Town of Chino Valley

MEETING NOTICE
TOWN COUNCIL

REGULAR MEETING
Tuesday, April 28, 2015
6:00 P.M.

Council Chambers
202 N. State Route 89
Chino Valley, Arizona

AGENDA

A D D E N D U M - 4/28/15

Item 7b) *REPLACES Ordinance No. 15-795 - reformatting changes only*

1) CALL TO ORDER, INVOCATION; PLEDGE OF ALLEGIANCE; ROLL CALL

2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

3) CALL TO THE PUBLIC

Call to the Public is an opportunity for the public to address the Council concerning a subject that is not on the agenda. Public comment is encouraged. Individuals are limited to speak for three (3) minutes. The total time for Call to the Public may be up to 30 minutes per meeting. Council action taken as a result of public comment will be limited to directing staff to study the matter, scheduling the matter for further consideration and decision at a later date, or responding to criticism.

4) RESPONSE TO THE PUBLIC

Response to the Public is an opportunity for the Mayor to inform the public about how Town officials addressed matters raised during Call to the Public at a previous meeting.

a) Announcement of protest by tri-city veterans.

b) Suggestion to time-stamp agenda amendments.

c) Request for letter of support for Yavapai Regional Transit.

d) Suggestion for Council to prioritize items and listen to each other.

e) Complaint regarding incident with area business owner and Town employees.

5) CURRENT EVENT SUMMARIES AND REPORTS

This item is for information only. The Mayor, any Councilmember, or Town Manager may present a brief summary or report of current events, or ask a staff member to provide the same. Presentation on information requested by the Mayor and Council will be made and questions answered. No action will be taken.

a) Status reports by Mayor and Council regarding current events.

b) Status report by Town Manager Robert Smith regarding Town accomplishments, and current or upcoming projects.

c) Report regarding five grant applications for Sagan University for five pass-through grants. (Cecilia Grittman, Assistant Town Manager)

d) Presentation regarding Court Services. (Cecilia Grittman, Assistant Town Manager)

6) CONSENT AGENDA

All those items listed below are considered to be routine and may be enacted by one motion. Any Councilmember may request to remove an item from the Consent Agenda to be considered and discussed separately.

a) Consideration and possible action to approve Ordinance No. 15-796, regarding Council Procedures for Addressing Code of Ethics Violations, ratifying Council's approval of the Procedures at its April 14, 2015 meeting, and adopting the Procedures as new Town Code Section 35.05. (Phyllis Smiley, Town Attorney)

Recommended Action: Approve Ordinance No. 15-796 amending Town Code Title III Administration, Chapter 35 Code of Ethics, Section 35.04 Conduct in Public Office and adding new Section 35.05 Code of Ethics Complaints; Filing and Procedures.

7) ACTION ITEMS

The Council may vote to recess the public meeting and hold an Executive Session on any item on this agenda pursuant to A.R.S. § 38-431.03(A)(3) for the purpose of discussion or consultation for legal advice with the Town Attorney. Executive sessions are not open to the public and no action may be taken in executive session.

a) Consideration and possible action to adopt Ordinance No. 15-794 rezoning approximately forty (40) acres of real property located at 855 Auction Drive, identified as Assessor's Parcel Number 306-01-009D, from from AR-4 (Agricultural Residential, 4 Acre Minimum) to CH (Commercial Heavy) zoning district, and terminating the Conditional Use Permit issued pursuant to Ordinance No. 05-628 permitting a livestock auction on the property in the AR-4 zoning district. (Applicant: Smyer Livestock, LLC) (Ruth Mayday, Development Services Director)

Recommended Action: Adopt Ordinance No. 15-794, rezoning approximately 40 acres of APN 306-01-009D, from AR-4 to CH zoning district and terminating the Conditional Use Permit issued pursuant to Ordinance No. 05-628.

b) Consideration and possible action to adopt Ordinance No. 15-795 amending the Unified Development Ordinance, Chapter 1 Administration and Procedures, by amending Section 1.1 Short Title, Section 1.4 Planning and Zoning Commission, and Section 1.5 Board of Adjustment. (Ruth Mayday, Development Services Director)

