

Ord. No. [2021-08](#), §§ 1—84, adopted April 6, 2021, repealed, amended and renumbered portions of chapter 3 in its entirety to read as herein set out. Former chapter 3, §§ 3-1—3-70, pertained to similar subject matter, and derived from Code 1977, §§ 3-2-8(A)—(H), 3-3-2(B)—3-3-12, 3-4-1—3-4-6, 3-5-2, 3-7-4, 3-7-5; Ord. No. 90-51, 10/09/90; Ord. No. 90-61, 12/11/90; Ord. No. 91-06, 01/22/91; Ord. No. 91-44, 11/12/91; Ord. No. 91-45, 11/12/91; Ord. No. 93-07, 01/19/93; Ord. No. 93-17, 03/18/93; Ord. No. 93-40, 08/31/93; Ord. No. 94-05, 02/01/94; Ord. No. 94-55, 07/19/94; Ord. No. 95-32, 05/23/95; Ord. No. 96-12, 02/06/96; Ord. No. 96-17, 04/02/96; Ord. No. 97-99, 09/16/97; Ord. No. 98-12, 2/17/98; Ord. No. 98-35, 6/16/98; Ord. No. 98-103, 09/22/98; Ord. No. 99-27, 06-15-99; Ord. No. 99-100, 09/21/99; Ord. No. 99-107, 12/14/99; Ord. No. 00-116, 07/18/00; Ord. No. 01-21, 05/22/01; Ord. 01-153, 08/21/01; Ord. No. 01-168, 10/16/01; Ord. No. 01-169, 11/06/01; Ord. No. 02-54, 6/18/02; Ord. No. 02-59, 06/18/02; Ord. No. 02-72, 08/20/02; Ord. No. 02-97, 12/10/02; Ord. No. 03-167, 09/02/03; Ord. No. 04-22, 05/16/05; Ord. No. 04-182, 7/6/04; Ord. No. 04-193, 09/14/04; Ord. No. 05-34, 08/01/05; Ord. No. 05-63, 11/15/05; Ord. No. 06-22, 07/11/06; Ord. No. 06-30, 09/05/06; Ord. No. 06-31, 09/05/06; Ord. No. 08-12, 5/20/08; Ord. No. 09-02, 01/20/09; Ord. No. 09-15, 06/02/09; Ord. No. 09-36, 09/15/09; Ord. No. 09-43, 11/17/09; Ord. No. 10-01, 01/19/10; Ord. No. 2012-08, 05/01/2012; Ord. No. 2013-04, 04/09/13; Ord. No. 2014-12, 04/01/2014; Ord. No. 2015-01, 01/20/2015; Ord. No. [2017-25](#), §§ 1—19, 6-13-17; Ord. No. [2019-03](#), § 1, 2-5-19; Ord. No. [2019-23](#), §§ 1—4, 10-1-19; Ord. No. [2019-24](#), §§ 1—10, 10-1-19; Ord. No. [2019-28](#), §§ 1—3, 11-12-19.

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

- (a) All boards and commissions within the City of Peoria shall be subject to the 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.

(Ord. No. [2021-08](#), § 1, 4-6-21)

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.
- (1) The powers and duties shall be periodically reviewed by the board or commission, staff liaison and the ~~applicable~~ [Council Boards and Commissions](#) Subcommittee to ensure the effectiveness of the board or commission.
- (2) Amendments to the powers and duties shall be approved by the City Council.

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(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.

(Ord. No. [2021-08](#), § 2, 4-6-21)

Sec. 3-3. 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:

(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..

(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.

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(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.

(Ord. No. [2021-08](#), § 3, 4-6-21)

Sec. 3-4. Boards 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.

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(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~~ Council Boards and Commissions 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.

(Ord. No. [2021-08](#), § 4, 4-6-21)

Sec. 3-5. Boards and Commissions; meetings.

(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.

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(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.

(Ord. No. 2021-08, § 5, 4-6-21)

Sec. 3-6. Boards and Commissions; terms.

(a) Upon establishment of a board or commission, the ~~applicable—Council Boards and Commissions~~ Subcommittee shall ~~make recommendations to~~ appoint members to initial ~~varying terms~~staggered terms to encourage continuity on the board or commission, unless otherwise outlined in state statute.

(b) All board and commission members shall serve a term of two (2) years, unless otherwise required by state statute.

(c) A person shall not serve on multiple boards and commissions where the duties thereof are determined to be incompatible by the ~~applicable—Council Boards and Commissions~~ Subcommittee.

~~(d) Each board or commission, at the discretion of the Council Boards and Commissions Subcommittee, may, by a majority vote, recommend appointing up to two alternate members.~~

(Ord. No. 2021-08, § 6, 4-6-21)

Sec. 3-7. Arts and Culture Commission; definitions.

The following words, terms and phrases, when used in Sections 3-7 through 3-10 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.

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.

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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.

(Ord. No. [2021-08](#), § 10, 4-6-21)

Sec. 3-8. Arts and Culture Commission; establishment and membership.

