

ORDINANCE NO. 1229

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF WICKENBURG, ARIZONA AMENDING THE TOWN OF WICKENBURG CODE CHAPTER 3 BOARDS AND COMMISSIONS, TO REMOVE SPECIFICS OF EACH COMMISSION IN THE CODE, REQUIRE ALL MEMBERS TO LIVE IN TOWN AND CHANGE TO SERVE A TWO-YEAR TERM; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND PROVIDING FOR SEVERABILITY

NOW THEREFORE BE IT ORDAINED by the Mayor and Common Council of the Town of Wickenburg, Arizona as follows:

Section 1. In General

The Code of Wickenburg, Chapter 3 Boards and Commissions, is amended to include the following (deleted text appears in ~~strikeout~~; new text in ALL CAPS):

CHAPTER 3 BOARDS, COMMITTEES AND COMMISSIONS

ARTICLE 3-1 GENERAL DUTIES

- 3-1-1 Creation of Boards, COMMITTEES and Commissions
- 3-1-2 Membership
- 3-1-3 Terms and Removal
- 3-1-4 Compensation; Expenditures; Incurring Debts
- 3-1-5 Organization
- 3-1-6 Procedures
- 3-1-7 Reports

Section 3-1-1 Creation of Boards, COMMITTEES and Commissions

The Council may create such Boards, COMMITTEES and Commissions, as it deems necessary. All such Boards, COMMITTEES and Commissions shall be governed by these general duties, unless otherwise specifically provided in this Chapter.

Section 3-1-2 Membership

Unless otherwise provided in this Chapter, each Board, COMMITTEE and Commission shall be composed of eight (8) members. One (1) member, non-voting shall be an elected member of the Council, appointed by the Mayor, and subject to approval of the Council. Seven (7) other members shall be citizen members, appointed by the Mayor and subject to the approval of the Council. ~~At least six (6) ALL of the members shall be residents of the Town. All out of town members shall have their primary residence in the municipal planning area of Wickenburg.~~ Council may approve the appointment of up to two (2) alternate members to any board or commission to serve in the absence of a regular member at any meeting or hearing.

Section 3-1-3 Terms and Removal

- a. The term of the Councilmember shall be two (2) years. The term of each citizen member shall be ~~three (3)~~ TWO (2) years provided, however, that all initial appointments to Boards, COMMITTEES and Commissions hereinafter created pursuant to this Article shall allow for staggered terms wherein one-third HALF of the citizen members shall first be appointed to serve a term that shall expire at the next first regular Council meeting in December after the Board, COMMITTEE or Commission is created; AND one-third HALF shall first be appointed to serve a term that shall expire at the first regular Council meeting in December of the second year after the Board, COMMITTEE or Commission is created; ~~and the remaining one third shall first be appointed to serve a term that shall expire at the first regular Council meeting in December of the third year after the Board or Commission is created.~~ All appointments, except those occasioned by a vacancy before the regular expiration of a citizen member's term, and other than the first appointments, shall thereafter be for the full TWO ~~three~~-year term. The term of all members shall extend until their successors are appointed and qualified.
- b. Commencing on the effective date of this Ordinance, citizen members shall serve no more than two (2) full terms provided however, that (1) the town clerk conducts a public call for applicants and no qualified applicants respond, the Mayor may waive this limitation and that (2) the Council may waive the term limit requirement on a case-by-case basis by majority vote.
- c. Vacancies occurring other than through expiration of a term shall be filled by appointment by the Council for the unexpired portion of the term of the office created by the vacancy. Alternate members may serve at any meeting or hearing until the final appointment by Council of a new member to fill the vacancy. Alternate members may also be considered by Council for appointment for the unexpired portion of the term of the office created by the vacancy but shall not be appointed automatically without Council action.
- d. The unexcused or unexplained absence of a member from three (3) successive regular or special meetings of the Board/COMMITTEE/Commission shall be grounds for termination. Absence for any reason from one-half or more of the regularly scheduled meetings of the Board/Commission over a six (6) month period shall operate as an automatic forfeiture of a member's position on the Board/COMMITTEE/Commission. Staff liaison shall report in writing said absences to the Town Clerk, who will send the member a notice of termination.

Section 3-1-4 Compensation; Expenditures; Incurring Debts

- A. All members of the Board/COMMITTEE/Commission shall serve without compensation, except that they may be reimbursed for actual expenses incurred in connection with the duties of their office upon authorization or ratification by the Board/COMMITTEE/Commission and prior approval of such expenditure by the Council.
- B. Boards, COMMITTEES and Commissions established by the Council shall incur no debts nor make any purchases nor enter into any contracts binding the Town. All matters coming before said Boards, COMMITTEES and Commissions involving the expenditure of money or the making of agreements or contracts shall be referred to the Council.

