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MEMORANDUM

Date: January 9, 2014

To: Mayor and Council Members

From: Tim Wright, Town Attorney *TW*

Re: Systematic Town Code Review – Title III, CHAPTER 33: BOARDS, COMMITTEES AND COMMISSIONS (Ordinance 842)

This is part 6 of the Systematic Town Code Review. The changes recommended below are for Title III, Chapter 33: Boards, Committees, and Commissions. Input for the changes was obtained from the Town Manager, and various Department Heads/Managers who work with the Town's various Boards, Committees and Commissions ("BCC"). (insertions are noted with a double underline and deletions are noted by ~~strikeout~~)

Throughout this Chapter, there are numerous references that are repeated. These repeats are removed. For example, 33.35(C) says that Building Advisory Members are appointed in accordance with 33.02. 33.02 sets forth how all BCC members are appoints, so 33.35(C) adds nothing and will be removed.

CHAPTER 33: BOARDS, COMMITTEES AND COMMISSIONS

GENERAL

Section 33.01 CREATION – no recommended changes.

Section 33.02 MEMBERSHIP – no recommended changes.

Section 33.03 FUNCTIONS; ACTION; AUTHORITY – This section is amended to reflect that the Duties (a term used elsewhere and changed from 'functions') of the various BCC are those prescribed by Town Code, State Statute, or direction of the Council. There are changes to clarify

that BCC have nothing to do with finances or the receipt of funds. Additionally, there are grammatical cleanups.

33.03 DUTIES FUNCTIONS; ACTION; AUTHORITY.

(A) The duties functions 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. ~~be responsible for such matters as may be referred to it by the Council and shall meet at such times as may be necessary to perform its duties.~~

(B) A majority of the total number of regular positions as determined by Resolution ~~members of any board, committee, or commission~~ 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. ~~The minutes of the board, committee or commission and all other records of actions taken shall be filed forthwith, upon approval by the board, committee, or commission, in the office of the Clerk, in compliance with A.R.S. 38-431 et seq., and the same shall be public record.~~

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

(D) No board, committee, or commission shall incur debts, make any purchases or enter into any contracts binding the town. ~~All matters coming before any board, committee, or commission involving the expenditure of funds or the making of agreements or contracts shall be referred to the Council with the recommendation of the board, committee, or commission.~~

(E) ~~All funds received by any~~ No board, committee, or commission shall receive any funds. ~~be deposited with the Chief Fiscal Officer of the town.~~

(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 33.04 COUNCIL LIAISON – no recommended changes.

Section 33.05 STAFF ASSISTANCE – Amendments include the elimination of Council consent for staff advisors.

33.05 STAFF ASSISTANCE.

The Town Manager, ~~with the consent of the Mayor and Town Council,~~ 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 33.06 OPEN MEETING LAW – This is a new section that has been added to clarify in one location that all of the BCC are subject to Arizona's Open Meeting Law.

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.

PARKS AND RECREATION COMMISSION

Section 33.15 ESTABLISHMENT; COMPOSITION – No recommended changes.

Section 33.16 ELIGIBILITY – No recommended changes.

Section 33.17 MEETINGS – No recommended changes.

33.18 POWERS AND DUTIES – The amendments for this section fall into 4 categories: (1) repetitive sections are deleted; (2) pre agenda consultations with the director are eliminated (potential Open Meeting Law issues); (3) while leaving the Commission responsibility for ‘policies, rules, regulations related to planning, acquisition, disposition, operation, use, care and maintenance,’ it is removed from the budget process; and (4) recommending the creation of additional committees is eliminated. None of these changes affect the current working/operation of the Commission.

§ 33.18 POWERS AND DUTIES.

