBIT A TO RESOLUTION 2527

## ~~SURFACE~~ TRANSPORTATION ADVISORY BOARD

### § 33.85 ESTABLISHMENT.

There is hereby established the ~~Surface~~ Transportation Advisory Board for the purpose of providing input and recommendations to the Mayor and Town Council on issues related to surface transportation issues in the town.

### § 33.86 DUTIES AND RESPONSIBILITIES.

The ~~Surface~~ Transportation Advisory Board shall have the following duties and responsibilities:

- (A) To advise and make recommendations to the Town Council on pedestrian, bicycle, and vehicular ~~surface~~ transportation issues, including:
- ~~(1)~~ Development and/or improvements of town streets;
  - ~~(2)~~ ~~Funding sources for street development and/or improvements;~~
  - ~~(3)~~ ~~State highway improvements and potential improvements that impact the town;~~
  - ~~(4)~~ ~~Public transit; and~~
  - (2) Improvements or changes that impact surface transportation in Town;
  - (3) Identify and prioritize options available for safe and efficient mobility and circulation throughout the Town;
  - (4) Update or conduct, if necessary, street inventory for condition and safety to comply with all laws;
  - (5) Improvements to pedestrian and bicycle facilities along or next to Town streets;
  - (6) Review current and past transportation studies and analyze new information for impact on existing streets and examine remedies for potential increase in traffic volume; and
  - ~~(5)(7)~~ Any other surface transportation issues as requested by the Town Council and/or the ~~Town Manager~~.

- (B) To advise and consult with the Public Works Director Engineer, or his or her designee, in accordance with the open meetings law, as to items to be included in the agenda of meetings of the Board prior to preparation and distribution of the agenda.
- (C) To review and approve the official minutes of all meetings of the Board prior to transmittal of the minutes to the Council.
- (D) To perform any other function as may be determined, from time to time, by the ~~Mayor and~~ Town Council.

§ 33.87 MEMBERSHIP; TERMS; OFFICERS.

(A) Members and officers of the Surface Transportation Advisory Board shall be appointed and serve terms in accordance with § 33.02.

(B) The chairperson or, in his or her absence, the vice-chairperson, shall preside over the meetings of the Board and shall exercise and perform such duties as are assigned to him or her by the Mayor and Town Council. In the event that both the chairperson and vice-chairperson are absent from a meeting, the remaining members of the Board who constitute a quorum shall select a chairperson pro tempore, who shall perform the duties of the chairperson for that meeting.

§ 33.88 RESERVED.

§ 33.89 MEETINGS.

- (A) The ~~Surface~~ Transportation Advisory Board shall meet as needed.
- (B) All proceedings of the ~~Surface~~ Transportation Advisory Board and any of its subcommittees shall be conducted in conformity with the requirements of this code and the laws of the state, specifically including, but not limited to, the requirements of A.R.S. §§ 38-431 et seq., the Arizona Open Meetings Law.