Section 3-1-5 Organization

Each Board/COMMITTEE/Commission shall elect a Chairperson and Vice Chairperson, from among its members, who shall serve one (1) year terms concurrent with terms on the Board/COMMITTEE/Commission or until their successors are duly elected and qualified, and who shall be eligible for re-election. The Vice Chairperson shall perform the duties of the Chairperson in the latter's absence or disability. Vacancies shall be filled for the un-expired term by a new election.

Section 3-1-6 Procedures

Each Board/COMMITTEE/Commission, shall meet regularly and will set its own meeting schedule to include meeting date, time and place. Special meetings may be called at any time by the Chairperson, or in his/her absence, by the Vice Chairperson, or by three (3) members making written request to the Town Manager. Four (4) members of the Board/COMMITTEE/Commission shall constitute a quorum and the affirmative vote of four (4) members shall be required for passage of any matter before the Board/COMMITTEE/Commission. Each member of the Board/COMMITTEE/Commission shall have one (1) vote. The Board/COMMITTEE/Commission ~~shall adopt rules and procedures for the transaction of business, said rules and procedures to be subject to approval of the Council, and~~ shall keep a record of its transactions, findings, recommendations and determinations, which shall be a public record.

ARTICLE 3-2 PLANNING AND ZONING ADVISORY COMMISSION

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ARTICLE 3-3 AIRPORT ADVISORY COMMISSION

3-3-1 Creation

3-3-2 Membership, Terms and Removal, Compensation, Organization, Procedures and Reports

3-3-3 Functions and Duties

Section 3-3-1 Creation

~~There is hereby created the Wickenburg Airport Advisory Commission, hereinafter referred to as Commission.~~

Section 3-3-2 Membership, Terms and Removal, Compensation, Organization, and Procedures

~~Membership, terms and removal, compensation, organization, procedures and reports of the Commission shall be as set forth in Sections 3-1-1 through 3-1-6. If inconsistent with this Section, the specific requirements of this Article shall apply.~~

Section 3-3-3 — Functions and Duties

~~It shall be the function and duty of the Commission to serve in an advisory capacity in matters of the planning and functioning of the Airport and to promote such interests as are consistent with those of its recommendations, which are duly adopted by the Council as objectives and policies of the Airport.~~

ARTICLE 3-4 PARKS AND RECREATION ADVISORY COMMISSION

~~3-4-1 Creation~~

~~3-4-2 Membership, Terms and Removal, Compensation, Organization, Procedures and Reports~~

~~3-4-3 Functions and Duties~~

Section 3-4-1 — Creation

~~There is hereby created the Wickenburg Parks and Recreation Advisory Commission; hereinafter referred to as Commission.~~

Section 3-4-2 Membership, Terms and Removal, Compensation, Organization, Procedures and Reports

~~Membership, terms and removal, compensation, organization, procedures and reports of the Commission shall be as set forth in Sections 3-1-1 through 3-1-6. If inconsistent with this Section, the specific requirements of this Article shall apply.~~

Section 3-4-3 — Functions and Duties

- ~~A. Act in advisory capacity to the council and town manager in all matters pertaining to parks and recreation.~~
- ~~B. Assist in the planning of recreational programs for the citizens of the town; promote and stimulate public interest therein.~~
- ~~C. Advise the Parks and Recreation Director with respect to the acceptance of money, personal property or real estate donated or offered to the town for park or recreational purposes.~~
- ~~D. Perform such other duties not inconsistent with this chapter as may be requested by the Council.~~
- ~~E. Serve as the town's Tree Board USA and in such capacity, administer a written plan for the care, preservation, planting, removal and disposition of trees and shrubs in parks, along streets and in other public areas.~~

ARTICLE 3-5 — ECONOMIC DEVELOPMENT ADVISORY COMMISSION

~~3-5-1 Creation~~

~~3-5-2 Membership, Terms and Removal, Compensation, Organization, Procedures and Reports~~

~~3-5-3 Functions and Duties~~

Section 3-5-1 Creation

~~There is hereby created the Wickenburg Economic Development Advisory Commission; hereinafter referred to as Commission.~~

Section 3-5-2 Membership, Terms and Removal, Compensation, Organization, Procedures and Reports

