

SAHUARITA ORDINANCE NO. 2023-165

AN ORDINANCE OF THE TOWN OF SAHUARITA, ARIZONA, ADOPTING A TOWN CODE AMENDMENT TO CHAPTER 2.55 (BOARDS, COMMITTEES, AND COMMISSIONS) OF THE TOWN CODE OF THE TOWN OF SAHUARITA, AND REPEALING ALL RESOLUTIONS, ORDINANCES, AND RULES OF THE TOWN OF SAHUARITA IN CONFLICT THEREWITH AND DECLARING AN EMERGENCY TO EXIST MAKING THIS ORDINANCE IMMEDIATELY EFFECTIVE.

WHEREAS, the Sahuarita Town Code has been adopted by the Town Council, amended from time to time, and on February 13, 2006, pursuant to Ordinance No. 2006-02, the Sahuarita Town Code was codified and renumbered; and

WHEREAS, Chapter 2.55.010 (Establishment) and 2.55.100 (Special committees) of Title 2 of the Sahuarita Town Code provide that the Town Council may create boards, committees, or commissions, standing or special, as necessary, and may establish the number of members as necessitated; and

WHEREAS, Chapter 2.55.020 (Appointment) of Title 2 of the Sahuarita Town Code provides that each council member shall nominate one person to serve on standing boards, committees, and commissions; and

WHEREAS, Chapter 2.55.030 (Term) of Title 2 of the Sahuarita Town Code provides that members of standing boards, committees, and commissions shall be appointed in July of even-numbered years to staggered four-year terms; and

WHEREAS, Chapter 2.55.070 (Planning and zoning commission) of Title 2 of the Sahuarita Town Code established a planning and zoning commission for the town of Sahuarita to consist of seven members, each of whom shall be a resident of the town; and

WHEREAS, the Town Council desires to simplify and streamline the Town Code to facilitate responsive government, expedite and simplify the board, committee, and commission nomination process, and ensure the regular and routine operation of the planning and zoning commission; and

WHEREAS, the Town Council desires to modify the language in Chapter 2.55 (Boards, Committees, and Commissions) as follows: (a) to establish that the Town Council will nominate board, committee, and commission members based on a Town Council rotation list, (b) to impose a forty-five day nomination deadline, and, (c) to reduce the number of members on the planning and zoning commission from seven members to five members; and

WHEREAS, the Mayor and Council find that it is in the Town of Sahuarita's and its residents' best interest to adopt an amendment to Chapter 2.55 (Boards, Committees, and Commissions) of the Sahuarita Town Code, as provided herein; and

WHEREAS, the Town seeks to protect the public health, safety, and welfare by amending the Town Code as described in these Recitals.

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

Section 1. Chapter 2.55 (Boards, Committees, and Commissions) of the Sahuarita Town Code is hereby amended with deleted language shown by ~~strikeout~~ and added language shown by underlined text, as follows:

Chapter 2.55

BOARDS, COMMITTEES AND COMMISSIONS

Sections:

- 2.55.010 Establishment.
- 2.55.020 Appointment.
- 2.55.030 Term.
- 2.55.040 Selection of chairperson.
- 2.55.050 Vacancies.
- 2.55.060 Compensation.
- 2.55.070 Planning and zoning commission.
- 2.55.080 Parks and recreation commission.
- 2.55.090 Board of adjustment.
- ~~2.55.100—Special committees.~~

2.55.010 Establishment.

The council may create ~~such~~ boards, committees, or commissions, standing or special, as ~~it deems~~ necessary, and their membership shall include a number appropriate to the task(s) involved.

2.55.020 Appointment.

Each council member shall nominate one person to serve on standing boards, committees, and commissions when the board is created, or a vacancy occurs due to resignation or term expiration. Nominations are based on a randomly generated rotation list maintained by the Town Clerk. Council members have 45 days to submit a nominee to the Town Clerk before deferring their nomination to the next council member on the list. ~~and~~ The council shall, by majority vote, approve or disapprove the nominee. If ~~the nominee is not approved by~~ a majority of the council does not approve the nominee, the next council member on the list ~~who~~

~~nominated that person~~ may nominate another person for a council vote.

