

ORDINANCE NO. 842

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF
PAYSON, ARIZONA, AMENDING CHAPTER 33 (BOARDS, COMMITTEES,
AND COMMISSIONS) OF THE TOWN CODE.
(PART 6 OF THE SYSTEMATIC CODE REVIEW AND UPDATE)

WHEREAS, on June 6, 2013, the Town Council directed the Town Attorney, working with the Town's Departments to systematically review the Town Code and to bring to the Council any recommended amendments to ensure consistency with State Law, internal consistency with other Town Ordinances/Code sections, and efficiency of Town operations; and

WHEREAS, Chapter 33: Boards, Committees and Commissions of the Town Code has been reviewed by the Town Attorney, Town Manager, and various staff members who work directly with the Town's Boards, Committees, and Commissions; and

WHEREAS, the Town desires to amend Sections related to the General Provisions, the Parks and Recreation Commission, the Airport Commission, the Building Advisory Board, the Historic Preservation and Conservation Commission, the Design Review Board, the Housing Advisory Commission, the Transportation Advisory Board, and the Payson Area Advisory Youth Council,

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

Section 1. Section 33.03 of the Town Code is amended and shall read as follows:

33.03 DUTIES; ACTION; AUTHORITY.

(A) The duties of each board, committee, or commission shall be determined by the Council, or when appropriate, by state law. Each board, committee or commission shall only discuss or take action on items as directed by State Statute, Town Code, and/or the Town Council.

(B) A majority of the total number of regular positions as determined by Resolution shall constitute a quorum. Each board, committee, or commission shall cause minutes to be kept of the proceedings, showing the vote of each member upon every question, or if absent and failing to vote, indicating that fact, and shall keep records of the board, committee, or commission's examinations or other official actions. Such minutes shall be reviewed and approved prior to transmittal to the Council.

(C) Any board, committee, or commission shall have authority by and with written approval of the Council to make all necessary rules governing its proceedings.

Second Public Hearing JAN 23 2014 D. 2

(D) No board, committee, or commission shall incur debts, make any purchases or enter into any contracts binding the town.

(E) No board, committee, or commission shall receive any funds.

(F) (1) For the purposes of this chapter, the terms board, committee, and commission shall be defined as follows:

BOARD. A standing group that meets as needed, whose functions are determined by the Town Council and/or state law.

COMMISSION. A standing group with continuing regularly scheduled meetings, whose functions are determined by the Town Council and/or state law.

COMMITTEE. A temporary group appointed by the Town Council for a particular matter, task, or duty.

(2) All advisory groups to the Town Council shall be named in accordance with the provisions of this division (F) unless the name is contrary to state and/or federal law.

(G) Except as otherwise may be required by law, the Council may designate a board, committee, or commission inactive.

(1) While inactive, a board, committee, or commission shall not meet or be required to perform any function. The inactive designation may be for a time certain or indefinitely.

(2) The expiration date of the terms for members of an inactive board, committee, or commission shall remain unchanged.

(3) The Council may reactivate an inactive board, committee, or commission at any time. At the time of the reactivation, the Council shall ensure that the board, committee, or commission has a quorum of members. Any new members appointed following the reactivation shall have terms of one, two, or three years if necessary to provide staggered terms.

(4) Any board, committee, or commission that lacks a quorum of active members for more than 90 days shall be deemed inactive.

(5) Any member serving on an inactive board, committee, or commission may apply for a vacancy on another board, committee, or commission. If appointed to another board, committee, or commission, the member shall vacate his/her position on the inactive board, committee, or commission.

Section 2. Section 33.05 of the Town Code is amended and shall read as follows:

33.05 STAFF ASSISTANCE.

The Town Manager shall designate a staff advisor for each standing board, committee, and commission. The staff advisor or designee shall aid and assist the board, committee, or commission as needed, including, but not limited to, all actions required by Arizona's Open Meeting Law.

Section 3. Section 33.06 of the Town Code is added and shall read as follows:

33.06 OPEN MEETING LAW

All activities of each board, committee, and commission shall be conducted in compliance with Arizona's Open Meeting Law. See A.R.S. 38-431 et. seq.

