

CHAPTER 17 BOARDS AND COMMISSIONS

Article 17-1 GENERAL (Recreated 8/16/11by Ordinance #338, Effective 9/16/11)

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- 17-1-2 Membership and Terms of Office
- 17-1-3 Vacancies and Removal of Members
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Section 17-1-1 Creation

- A. The Council may create such boards, committees, and commissions, standing or special, as it deems necessary. In addition, the Council may budget to provide any aid and assistance from the administrative staff of the town to any committee, board, or commission as may be necessary or appropriate.
- B. Any board, committee, or commission created by the Council shall be responsible to the Council and shall function in an advisory capacity to the Council unless otherwise provided by state law, town ordinance or resolution.
- C. For the purposes of this chapter, the terms board, committee, and commission shall be defined as follows:
 - 1. **BOARD.** A standing group that meets as needed, whose functions are determined by the Town Council and/or state law.
 - 2. **COMMISSION.** A standing group with continuing regularly scheduled meetings, whose functions are determined by the Town Council and/or state law.
 - 3. **COMMITTEE.** A temporary group appointed by the Town Council for a particular matter, task, or duty.

Section 17-1-2 Membership and Term of Office

- A. All boards, committees, and commissions shall be composed of members who shall be residents of the Town.

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- B. Every member of a board, committee, or commission shall be appointed by the Mayor and Town Council.
- C. The term of office for members of any board, committee, or commission shall be two years, commencing October 1 and ending September 30 of the year so designated unless otherwise provided by state law, town ordinance or resolution. Members shall have staggered terms so that the terms of no more than three members shall expire in any one year to provide for the orderly and consistent replacement or reappointment of each regular member.

Section 17-1-3 Vacancies and Removal of Members

- A. A vacancy occurring during a term shall be appointed by the Mayor and Town Council for the unexpired term.
- B. The Mayor and Town Council shall have the right and power to remove any board, committee, or commission member, with or without cause. A board, committee, or commission member who is absent three or more consecutive regular board, committee, or commission meetings or seven (7) regular board, committee, or commission meetings from October 1 to September 30 shall be deemed to have vacated his or her appointment without further action being taken by either the board, committee, commission or Town Council. It shall be the responsibility of the Chairperson to so notify the Town Clerk immediately upon the creation of a vacancy pursuant to this section and the Mayor and Town Council shall fill such vacancy for the unexpired term.

Section 17-1-4 Quorums and Voting

- A. A majority of the total members of any board, committee, or commission shall constitute a quorum.
- B. Board, committee, or commission members may appear for a meeting telephonically or by other verbal electronic communication and may cast votes during such proceeding under the following circumstances:
 - 1. The public must be able to hear the person.
 - 2. The person must be able to hear everyone at the meeting.
 - 3. Participation telephonically or by other verbal electronic communication must be noted on the agenda.
- C. No member of a board, committee, or commission shall be excused from voting, except if a conflict of interest exists as defined by the laws of the State of Arizona

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pertaining to conflict of interest of governmental officials and if the member has filed with the Town Clerk a written statement identifying the conflict of interest pursuant to A.R.S. § 38-502 prior to the vote. In all other cases a failure to vote shall be entered on the minutes as an affirmative vote.

Section 17-1-5 Powers and Duties

- A. The functions of each board, committee, or commission shall be determined by the Council, or when appropriate, by state law. Each board, committee or commission shall be responsible for such matters as may be referred to it by the Council and shall meet at such times as may be necessary to perform its duties.

- B. Each board, committee or commission shall cause minutes to be kept of the proceedings, showing the vote of each member upon every question, or if absent and failing to vote, indicating that fact, and shall keep records of the board, committee, or commission's examinations or other official actions. The minutes of the board, committee or commission and all other records of actions taken shall be filed, upon approval by the board, committee, or commission, in the office of the Clerk, in compliance with A.R.S. 38-431 et seq., and the same shall be public record.

- C. Board, committee or commission members shall serve without compensation; provided that the board, committee or commission members may be reimbursed for actual and necessary expense for board, committee or commission duties, as provided by the Council.

- D. No board, committee, or commission shall incur debts, make any purchases or enter into any contracts binding the Town. All matters coming before any board, committee, or commission involving the expenditure of funds or the making of agreements or contracts shall be referred to the Council and/or the Town Manager with the recommendation of the board, committee, or commission.

- E. All funds received by any board, committee, or commission shall be deposited with the Finance Department of the Town.

Section 17-1-6 Staff Liaison

- A. With budget approval by the Town Council, the Town Manager will designate a staff liaison for each standing board, committee, and commission. The staff liaison shall aid and assist the board, committee, or commission as needed, including, but not limited to, all actions required by Arizona's Open Meeting Law.

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Section 17-1-7 Meetings

- A. Special meetings may be called by the Chair or, in his or her absence, the Vice-Chair. In addition, any quorum of a board, committee or commission may make written request to the chairman for a special meeting, and, in the event such meeting is not called, such members may call such special meeting.
- B. Each board, committee, or commission shall nominate a chair and a vice-chair at its first meeting of each year.