(a) There is hereby created an Arts and Culture Commission to be composed of seven (7) members, all of whom shall be residents of the City.

(Ord. No. [2021-08](#), § 11, 4-6-21)

Sec. 3-9. Arts and Culture 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.

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(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.

(Ord. No. [2021-08](#), § 12, 4-6-21)

Sec. 3-10. Arts and Culture 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

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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).

(Ord. No. [2021-08](#), § 13, 4-6-21)

Sec. 3-11. Board of Adjustment; establishment and membership.

(a) 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.

(Ord. No. [2021-08](#), § 20, 4-6-21)

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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.

(Ord. No. [2021-08](#), § 15 4-6-21)

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.

(Ord. No. [2021-08](#), § 17, 4-6-21)

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.

(Ord. No. [2021-08](#), § 19, 4-6-21)

Sec. 3-15. Construction Board of Appeals; establishment and membership.

(a) There is hereby created a Construction Board of Appeals to be composed of seven (7) members, consisting of the following:

(1) One member shall be an Arizona registered architect or engineer.

(2) One member shall be employed by an Arizona licensed contractor in one or more areas of electrical, mechanical 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.

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- (4) 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.
 - (6) Two individuals familiar with the construction industry and trades.
- (b) Only members listed 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) 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).

(Ord. No. [2021-08](#), § 21, 4-6-21)

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.

(Ord. No. [2021-08](#), § 22, 4-6-21)

Sec. 3-17. Design Review Board; establishment and membership.

- (a) There is hereby created a Design Review Board to be composed of seven (7) members consisting of the following:
- (1) Five (5) members shall be architects, landscape architects, land or urban design planners, professional engineers, land developers, builders, contractors, or persons otherwise qualified by design background training or experience.
 - (2) Two (2) individuals who are residents of the City.
- (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.

(Ord. No. [2021-08](#), § 24, 4-6-21; Ord. No. [2021-22](#), § 1, 10-29-21)

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

(a) The 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.

(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.

(3) Review and make recommendations 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.

(4) Review and make recommendations on matters pertaining to design and development related issues.

(5) 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.

(Ord. No. [2021-08](#), § 25, 4-6-21)

Sec. 3-19. Economic Development Advisory Board; establishment and membership.

(a) There is hereby created an Economic Development Advisory Board to be composed of seven (7) regular members, ~~and one (1) alternate member~~ 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~~.

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(b) 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..

(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).

(Ord. No. [2021-08](#), § 27, 4-6-21)

Sec. 3-20. 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.

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(Ord. No. [2021-08](#), § 26, 4-6-21)

Sec. 3-21. Employee Benefits Trust Board; establishment and membership.

(a) There is hereby created an Employee Benefits Trust Board to be composed of five (5) trustees, pursuant to A.R.S. § 11-981, consisting of the following:

- (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.

(Ord. No. [2021-08](#), § 28, 4-6-21)

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.

(Ord. No. [2021-08](#), § 29, 4-6-21)

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

(a) There is hereby created a Historic Preservation Commission to be composed of seven (7) members, consisting of the following:

- (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.

(Ord. No. [2021-08](#), § 30, 4-6-21)

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

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

- (1) Review and make recommendations on matters concerning significant historic, architectural, and cultural structures, sites, or resources as landmarks within the City.

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- (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.
- (4) Review existing surveys of significant historic, architectural, and cultural landmarks and historic districts within the City and periodically update the survey.
- (5) Recommend 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.
- (6) Promote and increase public awareness of the value of historic, cultural and architectural preservation within the City.
- (7) Make recommendations concerning the utilization of state, federal or private funds to promote the preservation of landmarks, heritage areas, and historic districts within the City.
- (8) Approve or disapprove of applications for Certificate or Appropriateness and Finding of Hardship pursuant to Sections 21-629 and 21-632 of the Peoria City Code.

(Ord. No. [2021-08](#), § 34, 4-6-21)

Sec. 3-25. 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.

(Ord. No. [2021-08](#), § 35, 4-6-21)

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

- (a) The authority shall have the following powers and duties:
 - (1) Create and maintain jobs.

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(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.

(Ord. No. [2021-08](#), § 36, 4-6-21)

Sec. 3-27. 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 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;

(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 individual who is a resident of the City;

(Ord. No. [2021-08](#), § 37, 4-6-21)

Sec. 3-28. 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 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 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.

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(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.

(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 pertaining to the provisions of public defender services.

(Ord. No. [2021-08](#), § 38, 4-6-21)

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.

(Ord. No. [2021-08](#), § 39, 4-6-21)

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.

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(Ord. No. 2021-08, § 40, 4-6-21)

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

(a) There is hereby created a Parks, ~~and 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 Four~~ (24) 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, ~~and Recreation, and Community Facilities.~~~~

(Ord. No. 2021-08, § 41, 4-6-21)

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

(a) The board shall advise, 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 Facility~~ services and ~~facility~~ amenities.