Section 4. Section 33.18 of the Town Code is amended and shall read as follows:

33.18 POWERS AND DUTIES.

The Parks and Recreation Commission shall have the following powers and duties:

(A) To assist and advise the Council, the Directors of Parks and Recreation and Public Works in the establishment of essential policies, rules and regulations relating to the planning, acquisition, disposition, operation, use, care and maintenance of areas and structures owned, leased or otherwise acquired by the town for use as parks and recreational centers.

(B) To suggest to the Mayor and Council qualified and interested persons eligible for appointment for Parks and Recreation Commission vacancies.

Section 5. The word "COMPOSITIONS" in the title of Section 33.26 is amended and shall be "COMPOSITION." The word "person" in subsection D of Section 33.26 is amended and shall be "persons."

Section 6. Section 33.27 of the Town Code is amended and shall read as follows:

33.27 MEETINGS.

The Airport Commission shall meet at least four times each year.

Section 7. Section 33.28 of the Town Code is amended and shall read as follows:

33.28 RESPONSIBILITIES, POWERS AND DUTIES.

The Airport Commission shall, with the assistance of and in coordination with the staff advisor, have the following responsibilities, powers and duties:

(A) Recommend and monitor strategic and long term planning for the airport.

(B) On or before April 30 of each year, review and recommend changes (if necessary) to Airport Fees and Charges, Rules and Regulations, and Minimum Standards.

(C) Make recommendations in the establishment of essential policies, rules, and regulations relating to the planning, acquisition, disposition, operation, and maintenance of areas and structures owned, leased or otherwise acquired by the town for use in aviation activities. Upon request of the Commission, such recommendations shall be submitted for Council consideration within 60 days.

(D) Review and advise concerning safety matters under jurisdiction of the airport.

(E) Advise in the prioritization and development of the Airport Capital Improvement Plan and any other airport plans.

(F) Assist in establishing policies to assure compliance with FAA and ADOT grant assurances.

(G) Review and make recommendation on all proposed leases of 12 months or greater prior to submission of any such lease to the Council.

(H) Perform any other function as may be determined from time to time by the staff advisor.

Section 8. Subsection C of 33.35 of the Town Code is repealed.

Section 9. Section 33.38 of the Town Code is repealed.

Section 10. Section 33.39 of the Town Code is amended and shall read as follows:

33.38 SITTING AS THE BOARD OF APPEALS.

(A) When sitting as the Board of Appeals for any of the town's codes governing building construction or fire safety, the Building Advisory Board shall hear and decide appeals from final orders, decisions, or determinations as to the application and interpretation of those codes.

(B) Procedures.

(1) Any person, or that person's representative, directly aggrieved by a final order, decision or determination related to the Town's codes governing building construction or fire safety may file a written appeal within 15 working days of that order, decision, or determination. A person directly aggrieved is one of the following:

(a) A person or entity to whom or which an order, decision, or determination is given or at whom or which it is directed; or

(b) An owner or resident of real or personal property immediately adjacent, within 150 feet on any side, to the specific real property affected by such an order, decision or determination.

(2) A hearing shall be held within 14 days of the filing of the appeal. Notice of the place, date and time of the hearing shall be given to the appellant no less than seven days prior to the hearing.

(3) The appeal shall be based on a claim that the true intent of one of the town's construction or fire safety codes has been incorrectly interpreted, the provisions of that code do not fully apply, or in the case of building construction code interpretations, an equally good or better form of construction is proposed and should be allowed.

(4) The appellant shall have the burden of proof. If the appellant fails to appear at the hearing without good cause, the Board of Appeals shall dismiss the appeal.

(5) The Building Advisory Board may affirm or reverse, wholly or partly, or modify the order, decision or determination appealed.

(6) The Building Official or the appellant may appeal a determination of the Building Advisory Board to the Town Council by submitting a written appeal to the Town Clerk within seven calendar days after the determination is announced.

(7) If an appeal is made to the Town Council, no action shall be taken until such appeal is resolved. If an appeal is not made within the appeal period, the determination of the Building Advisory Board shall be implemented immediately.

(C) If there is any conflict between the procedures for appeals set forth in this subchapter and any construction or fire code adopted by the town, the procedures set forth in this subchapter shall govern irrespective of the date of adoption.

Section 11. Section 33.45 of the Town Code is amended and shall read as follows:

33.45 PURPOSE

The purpose of the Historic Preservation and Conservation Commission is to develop rules and procedures and take necessary actions that will ensure preservation of the historical significance of the town.