2.55.030 Term.

Members of standing boards, committees, and commissions shall be appointed for four years each, with the terms of members staggered such that the terms of no more than four members expire in any year. ~~in July of even-numbered years to staggered four-year terms. On June 30th of an odd-numbered year, three members' terms will expire, and on June 30th of the next odd-numbered year, the other four members' terms will expire.~~ Members ~~of standing boards, committees, and commissions~~ shall serve at the pleasure of the council, and may be removed at any time by a majority vote of the council. Members ~~of standing boards, committees, and commissions~~ shall continue to serve until their successor is administered the oath of office, unless the member resigned or was removed by the council.

2.55.040 Selection of chairperson.

~~In July of~~ Each odd-numbered year, each standing board, committee, and commission shall elect a chairperson, who shall have the power to administer oaths and take evidence.

2.55.050 Vacancies.

Vacancies ~~which occur~~ on standing boards, committees, and commissions shall be filled by the council as provided in STC 2.55.020, and the member filling such vacancy will complete the unexpired term of the vacating member.

2.55.060 Compensation.

~~The~~ Members ~~of standing boards, committees, and commissions~~ shall serve without compensation; ~~however, members~~ but may be reimbursed for actual expenses incurred in conjunction with their duties, upon authorization or ratification by the board, committee, or commission.

2.55.070 Planning and zoning commission.

There is hereby established a planning and zoning commission ~~for the town of Sahuarita~~ to consist of ~~seven~~ five members, each of whom shall be a resident of the town. The planning and zoning commission shall ~~serve to~~ provide recommendations to the council on land planning matters, including but not limited to comprehensive plans; the town zoning code; area and neighborhood plans; specific plans; subdivision specifications and regulations; requests for rezoning of property; and other duties set forth in the zoning code.

2.55.080 Parks and recreation commission.

There is hereby established a parks and recreation commission ~~for the town of Sahuarita~~ to consist of seven members, each of whom shall be a resident of the town. The parks and recreation commission shall ~~act in an~~ advisory capacity to the council and the parks and recreation director in matters pertaining to the parks and recreation department, particularly in the areas of recreation programs, park design, open space and trail use, budget planning, and other related issues.

2.55.090 Board of adjustment.

There is hereby established a board of adjustment ~~for the town of Sahuarita~~ to consist of seven members, each of whom shall be a resident of the town. The board of adjustment shall hear and decide appeals for variances and interpretations of STC Title 18, ~~to~~ issue temporary use permits in accordance with this code and state law, and conduct other duties as set forth in this code.

~~**2.55.100 Special committees.**~~

~~Special committees may be created to address specific tasks assigned to them by the council. Their term of existence shall be for less than one year, and their membership shall include a number appropriate to the task involved.~~

- Section 2.** All tables of contents shall be modified as necessary to reflect the changes set forth in this ordinance.
- Section 3.** The various Town officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance and sections of the Town Code.
- Section 4.** All ordinances, resolutions, or motions and parts of ordinances, resolutions, or motions of the Town Council in conflict with the provisions of this ordinance are hereby repealed, effective as of the date of this ordinance. All internal references within the Town Code to any affected provision are hereby updated.
- Section 5.** If any section, subsection, sentence, clause, phrase, or portion of this ordinance, or any part of this amendment to the Town Code, 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.
- Section 6.** Because of the urgent need for the implementation of the Town's Code amendments that will refine and streamline the Town Code to facilitate responsive government, expedite and simplify the board, committee, and commission nomination process, and ensure the regular and routine operation of the planning and zoning commission, the immediate operation of this Ordinance is necessary for the preservation of the health, safety, and general welfare. An emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and Council as required by law.

[SEE NEXT PAGE FOR SIGNATURES]

PASSED AND ADOPTED by the Mayor and Council of the Town of Sahuarita, Arizona, this 8th day of May 2023.

Tom Murphy

Mayor Tom Murphy

CERTIFICATION OF RECORDING OFFICER

State of Arizona)
County of Pima) ss.

I, the undersigned, Lisa Cole, MMC, being the duly appointed, qualified Town Clerk of the Town of Sahuarita, Pima County, Arizona, certify that the foregoing Ordinance is a true, correct, and accurate copy of Ordinance No. 2023-165, passed and adopted at a Voting Meeting of the Council of the Town of Sahuarita, Pima County, Arizona, held on the 8th day of May 2023, at which a quorum was present and by 6-0 vote, all _____ voted in favor of the said ordinance.

Given under my hand and sealed this 8th day of May 2023.

SEAL:

Lisa Cole

Lisa Cole, MMC
Town Clerk



APPROVED AS TO FORM:

Jon M. Paladini

Jon Paladini, Town Attorney