Article 17-2 BOARD OF ADJUSTMENT

- 17-2-1 Establishment and Purpose
- 17-2-2 Appeals to the Board of Adjustment
- 17-2-3 Date of Hearing and Notice
- 17-2-4 Meetings
- 17-2-5 Appeals From the Board of Adjustment

Section 17-2-1 Establishment and Purpose

The Board of Adjustment shall serve at the appointment of the Town Council. Upon application, the Board of Adjustment shall have the powers and duties as prescribed by A.R.S. 9-462.06 and ordinances including those more specifically set forth as follows:

- A. To hear and decide appeals in which it is alleged, by the applicant, there is an error in an order, requirement or decision made by an administrative official based on the enforcement of the Zoning Code or Building - Chapter 7 of the Town Code.
- B. To interpret the boundaries of the zoning districts as depicted on the Zoning Map.
- C. To hear and decide on requests for variances from the strict application of the Zoning Code as adopted by the Town of Clarkdale where by reason of exceptional narrowness, shallowness, shape, or topography, or a property's location and surroundings the strict application of said standards will deprive the subject property of privileges lawfully permitted other properties in the same zone district or immediate vicinity. Decisions shall be based upon a review of the application in conformance with the following criteria:
 - 1. **SPECIAL CIRCUMSTANCES:** There are special circumstances attributable to the property which are not applicable to other properties in the area or within the same zone district. The special circumstances must be related to the physical characteristics of the property including its

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shape, size, topography, location or surroundings and may not be related to the personal circumstances of the property owner or applicant.

2. **UNDUE HARDSHIP:** If special circumstances attributable to the property exist, they must be of such a nature that the strict application of the development standards will result in an undue hardship. An undue hardship exists when the strict application of the Zoning Code is so unreasonable that it renders the property unusable without the granting of a variance. Hardship relates to the physical characteristics of the property, not the personal circumstances of the property owner or applicant.
3. **PUBLIC HEALTH, SAFETY AND WELFARE:** A variance may be granted only if it can be done without substantial detriment to public health, safety or welfare and without substantial departure from the intent of the standard from which relief is requested.
4. **ADEQUATE FINANCIAL RETURN:** The applicant's need for an adequate financial return on investment shall not be considered justification for the granting of a variance.
5. **SELF-IMPOSED SPECIAL CIRCUMSTANCES:** A variance shall not be granted when the special circumstances, from which relief is requested, have been self-imposed by a current or former property owner or applicant.
6. **USE VARIANCE:** A use variance may not be granted. (A use variance is one which would allow, as an example, a retail commercial establishment in a single family residential zone district.)

- D. To permit the extension of a nonconforming use throughout an existing structure or parcel subject to such conditions as the Board of Adjustment shall deem just and proper. Any extension of a nonconforming use shall comply with all bulk standards of the Zoning Ordinance and all development standards of other codes adopted by the Town of Clarkdale.

Section 17-2-2 Appeals to the Board of Adjustment

- A. Appeals to the Board of Adjustment may be taken by any owner of property, any person having a contract or an option to purchase the subject property, or any agent of the above persons who may be aggrieved by a decision of any administrative officer made in the enforcement of the Zoning Ordinance, Building- Chapter 7 or Article 12-4, Subdivision Regulations – Minor Land Division and lot line adjustments of the Town Code as adopted by the Town of

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Clarkdale.

- B. Appeals to the Board of Adjustment may also be taken by any administrative officer, department, commission or board of the Town of Clarkdale affected by the granting, or refusal, of a permit or other decision of an administrative officer in the course of administration or enforcement of the Zoning Code or Building – Chapter 7 of the Town Code as adopted by the Town of Clarkdale.
- C. Appeals to the Board of Adjustment must be made in writing, on forms approved by the Board of Adjustment, and filed with the Town Clerk within 60 days of the date of the act, or failure to act, or decision which is the cause of appeal.
 - 1. Every application for appeal, or variance, shall refer to the specific provision of the Ordinance from which an appeal is requested, and shall specifically set forth the interpretation which is claimed; or in the case of a variance request how and why the review criteria set forth in Section 17-2-2 above justifies the granting of a variance.
 - 2. An appeal stays all enforcement proceedings until a final decision is reached by the Board of Adjustment. Decisions of the Board shall be filed by case number, under one of the following headings, appeals or variances; and case files shall be kept in the Office of the Town Clerk.

Section 17-2-3 Date of Hearing and Notice

All hearings of the Board of Adjustment upon any appeal shall be held no sooner than 20 days from the date of application for appeal. Notification of the hearing shall be published once in a newspaper of general circulation in the area not less than fifteen (15) days prior to the date of hearing. In addition, notice shall be posted on the property affected, when applicable, in a manner readily visible to the general public.

Section 17-2-4 Meetings

Meetings of the Board of Adjustment shall be conducted in the manner prescribed in the most current “Bylaws-Board of Adjustment” as adopted by the Board of Adjustment and approved by the Common Council of the Town of Clarkdale which are on file with the Town Clerk.