Section 12. Subsection A of 33.46 of the Town Code is amended and shall read as follows:

33.46 COMPOSITION.

(A) The Historic Preservation and Conservation Commission shall be composed of members with a demonstrated interest, experience or knowledge in history, architectural history, architecture, historic interiors, historic architecture, planning archeology, historic archeology, real estate, historic preservation law or other historic preservation field.

Section 13. Section 33.47 of the Town Code is amended and shall read as follows:

33.47 RESERVED.

Section 14. Section 33.48 of the Town Code is amended and shall read as follows:

33.48 FILLING VACANCIES; LACK OF A QUORUM.

(A) The Mayor or designee shall ensure that all vacancies on the Commission are filled within 60 days of the occurrence of the vacancy, unless extenuating circumstances require a longer period of time. A written request to the State Historic Preservation Office for time greater than 60 days shall be made by the Mayor.

(B) If a quorum of the Commission is unavailable to perform any action that may be required by law, the Design Review Board may take such action as may be needed.

Section 15. Section 33.49 of the Town Code is amended and shall read as follows:

33.49 MEETINGS.

The Commission shall meet at least four times each year.

Section 16. Section 33.50 of the Town Code is amended and shall read as follows:

33.50 DUTIES AND RESPONSIBILITIES.

(A) It shall be the duty of the Commission to hold public hearings and conduct meetings related to historic preservation and design review responsibilities.

(B) Hear, decide, review and make recommendations to the Mayor and Town Council on actions that affect historic preservation within the town;

(C) Carry out its responsibilities in coordination with State Historical Preservation Office responsibilities as outlined in 36 CFR 61.4(b) and to ensure that its responsibilities are complementary to those of the State Historical Preservation Office;

(D) Ensure that the town participates in the National Register nomination process and meets the criteria established by the State Historical Preservation Office.

(E) Any other actions as may be mandated by law.

Section 17. Section 33.55 of the Town Code is amended and shall read as follows:

33.55 ESTABLISHMENT.

There is hereby established the Design Review Board

Section 18. Subsection (A) of 33.56 of the Town Code is amended and shall read as follows:

33.56 DUTIES AND RESPONSIBILITIES.

The Design Review Board shall have the following powers, duties and responsibilities:

(A) To review all existing Town Design Review guidelines and recommend to the Town Council any changes, amendments, deletions or additions to such Design Review guidelines.

Section 19. Section 33.57 of the Town Code is amended and shall read as follows:

33.57 MEMBERSHIP; QUALIFICATIONS; MAJORITY REQUIRED.

(A) Notwithstanding section 33.02, up to two members of the Board are not required to be electors of the Town so long as any member not an elector is:

(1) A resident of northern Gila County who resides within the Payson Justice Court Judicial District; and

(2) Owns a business or enterprise within the Town of Payson or owns real estate within the Town of Payson.

(B) At least four members of the Board shall be qualified by background, training, or experience in design-related occupations such as architecture/building design, building construction, landscape architecture, land use planning, civil engineering, real estate, or similar fields, to create diversity on the Board.

(C) A vote of the majority of the number of regular positions as determined by Resolution shall be necessary for the Board to take action.

Section 20. Section 33.58 of the Town Code is repealed.

Section 21. Section 33.59 of the Town Code is amended and shall read as follows:

33.58 MEETINGS.

(A) The Board shall meet as needed.

(B) If the Board is reviewing potential changes, amendments, deletions or additions to the Town's Design Review guidelines, the Board shall actively solicit public input.

(C) If the Board is reviewing a specific design review application, the public shall have the right to attend and observe such review, but the Board shall only consider the contents of the application, information provided by the application and information provided by Town staff prior to making a decision on such application.

Section 22. Section 33.75 of the Town Code is amended and shall read as follows:

33.75 ESTABLISHMENT.

There is hereby established the Housing Advisory Board.

Section 23. Section 33.76 of the Town Code is amended and shall read as follows:

33.76 DUTIES AND RESPONSIBILITIES.

The Board shall have the following powers, duties and responsibilities:

(A) To advise and make recommendations to the Mayor and Town Council on affordable and workforce housing issues:

(B) To review existing town policies and ordinances in relation to their impact on affordable/workforce housing;

(C) To identify town resources that could assist in the provision of affordable/workforce housing;

(D) To review and approve the official minutes of all meetings of the Board prior to transmittal of the minutes to the Town Clerk;

(E) To perform any other function as may be determined, from time to time, by the Mayor and Town Council.

