

ORDINANCE NO. 2024-10

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AMENDING CHAPTERS 3 AND 5 OF THE PEORIA CITY CODE BY AMENDING SECTION 3-2 PERTAINING TO BOARDS AND COMMISSIONS; LIMITS ON TERMS; ADMINISTRATIVE POLICIES AND REGULATIONS; SECTION 3-4 PERTAINING TO BOARDS AND COMMISSIONS; RESIGNATION, REMOVAL AND OTHER MEMBERSHIP VACANCIES; SECTION 3-6 PERTAINING TO BOARDS AND COMMISSIONS; TERMS; SECTION 3-7 PERTAINING TO ARTS COMMISSION; DEFINITIONS; SECTION 3-9 PERTAINING TO ARTS COMMISSION; POWERS AND DUTIES; SECTION 3-10 PERTAINING TO ARTS COMMISSION; MUNICIPAL ARTS FUND; PLACEMENT OF ARTWORK; SECTION 3-11 PERTAINING TO BOARD OF ADJUSTMENT; ESTABLISHMENT AND MEMBERSHIP; SECTION 3-19 PERTAINING TO ECONOMIC DEVELOPMENT ADVISORY BOARD; ESTABLISHMENT AND MEMBERSHIP; SECTION 3-28 PERTAINING TO JUDICIAL AND PUBLIC DEFENDER ADVISORY BOARD; POWERS AND DUTIES; SECTION 3-31. PERTAINING TO PARKS, RECREATION AND COMMUNITY FACILITIES BOARD; ESTABLISHMENT AND MEMBERSHIP; SECTION 3-32 PERTAINING TO PARKS, RECREATION AND COMMUNITY FACILITIES BOARD; POWERS AND DUTIES; SECTION 3-33 PERTAINING TO PERSONNEL BOARD; ESTABLISHMENT AND MEMBERSHIP; SECTION 3-42 PERTAINING TO VETERANS MEMORIAL BOARD; ESTABLISHMENT AND MEMBERSHIP; SECTION 3-43 PERTAINING TO VETERANS MEMORIAL BOARD; POWERS AND DUTIES; SECTION 3-46 PERTAINING TO YOUTH ADVISORY BOARD; ESTABLISHMENT AND MEMBERSHIP; SECTION 5-3 PERTAINING TO MUNICIPAL COURT; APPOINTMENT OF ASSISTANT MUNICIPAL JUDGES, JUDGES PRO-TEMPORE, COURT ADMINISTRATOR, CIVIL HEARING OFFICER, AND OTHER COURT EMPLOYEES

WHEREAS, changes to sections of the code related to Boards and Commissions were proposed by staff to update and reflect current practice; and

WHEREAS, the proposed changes were presented to the Council Board and Commission Subcommittee; and

WHEREAS, the Council Board and Commission Subcommittee recommends the changes as reflected herein be adopted by the City Council; and

NOW, THEREFORE, it is ordained by the Mayor and Council of the City of Peoria as follows:

SECTION 1. Chapter 3, Section 3-2 of the Peoria City Code is amended to read as follow:

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

SECTION 2. Chapter 3, Section 3-4 of the Peoria City Code is amended to read as follow:

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.

(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.

SECTION 3. Chapter 3, Section 3-6 of the Peoria City Code is amended to read as follow:

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

(a) Upon establishment of a board or commission, the [applicable Boards and Commissions Subcommittee](#) shall [make recommendations](#) to appoint members to initial varying terms to [ensure 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.

[\(c\) Board and commission members may be reappointed for subsequent two \(2\) year terms upon recommendation by the Boards and Commissions Subcommittee.](#)

[\(ed\)](#) 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](#).

(e) Each board or commission, by a majority vote, may recommend to the Council Boards and Commissions Subcommittee that up to two additional alternate members be appointed to the board or commission.

SECTION 4. Chapter 3, Section 3-7 of the Peoria City Code is amended to read as follow:

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.

Peoria Public Art Collection: Fine art as commissioned or direct-purchased from an artist. This includes the artwork identified and ratified by the arts commission that is exhibited in public view on city property, municipal buildings, or privately-held properties.

Public Art: The creation, installation, display and preservation and maintenance of works of original fine art to include performing arts and visual art that includes the design, engineering and construction of facilities to be used in whole or in part for the exhibition of works of art and the performing arts. Corporate and private public art also is included for research and development for the present and future development in Peoria neighborhoods.

SECTION 5. Chapter 3, Section 3-9 of the Peoria City Code is amended to read as follow:

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.

(10) Apply for and accept gifts, grants, funds, contributions and bequests in furtherance of the purposes of this section, from individuals, public and private entities, agencies, foundations, trusts, corporations, and other organizations or institutions. The City shall account for all proceeds received in a manner consistent with generally accepted accounting principles.

(11) Consult with staff regarding arts related to capital improvement projects, percent for the arts projects, arts programming, budgets and schedules.

(12) Recommend the selection and commissioning of artists with respect to the design, execution, and placement of works of art for which appropriations have been made.