~~Except as otherwise provided herein, membership, terms and removal, compensation, organization, procedures and reports of the Commission shall be as set forth in Sections 3-1-1 through 3-1-6, providing, however, that the Mayor, with consent of the Council, may appoint an ex officio, non-voting members from Economic Development Organizations serving the Town of Wickenburg to serve as an additional member(s) of the Commission. If inconsistent with Sections 3-1-1 through 3-1-6, the specific requirements of this Article shall apply.~~

Section 3-5-3 Functions and Duties

~~It shall be the function and duty of the Commission to serve in an advisory capacity to the Council in matters of economic and industrial development, to encourage and promote economic and industrial development for the Town, and promote the revitalization of the Downtown consistent with those of its recommendations, which are duly adopted by the Council as objectives, and policies of the Town.~~

ARTICLE 3-36 BOARD OF ADJUSTMENT

All sections in Article 3-6 shall be renumbered to conform with the revised Article 3-3 numbering, as follows:

- 3-36-1 Creation
- 3-36-2 Membership, Terms and Removal. Compensation and Organization
- 3-36-3 Procedures
- 3-36-4 Functions
- 3-36-5 Powers and Duties
- 3-36-6 Hearings
- 3-36-7 Stay of Proceedings
- 3-36-8 Decisions of the Board
- 3-36-9 Limitations of the Powers of the Board
- 3-36-10 Appeals from the Board
- 3-36-11 Fees

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ARTICLE 3-7 FINANCE COMMISSION

SECTION 3-7-1 CREATION

~~There is hereby created the Wickenburg Finance Advisory Commission; hereinafter referred to as commission.~~

~~SECTION 3-7-2 MEMBERSHIP, TERMS AND REMOVAL, COMPENSATION, ORGANIZATION, AND PROCEDURES~~

~~Membership shall be composed of six (6) members. One (1) member, non-voting shall be an elected member of the council, appointed by the mayor, and subject to approval of the council. Terms and removal, compensation, organization, and procedures shall be as set forth in sections 3-1-1 through 3-1-6, and shall meet on a quarterly basis. If inconsistent with this section, the specific requirements of this article shall apply.~~

~~SECTION 3-7-3 FUNCTIONS~~

~~The function of the commission shall be to provide advisory services to the mayor and council on finance issues, as directed by mayor and council or designee.~~

~~SECTION 3-7-4 DUTIES~~

- ~~A. Promote citizen's participation and understanding regarding the financial condition of the town.~~
- ~~B. Conduct research, review and make recommendations on events and issues which may affect the financial status of the town, such as:~~
 - ~~Increasing Revenues~~
 - ~~Cost Saving Methods~~
- ~~C. Other duties as assigned.~~

ARTICLE 3-8 TRAILS ADVISORY COMMISSION

3-8-1 Creation

3-8-2 Membership, Terms & Removal, Compensation, Organization, Procedures & Reports

3-8-3 Mission Statement

3-8-4 Functions & Duties

Section 3-8-1 Creation

~~There is hereby created, the Trails Advisory Commission, hereinafter referred to as Commission.~~

Section 3-8-2 Membership, Terms and Removal, Compensation, Organization, Procedures and

Reports

~~Membership, terms and removal, compensation, organization, procedures and reports of this Commission shall be as set forth in Sections 3-1-1 through 3-1-6. If inconsistent with this Section, the specific requirements of this Article shall apply.~~

Section 3-8-3 Mission Statement

~~In order to protect the beauty of our desert surroundings, to enhance and protect our western lifestyle, and to promote trail use as an economic enhancement, the mission of the~~

Commission shall be to act as a liaison between the Town Council and the trail using public in order to establish, protect, and expand an interconnected system of non-motorized and motorized trails in, through and around Wickenburg.

Section 3-8-4 Functions and Duties

It shall be the functions and duties of the Commission to serve in an advisory capacity in matters relating to trails in the Town and to:

- A. Advocate to the community that local trails are a "quality of life" component for the residents of the Town and surrounding communities.
- B. Promote to the community local trails as economic engines for the businesses and residents of the Town and surrounding communities.
- C. Position the Town as a cohesive trails community throughout the State of Arizona and promote Wickenburg as a trails destination.
- D. When deemed appropriate by the Commission, campaign for funding designated for trails from organizations on a county, regional and/or statewide level.
- E. Provide the Town Council with a trail inventory to gain patron attention and participation.
- F. Develop a trails plan for the Town to be approved by Council.
- G. When requested by Council, assist it in locating older trails or finding locations for trails in new developments.
- H. When requested by the Council, assist them in making a determination of whether the Town should accept and/or acquire, by gift, bequest or devise, real and personal property of every kind and description in the name of the Town for trail purposes.
- I. Conduct fund raising and seek sources of funding to provide for a trail system as identified by the Commission and approved by the Town Council.
- J. Consult with the Planning and Building Department to seek trail-related grants and to evaluate the impact of building and development upon existing trails and interconnectivity of the trails system.
- K. Assist the Parks, Recreation & Facilities Department in planning outdoor recreational activities to help promote trails and youth activities.
- L. Assist the Parks, Recreation & Facilities Department in promoting trails and events for all ages and income levels.