Section 24. Section 33.77 of the Town Code is amended and shall read as follows:

33.77 MAJORITY REQUIRED.

A vote of the majority of the number of regular positions as determined by Resolution shall be necessary for the Board to take action.

Section 25. Sections 33.78 and 33.79 of the Town Code are repealed.

Section 26. Section 33.85 of the Town Code is amended and shall read as follows:

33.85 ESTABLISHMENT.

There is hereby established the Transportation Advisory Board.

Section 27. Section 33.86 of the Town Code is amended and shall read as follows:

33.86 DUTIES AND RESPONSIBILITIES.

The Board shall have the following duties and responsibilities:

(A) To advise and make recommendations to the Town Council on pedestrian, bicycle, and vehicular transportation issues, including:

- (1) Development and/or improvements of town streets;
- (2) Improvements or changes that impact surface transportation in the 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;

and

(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.

(B) To review and approve the official minutes of all meetings of the Board prior to transmittal of the minutes to the Council.

Section 28. Sections 33.87 and 33.88 of the Town Code are repealed.

Section 29. Section 33.89 of the Town Code is amended and shall read as follows:

33.87 MEETINGS.

The Transportation Advisory Board shall meet as needed.

Section 30. Section 33.97 of the Town Code is amended and shall read as follows:

33.97 MEMBERSHIP; TERMS; APPOINTMENT; AND OFFICERS.

(A) The provisions of § 33.02 of the town code shall not be applicable to the Council.

(B) The Council shall have seven regular Council members and up to four alternate Council members. The alternate Council members may serve at the discretion of the Staff

Advisor in the absence of one or more regular Council members.

(C) The term of office for the regular and alternate members shall commence upon July 1 of each year and shall be for three years or until the regular or alternate member is no longer a high school or college student residing within the Payson Justice Court District, whichever occurs first.

(D) Every member of the Council shall be appointed by the Staff Advisor in consultation with the Town Council liaison, if applicable, and approved by the Mayor and Town Council.

(E) The Council shall elect a Chairperson, a Vice-Chairperson and a Secretary at its first meeting following July 1 of each year.

(F) The Chairperson or, in his or her absence, the Vice-Chairperson, shall preside over the Advisory Youth Council's meetings. In the event that both the Chairperson and Vice-Chairperson are absent from a meeting, the Staff Advisor shall select a Chairperson Pro Tempore, who shall perform the duties of the Chairperson for that meeting.

(G) Regular and alternate members.

(1) Regular members of the Council shall reside within the Payson Justice Court District and be either a high school or college student.

(2) Alternate members of the Council shall reside within the Payson Justice Court District and be either a middle school, high school or college student.

(H) The Staff Advisor shall have the right and power to remove any Council member, with or without cause, upon approval by the Mayor and Council. A Council member who has three or more consecutive unexcused absences shall be deemed to have vacated his or her appointment without further action by the Staff Advisor or the Mayor and Council, and such vacancy shall be filled pursuant to subsection (D) above.

(I) For the purposes of this section, the following definitions shall apply.

MIDDLE SCHOOL STUDENT shall mean a person who is currently enrolled at any public, private, or charter school, or a student meeting the requirements for home schooling as defined in A.R.S. § 15-802, who is studying at the sixth through eighth grade level.

HIGH SCHOOL STUDENT shall mean a person under the age of 19 who is currently enrolled at any public, private, or charter high school, or a student meeting the requirements for home schooling as defined in A.R.S. § 15-802 at the high school level.

COLLEGE STUDENT shall mean a person under the age of 23 years of age who is currently enrolled at an accredited college or university and taking at least 12 credit hours per semester.

Section 31. Section 33.99 of the Town Code is amended and shall read as follows:

33.99 MEETINGS.

The Council shall meet at least four times each year.

Section 32. If any portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this ____ day of _____, 2014, by the following vote:

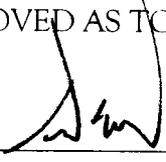
AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

Kenny J. Evans, Mayor

ATTEST:

APPROVED AS TO FORM:

Silvia Smith, Town Clerk



Timothy M. Wright, Town Attorney