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

~~–(A)– To establish rules and regulations as it deems necessary for its government and for the faithful performance of its duties; by vote to set a time for regular meetings which shall be held at least once each month if there is business to transact; and, to establish the manner in which special meetings may be held and the notice to be given thereof.~~

~~–(B)– To advise and consult with the Director as to items to be included in the agenda of meetings of the Commission prior to preparation and distribution of the agenda.~~

~~–(C)– To review and approve the official minutes of all meetings of the Parks and Recreation Commission as prepared by the Director prior to transmittal of the minutes to the Council.~~

~~(AD) To assist and advise the Council, the Directors of Parks and Recreation Director and the Public Works Director 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.~~

~~–(E)– To assist and advise the Director in the development of a continuing plan for the town park system and its recreation program. The Town Clerk, through the Director, shall from time to time send such plans and programs to the Parks and Recreation Commission for its review. The results of the reviews shall be forwarded to the Council for its review.~~

~~–(F)– To assist and advise the Director in establishing priorities at budget time for those items other than administrative functions relating to park acquisition, development and recreation programs. The recommendations of the Parks and Recreation Commission shall be forwarded to the Council by the Chief Fiscal Officer when he or she submits the tentative budget to the Council.~~

~~–(G)– To receive, accept and acquire, subject to final action by the Council, by gift, real or personal property of every kind in the name of the town for park and recreational purposes subject to the terms of the gift.~~

~~–(H)– To recommend to the Council for appointment, the creation and membership of committees that are deemed helpful to the parks and recreation program.~~

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

AIRPORT COMMISSION

33.25 ESTABLISHMENT – no recommended changes.

33.26 ELIGIBILITY; COMPOSITIONS – ‘Compositions’ in the title will be changed to ‘Composition’ (singular). And the word ‘person’ in subsection D will be changed to ‘persons’ (plural).

33.27 MEETINGS – repetitive language re Arizona’s Open Meeting Law is eliminated.

§ 33.27 MEETINGS.

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

~~–(B)– The Airport Commission’s meetings shall be conducted in conformity with the requirements of Arizona’s Open Meeting Law, A.R.S. §§ 38-431, et seq.~~

33.28 RESPONSIBILITIES, POWERS AND DUTIES – Subsection B is amended to provide additional time for the review of any changes to the Airport Fees and Charges. Subsections E and F are consolidated. Subsection I is amended to clarify that only proposed leases 12 months or longer must be reviewed. Additionally, subsection J is eliminated and subsection L (now K) is amended to remove duplicative language.

§ 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 ~~December 31~~ 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) Recommend budget priorities relating to the airport.~~

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

~~(H) Recommend persons eligible for appointment to Commission vacancies.~~

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

~~(J) Establish rules as deemed necessary for the Commission's operation.~~

~~(K) Review and approve the official minutes of all of its meetings prior to transmittal of the minutes to the Council.~~

(HL) Perform any other function as may be determined from time to time by the staff advisor ~~or the Mayor and Council.~~

BUILDING ADVISORY BOARD

33.35 FORMATION; MEMBERSHIP – Duplicative language in subsection C is eliminated.

§ 33.35 FORMATION; MEMBERSHIP.

(A) There is hereby established a Building Advisory Board.

(B) The members of the Building Advisory Board shall be qualified by training and experience to act on matters pertaining to building construction and the construction and fire safety codes adopted by the town.

~~(C) The members of the Building Advisory Board shall be appointed and serve in accordance with § 33.02.~~

33.36 POWERS AND DUTIES – no changes recommended.

33.37 LIMITATIONS ON AUTHORITY – no changes recommended.

33.38 RESERVED – Eliminated.

~~33.38 RESERVED.~~

33.39 SITTING AS THE BOARD OF APPEALS – In additional to the entire section being renumbered, there are grammatical changes and simplifying of the current language.

§ 33.389 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 made by the Building Official and/or Fire Marshal, as the case may be,~~ relative to the application and interpretation of those codes.

(B) Procedures.

(1) Any person, or that person's representative, directly aggrieved by an final order, decision or determination related to the Town's codes governing building construction or fire safety ~~of the Building Official or Fire Marshal~~ 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 ~~demonstrating that the order, decision, or determination appealed from was an incorrect interpretation of the true intent of the code, the provisions of the code do not apply, or any equally good or better form of construction is proposed and should be allowed under the relevant code section.~~ If the appellant fails to appear at the hearing without good cause, the Board of Appeals shall dismiss the appeal.