(13) Advise the appropriate City departments concerning maintenance requirements of works of art, and recommend the type, frequency and extent of maintenance required to preserve the quality and value of such works. Any proposed work of art that demonstrates extraordinary operations or maintenance expense, shall be approved by the City Council.

(14) Recommend payment for the design, execution and placement of works of art, within the appropriations in connection with specific projects or from designated appropriations to the Municipal Art Fund.

(15) Establish guidelines for accepting, selecting, purchasing, commissioning, placing, and maintaining City art acquisitions, gifts or temporary use and placement of loaned art.

(16) Recommend the use of the Municipal Arts Funds for the design, engineering, construction and operation of facilities owned by the City in whole or in part for the performing and visual arts.

SECTION 6. Chapter 3, Section 3-10 of the Peoria City Code is amended to read as follow:

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 include the payment of debt service or lease obligations to construct permanent facilities for visual and performing arts. Funds unexpended may be re-budgeted in subsequent years in accordance with the City's budget processes. Such funds shall be treated as capital funds for the purpose of this code.

(3) Money collected in the Municipal Arts Fund may be expended for the following:

- A. Art planning and related professional services for the design and commissioning of artists;
- B. Documented artist design and related expenses;
- C. Expenses for the maintenance of art and expenses for maintenance of facilities where art is contained; and
- D. Grants to third parties for arts and cultural services.

(d) Donations received and all expenditures shall follow the City's financial policies and procedures.

(e) Works of art under this chapter shall be recommended for placement by the Peoria Arts Commission outside public buildings and in lobbies, rights-of-way or other publicly or privately held properties and parks. The city manager or his or her designee may direct placement of art inside public buildings in locations designed to appropriately display the works of art.

(f) Works of art selected and implemented pursuant to the provisions of Sections 3-7 through 3-10 of this code, may be placed in, on or about any municipal construction project of other municipally owned, leased or rented property. They may be attached or detached within or about such property, and may be either temporary or permanent. Works of art may be placed on private property with documented and recorded easements and/or agreements. Place of works of art shall be authorized by the Arts Commission and approved by the City Manager. The City officers

responsible for the design and construction of such projects shall make appropriate space available for the placement of works of art.

(g) Any works of art or other personal property coming into possession of the Peoria Arts Commission shall be subject to the control of the City of Peoria. All donated works of art or other personal property shall be placed in accordance with subsection (f).

SECTION 7. Chapter 3, Section 3-11 of the Peoria City Code is amended to read as follow:

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.

SECTION 8. Chapter 3, Section 3-19 of the Peoria City Code is amended to read as follow:

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~~.

(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).

SECTION 9. Chapter 3, Section 3-28 of the Peoria City Code is amended to read as follow:

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.

(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.

SECTION 10. Chapter 3, Section 3-31 of the Peoria City Code is amended to read as follow:

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 (2)~~ Four (4) 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;~~

(32) Three (3) individuals with interests in bettering the City ~~through with~~ Parks and, Recreation ~~and Community Facilities~~.

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.
- (6) Address criteria for recommending the award and/or distribution of City funding, as applicable.
- (7) Promote programs, events and activities and foster community collaborations and partnerships when possible.
- (8) Educate the public on matters as outlined in subsection (a) of this section, as applicable.
- (9) Address master plans and engage in long-term direction planning and community visioning, as applicable.

SECTION 11. Chapter 3, Section 3-33 of the Peoria City Code is amended to read as follow:

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.

SECTION 12. Chapter 3, Section 3-42 of the Peoria City Code is amended to read as follow:

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 whom shall be residents of ~~the City~~Maricopa County. ~~However, a significant effort shall be made to recruit Peoria residents.~~

SECTION 13. Chapter 3, Section 3-43 of the Peoria City Code is amended to read as follow:

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

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

(1) Develop and promote recognition of veterans of the armed forces of the United States and their contributions to the community.

(2) Provide opportunities for City officials and citizens of Peoria to organize activities and events to remind the community of sacrifices made by Veterans and members of the armed forces.

(3) Cooperate with other communities to develop activities and events recognizing the contributions of veterans of the armed forces.

(4) Recommend activities, events and programs to focus on the contributions of veterans and current members of the armed forces.

(5) Recommend agreements with other governmental and non-governmental organizations to collaborate on promoting understanding of the needs and services of veterans of the armed forces.

SECTION 14. Chapter 3, Section 3-46 of the Peoria City Code is amended to read as follow:

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 in Peoria.

SECTION 15. Chapter 5, Section 5-3 of the Peoria City Code is amended to read as follow:

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 Selection Advisory Board~~ Judicial and Public Defender 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.

(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.

SECTION 16. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 17. This Ordinance shall become effective in the manner provided by law.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this ___ day of _____, 2024.

Jason Beck, Mayor

ATTEST:

Agnes Goodwine, City Clerk

APPROVED AS TO FORM:

Emily Jurmu, City Attorney
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