ARTICLE 3-9 RESERVED

ARTICLE 3-10 LIBRARY ADVISORY BOARD

3-10-1 Creation

3-10-2 Membership, Terms and Removal, Compensation, Organization and Reports

3-10-3 Functions and Duties

Section 3-10-1 Creation; Composition

There is hereby created the library advisory board.

~~Section 3-2-2 Membership, Terms and Removal, Compensation, Organization and~~

~~Membership, terms and removal, compensation, organization and reports of the commission shall be as set forth sections 3-1-1 through 3-1-6. If inconsistent with this section, the specific requirements of this article apply.~~

~~Section 3-10-3 Functions and Duties~~

- ~~A. — The library advisory board shall make recommendations regarding short range and long range plans to the library director, and serve as a liaison to the community by passing on citizen recommendations and opinions to the library director, town manager, and town council.~~
- ~~B. — The library advisory board as needed may make recommendations on library policies including, but not limited to, setting various fees, operating hours, amounts to be charged for overdue books, programs, and promotions of library services to the town council.~~

ARTICLE 3-11 YOUTH COMMISSION

~~SECTION 3-11-1 Membership, Terms and Removal, Compensation, Organization, and Procedures—~~

~~Members will be Wickenburg residents who are actively enrolled in a public or private high school (including charter and home schools) and membership shall consist of 11 members, terms and removal, compensation, organization, and procedures of this commission shall be as set forth in sections 3-1-1 through 3-1-6. The members shall be selected and ratified by the town council. Unlike other commissions, the terms of the members of the Wickenburg Youth Commission commence and expire in June of each year. Commission vacancies shall be by published in the public school newspaper and posted within the public schools and town hall. If inconsistent with this section, the specific requirements of this article shall apply.~~

~~Section 3-11-2 Functions and Duties~~

- ~~A. — Evaluate and review problems facing the youth of the town.~~
- ~~B. — Facilitate meetings with youth to discuss problems, needs, and suggest improvements for the community.~~
- ~~C. — Meet at least quarterly with the Mayor and Town Manager to share ideas and discuss issues, concerns and needed improvements relating to youth issues in the community.~~
- ~~D. — Attend town council meetings and participate in vision and goal setting planning related to youth in community.~~
- ~~E. — Present recommended improvements to the Town Council and Town Manager of public projects and programs relating to the youth in the community.~~
- ~~F. — Assist in planning youth/recreation activities.~~

~~G. Advise the Town Council and/or Town Manager on issues forwarded to the Wickenburg Youth Commission for evaluation and advice.~~

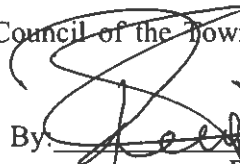
Section 2. Repeal of Conflicting Ordinances

All ordinances and parts of ordinances in conflict with the provisions of this ordinance or any part of the code adopted herein by reference are hereby repealed.

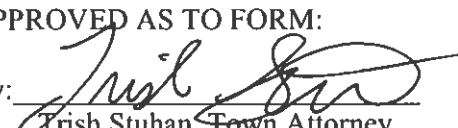
Section 3. Providing for Severability

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Town Council of the Town of Wickenburg, Arizona, this 21st day of November, 2022.

By: 
Rui Pereira, Mayor

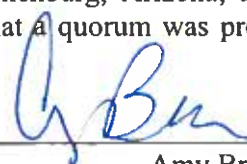
ATTEST:
By: 
Amy Brown, Town Clerk

APPROVED AS TO FORM:
By: 
Trish Stuhan, Town Attorney
Pierce Coleman PLLC

Number of Councilmembers Present: 7
Number of Votes For: 7
Number of Votes Against: 0
Number of Abstentions: 0

CERTIFICATION

I HEREBY CERTIFY that the foregoing Ordinance Number 1229 was duly passed and adopted by the Common Council of the Town of Wickenburg, Arizona, at a regular meeting held on the 21st day of November, 2022 and that a quorum was present at the meeting.


Amy Brown, MMC
Town Clerk