(5) ~~Following the hearing, the Building Advisory Board shall make and announce a determination of whether the Building Official or Fire Marshal erred in an interpretation of the code, the application of a code or whether an equally good or better form of construction is available and was proposed.~~ 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, ~~sitting as the Board of Appeals,~~ to the Town Council by ~~if a written request for appeal is submitted~~ 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, ~~the Building Official and/or Fire Marshal shall take~~ shall be taken no action until such appeal is resolved. If an appeal is not made within the appeal period, ~~the Building Official and/or Fire Marshal shall~~

~~immediately attempt to implement~~ 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.

HISTORIC PRESERVATION AND CONSERVATION COMMISSION

33.45 PURPOSE – Repetitive language and a sentence are eliminated.

33.45 PURPOSE.

The purpose ~~and intent~~ 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. ~~This Commission shall act in an advisory capacity to the Mayor and Town Council in regard to issues of historical significance and design review and otherwise as requested by the Mayor and Town Council.~~

33.46 COMPOSITION – Repetitive sentence is eliminated.

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. ~~Except as otherwise provided herein, the composition and operation of the Historic Preservation and Conservation Commission shall be subject to the provisions contained in §§ 33.01 through 33.03.~~

(B) To the extent available in the community, at least two members shall be professionals from the disciplines of architecture, history, architectural history, planning, real estate, archeology or related historic preservation disciplines.

(C) If a field is not represented by a Commission member, the Commission shall obtain expertise in the field when considering National Register nominations and other actions that will impact properties that are normally evaluated by a professional in that field.

(D) If the membership does not meet the minimum guidelines established by the State Historic Preservation Office and this subchapter, then the town shall provide information to the State Historic Preservation Office in writing that it has made a reasonable effort to fill those positions.

33.47 OFFICERS – Eliminated as unnecessary.

33.47 RESERVED OFFICERS.

~~–(A) The chairperson shall preside at all meetings and exercise all the usual rights, duties and prerogatives of the chairperson of a town board or commission.~~

~~–(B) The vice chairperson shall perform the duties of the chairperson in the absence or disability of the chairperson.~~

33.48 FILLING VACANCIES – This section is amended to allow the Design Review Board to perform any actions that may be required by law if a quorum of Historic Preservation and Conservation Commission members are unavailable.

33.48 FILLING VACANCIES; LACK OF A QUORUM.

(A) The Mayor or designee shall ensure that all vacancies on the Historic Preservation and Conservation 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.

33.49 MEETINGS – Duplicative provisions relating to the Open Meeting Law and rule making are eliminated.

33.49 MEETINGS.

~~(A) The Historic Preservation and Conservation Commission shall meet at least four times each year, and shall follow the provisions of A.R.S. §§ 38-431 et seq., the Arizona Open Meetings Law.~~

~~–(B) All decisions and recommendations to the Mayor and Town Council by the Historic Preservation and Conservation Commission shall be made in an open forum, and the Commission shall advise all interested persons of its decisions.~~

~~–(C) The Historic Preservation and Conservation Commission shall establish rules of procedure and shall make such rules known to the public.~~

30.50 DUTIES AND RESPONSIBILITIES – This section has been simplified. Actions already accomplished have been removed, as well as outdated actions.

33.50 DUTIES AND RESPONSIBILITIES.

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

~~—(B) In this regard, it shall be the duty of the Historic Preservation and Conservation Commission to do the following:~~

~~—(1) Prepare and recommend to the Mayor and Town Council an historic preservation ordinance and a design review ordinance that meet the criteria established by the State Historical Preservation Office for eligibility for designation as a Certified Local Government;~~

~~—(2) Prepare and submit to the Mayor and Town Council an application to become a Certified Local Government;~~

~~(B3) Hear, decide, review and make recommendations to the Mayor and Town Council on actions that affect historic preservation within the town;~~

~~—(4) Review and make recommendations to the Development Services Committee relative to design review for development within the Green Valley Redevelopment Area;~~

~~—(5) Prepare a written annual report to the State Historic Preservation Office of Historic Preservation and Conservation Commission activities. The report must contain, at a minimum, minutes of meetings, decisions and recommendations made, special projects and activities, the number and type of cases reviewed, revised resumes of Historic Preservation and Conservation Commission members and member attendance records;~~

~~—(6) Develop and maintain a system for the survey and inventory of historic properties;~~

~~(C7) 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;~~

~~(8) Ensure eligibility for application for Historic Preservation Funds by meeting the criteria established by the State Historical Preservation Office; and~~

~~(D9) 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 ~~State Statute~~.

