

ORDINANCE NO. 08-12

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA AMENDING CHAPTER 2 OF THE PEORIA CITY CODE (1992) BY AMENDING SECTION 2-151 PERTAINING TO REGULARLY SCHEDULED BOARDS AND COMMISSIONS; LIMITS ON TERMS AND AMENDING SECTION 2-152 PERTAINING TO BOARDS AND COMMISSIONS; UNSCHEDULED BOARDS AND COMMISSIONS AND AMENDING SECTION 2-153 PERTAINING TO BOARDS AND COMMISSIONS; UNSCHEDULED BOARDS AND COMMISSIONS; TERMS AND AMENDING SECTION 2-154 PERTAINING TO VACANCIES, BOARDS, COMMISSIONS AND COMMITTEES AND AMENDING SECTION 2-156 PERTAINING TO BOARDS AND COMMISSIONS; QUALIFICATIONS AND BY AMENDING CHAPTER 15 OF THE PEORIA CITY CODE (1992) BY AMENDING SECTION 15-1 PERTAINING TO MUNICIPAL COURT; PRESIDING JUDGE; APPOINTMENT OF JUDGES; TERMS AND BY AMENDING SECTION 15-3 PERTAINING TO MUNICIPAL COURT; APPOINTMENT OF ASSISTANT MUNICIPAL JUDGES, JUDGES PRO-TEMPORE, COURT ADMINISTRATOR; CIVIL HEARING OFFICER AND OTHER COURT EMPLOYEES AND BY ENACTING SECTION 15-8 PERTAINING TO JUDICIAL SELECTION ADVISORY BOARD—ESTABLISHMENT; MEMBERSHIP; POWERS AND DUTIES; OPERATING PROCEDURES AND PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

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

**SECTION 1.** Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-151 pertaining to Regularly scheduled boards and commissions; limits on terms and which shall read as follows:

**Sec. 2-151. Regularly scheduled boards and commissions; limits on terms.**

(a) Any person who has completed the maximum number of terms on any regularly scheduled board or commission or the Judicial Selection Advisory Board shall not be eligible for appointment to that board for a period of one year following completion of their term.

(b) No person shall serve more than two consecutive four year terms on any regularly scheduled board or commission of the City of Peoria or the Judicial Selection Advisory Board. In the event that a person is appointed for part of a term, the partial term regardless of length shall not be counted for purposes of calculating the limit of two consecutive terms. Notwithstanding any provision of this section, no person shall serve more than twelve years on any regularly scheduled board or commission of the city or the Judicial Selection Advisory Board.

(c) A person shall serve on no more than one regular scheduled board at any time and no person shall serve on any regular scheduled board and unscheduled board where the duties thereof are deemed to be incompatible in the determination of the city council.

**SECTION 2.** Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-152 pertaining to Boards and Commissions; unscheduled boards and commissions and which shall read as follows:

**Sec. 2-152. Boards and Commissions; unscheduled boards and commissions.**

(a) The following are unscheduled boards and commissions and shall include:

- (1) Building Code Board of Appeals - 7 members
- (2) Citizens commission on Elected Officials Salaries – 5 members
- (3) Design Standards Advisory Board B 5 members
- (4) Historic Preservation Commission - 7 members
- (5) Industrial Development Authority - 7 members
- (6) Municipal Development Authority - 5 members
- (7) Personnel Board - 3 members, 1 alternate
- (8) Peoria Municipal Sports Complex Authority - 7 members
- (9) Public Defender Review Board - 5 members
- (10) Public Safety Review Board-Police - 5 members
- (11) Public Safety Review Board-Fire - 5 members
- (12) Volunteer Firefighter Pension Board - 5 members
- (13) Sister Cities Board – 7 members

- (14) Veteran's Memorial board – 7 members
- (15) Judicial Selection Advisory Board – 5 Members

**SECTION 3.** Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-153 pertaining to Boards and Commissions; unscheduled boards and commissions; terms and which shall read as follows:

Sec. 2-153. Boards and Commissions; unscheduled boards and commissions; terms.