Section 17-2-5 Appeals From the Board of Adjustment

Any person aggrieved by a decision of the Board of Adjustment may, at any time within thirty (30) days after the Board has rendered a final decision, file a complaint with the Superior Court, Yavapai County, State of Arizona, to review the decision of the Board of Adjustment. Filing a complaint does not stay any proceedings on the decision sought to be reviewed, but the court

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may, upon petition by the applicant, grant a stay. On final decision, the Superior Court may approve or reverse, whether in whole or in part, or may modify the decision of the Board.

Article 17-3 COMMUNITY SERVICES COMMISSION
(Created by Ord #369; Approved 10-13-15; eff 12-31-15; P&R Commission Deleted)

Section 17-3-1 Establishment and Purpose

The Community Services Commission shall serve at the appointment of the Town Council. It shall act in an advisory capacity to the Town Council in matters pertaining to and in the advancement of sound Community Services planning and programming as follows:

- A. Assist, counsel and aid the Town Council in the purchase, sale, lease or other method of acquiring or disposing of lands, structures and facilities (anything designed, built or installed to provide function or service) for current or future use for libraries, parks or recreation.
- B. Assist the Town Council in establishing general priorities and continuing plans relating to libraries, parks and recreation.
- C. Assist the Town Council on policies, rules and regulations relating to the operation, use, care and maintenance of areas and structures owned, leased or otherwise acquired by the Town for use as libraries, parks and recreation.
- D. Assist the Town Council in developing fees and revenues in support of libraries, parks and recreation.
- E. Make recommendations to the Town Council regarding receipt, acceptance or acquisition by gift, bequest or device any real and personal property for libraries, parks and recreation.

Article 17-4 DESIGN REVIEW

17-4-1 Establishment and Purpose of Design Review Board

Section 17-4-1 Establishment and Purpose of Design Review Board

The Design Review Board shall serve at the appointment of the Town Council. The purpose of the Design Review Board is to review the landscaping and exterior design of proposed new buildings, commercial signage, proposed alterations to buildings, excluding single family residences, and major development or redevelopment projects to assure that they are compatible with the surrounding environment and to preserve and protect the integrity and character of the

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Town. The Design Review Board also reviews applications under the Town’s Zoning Code – Design Review and Site Plan Review. The Design Review Board has the power to approve, conditionally approve, or deny requests.

Article 17-5 PLANNING COMMISSION

- 17-5-1 Establishment and Purpose of the Planning Commission
- 17-5-2 Fees
- 17-5-3 Public Hearings

Section 17-5-1 Establishment and Purpose of the Planning Commission

The Planning Commission of the Town of Clarkdale is hereby established to carry out the purpose of A.R.S. Section 9-461 et. seq. It is the duty of the Commission to formulate, create and administer any lawful plan duly adopted by the governing body for the present and future growth of the Town pertaining to the use of land and buildings for any purpose, together with all incidental activities usually associated therewith and commonly known as “Planning and Zoning”; to make or cause to be made a continuous study of the best present and future use to which land and buildings shall be put within the Town and in cooperation with adjacent areas; to recommend to the governing body revisions in such plans which, in the opinion of the Commission, are for the best interest of the citizens of the Town; to promulgate rules of procedure if such rules are approved by the governing body.

Section 17-5-2 Fees

The Commission may be authorized to recommend a uniform schedule of fees for the services with all receipts to be paid into the general fund of the Town. Such fee schedules shall become effective upon approval by the Council.

Section 17-5-3 Public Hearings

The Planning Commission shall hold zoning ordinance public hearings and give notice of said public hearing as provided by A.R.S. Section 9-462.04 along with other public hearings and notice of such as required. After the hearing, the Planning Commission shall render its decision in the form of a written recommendation to the Council and shall include the reasons for the recommendation.

Article 17-6 LIBRARY ADVISORY BOARD
(Deleted by Ord #369; Approved 10-13-15; eff 12-31-15)

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Article 17-7 PUBLIC SAFETY PERSONNEL RETIREMENT BOARD

The Public Safety Personnel Retirement Board of the Town of Clarkdale is hereby established to carry out A.R.S. Section 38-841 et seq., in order to provide a uniform, consistent and equitable statewide program for public safety personnel who are regularly assigned hazardous duty in the state of Arizona, of which the administration of the system and responsibility for making the provisions of the system effective for each employer are vested in the local board.

Article 17-8 MUNICIPAL PROPERTY CORPORATION

The Town of Clarkdale Municipal Property Corporation, an Arizona Nonprofit Corporation, was incorporated in 1996 and operates under the Bylaws of the Town of Clarkdale Municipal Property Corporation, which are on file with in the office of the Town Clerk. The “Corporation” was formed to transact any or all lawful business for which nonprofit corporations may be incorporated under the laws of the State of Arizona, including, without limiting the generality of the foregoing, any civic or charitable purpose such as financing or refinancing the cost of acquiring, constructing, reconstructing or improving buildings, equipment or other real and personal properties suitable for use by and for leasing to the Town of Clarkdale, Arizona, a municipal corporation incorporated and existing pursuant to the laws of the State of Arizona.