DESIGN REVIEW BOARD

33.55 ESTABLISHMENT – Duplicative language (repeated in the following section) is removed.

33.55 ESTABLISHMENT.

There is hereby established the Design Review Board ~~for the purpose of reviewing design review applications as set forth in the Town's Unified Development Code and making recommendations to the Mayor and Town Council on issues related to Design Review within the Town of Payson.~~

33.56 DUTIES AND RESPONSIBILITIES – The Council has already adopted separate Design Review guidelines for multifamily, commercial, and industrial. Therefore this language is unnecessary.

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. ~~During such review the Board shall, following citizen input, specifically consider separate Design Review guidelines for multifamily, commercial, and industrial development.~~

(B) To review Design Review applications as set forth in Unified Development Code. The Board shall not review single-family or two-family residences.

(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.

33.57 MEMBERSHIP AND TERMS; OFFICERS; MAJORITY REQUIRED – Duplicative language has been removed and the number of members required to take an action is clarified.

33.57 MEMBERSHIP; QUALIFICATIONS; ~~AND TERMS~~; OFFICERS; MAJORITY REQUIRED.

~~–(A) Except as provided in divisions (B) and (C) below, members and officers of the Design Review Board shall be appointed and serve terms in accordance with § 33.02.~~

(AB) Notwithstanding section 33.02, up 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.

(BE) 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.

~~–(D) 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.

(CE) A vote of the majority of the number of regular positions as determined by Resolution ~~members of the entire Board~~ shall be necessary for the Board ~~it~~ to take action.

33.58 RESERVED – Eliminated.

~~33.58 RESERVED.~~

33.59 MEETINGS - duplicative reference to the Open Meeting Law is eliminated and the section is renumbered.

33.589 MEETINGS.

(A) The ~~Design Review~~ Board shall meet as needed.

~~(B) All meetings of the Design Review 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.~~

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

(CD) If the ~~Design Review~~ 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.

HOUSING ADVISORY COMMISSION(Now a Board)

33.75 ESTABLISHMENT – The name ‘commission’ has been changed to ‘board’ because the four mandatory meetings per year have been eliminated. See Section 33.79. Also duplicative language removed.

33.75 ESTABLISHMENT.

There is hereby established the Housing Advisory Board. ~~Commission for the purpose of providing input and recommendations to the Mayor and Town Council on issues related to affordable and workforce housing for residents of the town.~~

33.76 DUTIES AND RESPONSIBILITIES – This section has been simplified. The general direction is the same, but some of the specifics have been removed.

33.76 DUTIES AND RESPONSIBILITIES.

The ~~Housing Advisory Commission~~ Board shall have the following powers, duties and responsibilities:

~~—(A) To educate the community about the need for and the impact of affordable/workforce housing;~~

~~(AB) To advise and make recommendations to the Mayor and Town Council on affordable and workforce housing issues, including:~~

~~—(1) The town's Housing Strategic Plan;~~

~~—(2) Creation of a housing trust fund and community land trust;~~

~~—(3) Permanent affordable/workforce housing policies and regulations;~~

~~—(4) Development of specific incentives and strategies to increase affordable/workforce housing;~~

~~—(5) Revisions to ordinances that affect affordable/workforce housing; and~~

~~—(6) Any other housing issues as requested by the Mayor, Town Council, and/or the Town Manager.~~

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

~~—(D) Except as otherwise provided in § 33.03 of the town code, to explore and facilitate partnerships with existing organizations that support or develop affordable/workforce housing;~~

~~—(E) To review proposed low income housing tax credit projects and other potential affordable housing developments;~~

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

~~(G) To advise and consult with the Community Development Director, 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 Commission prior to preparation and distribution of the agenda;~~

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

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

33.77 MEMBERSHIP AND TERMS; OFFICERS; MAJORITY REQUIRED – Duplicative sections are removed and the number of votes required for action is clarified.