(a) All members of unscheduled boards and commissions of the city shall serve a term of four (4) years, unless otherwise required by the Arizona Revised Statutes. For those boards and commissions having five (5) members or less, the terms of office shall be staggered that no more than two (2) terms shall expire in any single year. For those boards and commissions having more than (5) members but less than eight (8) members, the terms of office shall be staggered that no more than two (2) terms shall expire in any single year. In the case of board and commission members whose current terms are less than four (4) years and where more than the maximum number of members will come up for appointment in a single year, two (2) board and commission members will be appointed for four (4) year terms and one member shall be appointed for a three (3) year term. Thereafter all board and commission members shall be appointed for four (4) year terms. In the case of board and commission members whose current terms are less than four (4) years, the provisions of this section shall become effective upon the beginning of the new term of office.

(b) Except as otherwise provided in this code, members of unscheduled boards and commissions may be appointed and/or reappointed at council discretion to one or more unscheduled boards or commissions.

**SECTION 4.** Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-154 pertaining to Vacancies, boards, commissions and committees and which shall read as follows:

Sec. 2-154. Vacancies; boards, commissions and committees.

A vacancy upon a board or commission of the city shall be deemed to have occurred upon the occurrence of the following:

- (a) Death or resignation of a member of a board or commission.
- (b) Ceasing to be a resident of the City of Peoria, unless exempted from the residency requirement pursuant to City Code § 2-156(a)(4).
- (c) Failure to meet the minimum qualifications for the position of board or commission member.

(d) Three consecutive unexcused absences from board or commission meetings.

(e) Removal of a member of a board or commission by the City Council as provided in this chapter.

**SECTION 5.** Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-156 pertaining to Boards and commissions; qualifications and which shall read as follows:

Sec. 2-156. Boards and commissions; qualifications.

(a) All members of boards and commissions of the city shall meet the following minimum qualifications upon their appointment to any board or commission.

(1) Must be at least eighteen (18) years of age or older.

(2) Resident of the City of Peoria.

(3) Qualified elector of the City of Peoria.

(4) Notwithstanding paragraphs (2) and (3) of subsection (a), the following board or commission members are not required to be residents or qualified electors of the City, but must be residents and qualified electors of Maricopa County.

(A) Members of the Economic Development Advisory Board; and

(B) The fire protection engineer member and industrial safety professional member of the Building Board of Appeals.

C. As provided in Chapter 15 of this Code pertaining to the Judicial Selection Advisory Board.

(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) Personnel board.

(2) Board of adjustment.

(3) Board of appeals.

(4) Any board or commission that the department in which the employee is assigned acts as primary staff. The term "primary staff" means the department that provides staff support and reports to the applicable board or commission.

(5) Economic Development Advisory Board.

(6) Judicial Selection Advisory Board.

(c) Employees of the City of Peoria shall be ineligible for appointment to more than one board or commission at a given time.

(d) 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 given time.

(e) 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 Employee 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 in city employment upon recommendation of the city manager and determination of the city council that due to its assigned duties and responsibilities that the position exercises policy making responsibility.

SECTION 6. Chapter 15 of the Peoria City Code (1992) is amended by amending Section 15-1 pertaining to Municipal Court; presiding judge; appointment of judges; terms and which shall read as follows:

Sec. 15-1. Municipal Court; presiding judge; appointment of judges; terms. of ~~Municipal Judge.~~

(a) The presiding officer of the Municipal Court shall be the Presiding Municipal Judge who shall be appointed by the City Council.

(b) ~~The Presiding Municipal Judge shall serve a term of Four Two Years, except that the first term shall commence upon appointment and shall end on June 30, 1996. Commencing on July 1, 1996, the municipal judge shall serve a term of two years which shall end on June 30, 1998. Thereafter each~~ The term shall commence on July 1 2006 and terminate ~~two~~ four years thereafter. At such time as more than one municipal judge shall be appointed, the terms shall be staggered to provide that no more than one appointment shall occur in a calendar year, until there is at least one Presiding Municipal Judge and three associate municipal judges.