(4) Open space, trails and natural settings.

(5) Non-motorized and recreational transportation.

(6) Urban forestry, horticulture and landscaping.

(b) When advising on matters outlined in subsection (a) of this section, the board 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.

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- (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.

(Ord. No. [2021-08](#), § 42, 4-6-21)

Sec. 3-33. Personnel Board; establishment and membership.

(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.

(Ord. No. [2021-08](#), § 45, 4-6-21)

Sec. 3-34. Personnel 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.

(Ord. No. [2021-08](#), § 48, 4-6-21)

Sec. 3-35. 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.

(b) The appeal process and hearings shall be conducted in accordance with the Personnel Administrative Regulations as promulgated by the City Manager.

(Ord. No. [2021-08](#), § 49, 4-6-21)

Proposed Chapter 3 and Sec. 5-3. Code Changes

Sec. 3-36. Planning and Zoning Commission; establishment and membership.

(a) There 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.

(Ord. No. [2021-08](#), § 55, 4-6-21)

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

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

(1) Review and make recommendations on proposals to amend the General Plan.

(2) Review and make recommendations on proposals to amend the Official Zoning Map or the provisions of the Zoning Ordinance.

(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.

(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.

(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.

(Ord. No. [2021-08](#), § 61, 4-6-21)

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

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

(1) 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.

(2) Two (2) residents of the City, who shall serve on both the local board for the Fire-Medical Department and the Police Department who are members of the Public Safety Retirement System.

(3) There shall be two (2) 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 City Clerk's Office Administrative Procedures.

(Ord. No. [2021-08](#), § 64, 4-6-21)

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Sec. 3-39. Public Safety Retirement System Board; Police and Fire Local Boards; powers and duties.

(a) Each board shall perform the duties outlined in A.R.S. § 38-847.

(Ord. No. [2021-08](#), § 66, 4-6-21)

Sec. 3-40. Sister Cities Board; establishment and membership.

(a) There is hereby created a Sister Cities Board to be composed of seven (7) members all of whom shall be residents of Maricopa County. However, significant effort shall be made to recruit Peoria residents.

(Ord. No. [2021-08](#), § 68, 4-6-21)

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.

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(10) In addition, the Sister Cities Board shall have such other powers and duties as directed by the City Council.

(Ord. No. 2021-08, § 70, 4-6-21)

Sec. 3-42. Veterans ~~Memorial~~ Board; establishment and membership.

(a) There is hereby created a Veterans Memorial Board to be composed of seven (7) regular members ~~and two (2) alternate members~~, all of whom shall be residents of the City, Maricopa County. ~~However, a significant effort shall be made to recruit Peoria residents.~~

(Ord. No. 2021-08, § 72, 4-6-21)

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.

(Ord. No. 2021-08, § 74, 4-6-21)

Sec. 3-44. Volunteer Firefighters Pension Fund Board; establishment and membership.

(a) There is hereby created a Volunteer Firefighters Pension Fund Board to be composed of seven (7) members pursuant to A.R.S. § 9-951 et seq. consisting of the following:

(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.

(Ord. No. 2021-08, § 76, 4-6-21)

Proposed Chapter 3 and Sec. 5-3. Code Changes

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.

(Ord. No. [2021-08](#), § 78, 4-6-21)

Sec. 3-46. Youth Advisory Board; 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 or attend a school within the City limits of Peoria.

(Ord. No. [2021-08](#), § 79, 4-6-21)

Sec. 3-47. Youth Advisory Board; powers and duties.

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

- (1) Adopt bylaws governing the operation of the board, subject to the approval of the City Council;
- (2) Advise on the activities, programs and events offered to the youth of Peoria.
- (3) Review ordinances and proposals pertaining to youth issues as directed by the Mayor and Council.
- (4) Perform such other duties as may be prescribed by ordinance or resolution.

(Ord. No. [2021-08](#), § 83, 4-6-21)

Sec. 5-3. Municipal Court; appointment of assistant municipal judges, judges pro-tempore, court administrator, civil hearing officer, and other court employees.

The presiding municipal judge:

(a) After nomination by the ~~Judicial and Public Defender Advisory Board~~ Judicial Selection Advisory Board, may with council approval appoint persons meeting the same requirements as the Presiding Municipal Judge under the code and charter as Associate Municipal Judges and appoint judges pro tempore. Judges pro tempore shall have all the powers of the municipal judge, except that they shall serve only on a temporary basis when assigned by the presiding municipal judge.

(b) Shall appoint the court administrator, civil hearing officers and all other court employees in accordance with the city's adopted personnel ordinances, regulations and policies.

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(c) Shall exercise supervision over all court personnel assigned to the municipal court and exercise the responsibilities granted to the city manager under section [2-65\(a\)\(2\)](#) of this code as they pertain to court employees.

(Ord No. 96-02, 1/3/96, enacted; Ord. No. 08-12, 5/20/08, amended (a) (SUPP 2008-2); Ord. No. [2017-07](#), § 3, 3-7-17)