~~33.77 MEMBERSHIP AND TERMS; OFFICERS; MAJORITY REQUIRED.~~

~~(A) Members and officers of the Housing Advisory Commission 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 Commission 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 Commission who constitute a quorum shall select a Chairperson Pro Tempore, who shall perform the duties of the Chairperson for that meeting.~~

~~–(C) A vote of the majority of the number of regular positions as determined by Resolution members of the entire Commission shall be necessary for it the Commission to take action.~~

33.78 RESERVED – Eliminated.

~~33.78 RESERVED.~~

33.79 MEETINGS – The section is being deleted so that the requirement for a minimum of 4 meetings per year is eliminated. The Housing Advisory Commission has not met in 3+ years. Additionally, the provision related to the Open Meeting Law is duplicative.

~~33.79 MEETINGS.~~

~~–(A) The Housing Advisory Commission shall meet at least four times each year.~~

~~–(B) All proceedings of the Housing Advisory Commission 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.~~

TRANSPORTATION ADVISORY BOARD

33.85 ESTABLISHMENT – Duplicative phrase has been removed. The purpose is already set forth in section 33.86.

~~33.85 ESTABLISHMENT.~~

~~There is hereby established the 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 – duplicative provisions relating to other issues as referred by the Council and the Open Meeting Law are removed.

33.86 DUTIES AND RESPONSIBILITIES.

The ~~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 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; and

~~—(7) Any other surface transportation issues as requested by the Town Council.~~

~~—(B) To advise and consult with the Public Works Director, 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.~~

(BC) 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 Town Council.~~

33.87 MEMBERSHIP; TERMS; OFFICERS – This entire section is duplicative of provisions already in the General section (sections 33.01-33.05) and can be eliminated.

~~33.87 MEMBERSHIP; TERMS; OFFICERS.~~

~~—(A) Members and officers of the 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 – Eliminated.

~~33.88 RESERVED.~~

33.89 MEETINGS – This section has been renumbered and the duplicative Open Meeting Law reference has been eliminated.

33.879 MEETINGS.

(A) The Transportation Advisory Board shall meet as needed.

~~–(B) All proceedings of the 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.~~

PAYSON AREA ADVISORY YOUTH COUNCIL

33.95 ESTABLISHMENT – No changes recommended.

33.96 DUTIES AND RESPONSIBILITIES – No changes recommended.

33.97 MEMBERSHIP; TERMS; APPOINTMENT; AND OFFICERS – All references to an ‘ex officio member’ have been eliminated. PAAAYC has never had an ex officio member.

33.97 MEMBERSHIP; TERMS; APPOINTMENT; AND OFFICERS.

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

(B) The Advisory Youth Council shall have seven regular Council members and up to four alternate Council members, ~~and one ex officio member~~. The alternate Council members may serve at the discretion of the Staff Advisor in the absence of one or more regular Council members. ~~The ex officio member shall not be a voting member nor an officer of the Advisory Youth Council.~~

(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. ~~The term of office of the ex officio member shall commence upon July 1 of each year and shall be for two years.~~

(D) Every member of the Advisory Youth 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 ~~Advisory Youth~~ 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 and ex officio~~ members.

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

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

~~—(3) The ex officio member of the Payson Area Advisory Youth Council shall be at least 21 years of age and shall reside within the Payson Justice Court District.~~

(H) The Staff Advisor shall have the right and power to remove any ~~Advisory Youth~~ Council member, with or without cause, upon approval by the Mayor and Council. An ~~Advisory Youth~~ 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.

33.98 STAFF ASSISTANCE – No changes recommended.

33.99 MEETINGS – The references to the Open Meeting Law are eliminated as duplicative.

33.99 MEETINGS.

(A) The ~~Payson Area Advisory Youth~~ Council shall meet at least four times each year.

~~—(B) All proceedings of the Payson Area Advisory Youth Council 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.~~