SECTION 7. Chapter 15 of the Peoria City Code (1992) is amended by amending Section 15-3 pertaining to Municipal Court; appointment of assistant municipal judges, judges pro-tempore, court administrator; civil hearing officer and other court employees and which shall read as follows:

Sec. 15-3. 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, may with council approval appoint persons meeting the same requirements as the Presiding Municipal Judge under the code and charter as assistant Associate municipal judges and 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 2-66 (2) of this code as they pertain to court employees.

SECTION 8. Chapter 15 of the Peoria City Code (1992) is amended by enacting Section 15-8 pertaining to Judicial Selection Advisory Board—Establishment; membership; powers and duties; operating procedures and which shall read as follows:

Sec. 15-8. Judicial Selection Advisory Board--Establishment; membership; powers and duties; operating procedures.

(a) There is hereby created a Judicial Selection Advisory Board to be composed of five 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 active members of the State Bar of Arizona, one of who must be a resident of the City of Peoria and who shall be appointed by the Mayor from among nominees recommended by the State Bar's Board of Governors;
  - (3) Two public members who are nominated by the Mayor and who are residents of the City of Peoria. None of the public members or a member of their immediate family shall be an employee or elected official of the City of Peoria. Immediate family is defined as Spouse, Parent, Child, Sibling, Step Parent, Step Child, Grand Parent, Grand child.
- (b) All members other than the Judge of Superior Court shall be subject to confirmation by the City Council. The Judicial Selection Advisory Board shall be deemed a non scheduled board in accordance with Chapter 2 of the Peoria City Code. Members shall serve a term of four years. The members shall serve without salary or compensation.
- (c) The Board's officers shall consist of a chairman and vice-chairman, each selected from the Board's members. Officers shall serve one-year terms. The members shall determine operating procedures for the Board, which shall be kept in writing. The vice-chairman shall preside whenever the chairman is absent or unable to act. The chairman will have the duty to prepare written reports as may be requested by the City Council.
- (d) 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 Presiding Municipal Judge, if the Presiding Municipal Judge is seeking reappointment for a new term of office commencing July 1, then by January 31, of the year in which the term of the Presiding Municipal Judge ends, the Board shall commence the process to review and submit a recommendation to the City Council Subcommittee on Charter Officers regarding the reappointment of the Presiding Municipal Judge. The Board shall

submit its recommendation no later than April 1 of the year in which the term of the Presiding Municipal Judge ends.

(3) If the position of the Presiding Municipal Judge is vacant, The Board shall review all applications for the position. The Board shall recommend to the City Council, three 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 is seeking reappointment for a new term of office commencing July 1, then by January 31, of the year in which the term of the Associate Municipal Judge ends, the Board shall commence the process to review and submit a recommendation to the Presiding Municipal Judge regarding the reappointment of the Presiding Municipal Judge. The Board shall submit its recommendation no later than April 1 of the year in which the term of the Associate Municipal Judge ends.

(5) If the position of the Associate Municipal Judge is vacant, The Board shall review all applications for the position. The Board shall recommend to the Presiding Municipal Judge, three 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.

(e) The Board may consider the diversity of the community in making its recommendations. However, in submitting its recommendations for candidates for appointment or reappointment to the office of Presiding Municipal Judge or Associate Municipal Judge, the Board shall make such recommendations without regard for race, religion, political affiliation or sex of the candidate.

(f) The meetings of the Board shall be held once each year for the purpose of reviewing operating procedures and on call of the chairman or a majority of the members.

(g) The chairman of the Board shall issue a call for a meeting promptly upon learning of the existence or anticipated existence of a vacancy in the office of judge of the City Court. The Board shall, whenever practical, hold public meetings designed to permit interested parties and groups to submit and recommend persons for consideration.

**SECTION 9.** If any section, subsection, sentence, clause or phrase of this Ordinance 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 of this Ordinance.

SECTION 10. 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 20<sup>th</sup> day of May, 2008.

Dated: 5/25/08

Bob Barrett  
Bob Barrett, Mayor

ATTEST:

Mary Jo Kief  
Mary Jo Kief, City Clerk



APPROVED AS TO FORM:

Stephen M. Kemp  
Stephen M. Kemp, City Attorney

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