Recommended Action: Adopt Ordinance No. 15-795 amending the Unified Development Ordinance, Chapter 1, Sections 1.1, 1.4, and 1.5.

c) Consideration and possible action to direct staff to amend the grant application submitted to the Arizona Game and Fish Department (AZGAF) for improvements at the shooting range. (Ruth Mayday, Development Services Director)

Recommended Action: Authorize the Development Services Director to reach an agreement with AZGAF regarding an alternate use of the grant funds.

d) Consideration and possible action to approve Amendment #3 to Memorandum of Understanding between the Town of Chino Valley and Chino Valley Police Officers Association, effective July 1, 2015. (Cecilia Grittman, Assistant Town Manager)

Recommended Action: Approve Amendment #3 to Memorandum of Understanding between the Town of Chino Valley the Chino Valley Police Officers Association, effective July 1, 2015.

e) Consideration and possible action to determine policy regarding Council/Attorney interaction. (Chris Marley, Mayor)

Recommended Action: Direct staff to draft policy as discussed.

f) Consideration and possible action to waive attorney-client privilege on a letter from Town Attorney Phyllis Smiley, dated March 12, 2015, entitled "Communications Requesting Town Funding for Attorney for Councilmember Hatch." (Mayor Chris Marley)

Recommended Action: Waive attorney-client privilege on a letter from Town Attorney Phyllis Smiley, dated March 12, 2015, entitled "Communications Requesting Town Funding for Attorney for Councilmember Hatch."

8) EXECUTIVE SESSION

Council may vote to recess the Regular Meeting and hold an executive session, which will not be open to the public, for the following purposes.

9) ACTION ITEMS RESUMED

After the Executive Session, Council will reconvene the Regular Meeting.

10) ADJOURNMENT

Dated this 23rd day of April, 2015.

By: ***Jami C. Lewis, Town Clerk***

The Town of Chino Valley endeavors to make all public meetings accessible to persons with disabilities. Please call 636-2646 (voice) or 711 (Telecommunications Arizona Relay Service) 48 hours prior to the meeting to request a reasonable accommodation to participate in this meeting.

Supporting documentation and staff reports furnished to the Council with this agenda are available for review on the Town website at http://www.chinoaz.net/clerk/townagenda.shtml, and in the Public Library and Town Clerk's Office.

CERTIFICATION OF POSTING

The undersigned hereby certifies that a copy of this notice was duly posted at Chino Valley South Campus, Chino Valley Post Office, and Chino Valley North Campus in accordance with the statement filed by the Town Council with the Town Clerk.

Date:_____ Time:_____ By:_____
Jami C. Lewis, Town Clerk

MEMORANDUM

To: Mayor & Council; Council Packetholders

From: Jami C. Lewis, Town Clerk

Re: Council Agenda Item 7b, Ordinance 15-795 – Modification

Date: April 28, 2015

Explanation of Change to Ordinance No. 15-795

There are *no* changes to the UDO amendments themselves with this modification. The only change has do with revising the format to adopt the UDO amendments "by reference." This means that rather than including the amendments in the body of the ordinance, they are removed and attached to the ordinance as an exhibit.

This helps us to save on publication costs, as texts adopted by reference are not required to be published in the newspaper. Typically, we format code amendments ordinances to be adopted by reference if the ordinance is about or more than six pages long. The ordinance in the original packet was nine pages.

ORDINANCE NO. 15-795

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, DECLARING THE DOCUMENT ENTITLED "AMENDMENTS TO THE TOWN OF CHINO VALLEY UNIFIED DEVELOPMENT ORDINANCE REGARDING PLANNING AND ZONING COMMISSION AND BOARD OF ADJUSTMENT, APRIL 28, 2015" AS A PUBLIC RECORD; ADOPTIONG THE "AMENDMENTS TO THE TOWN OF CHINO VALLEY UNIFIED DEVELOPMENT ORDINANCE REGARDING PLANNING AND ZONING COMMISSION AND BOARD OF ADJUSTMENT, APRIL 28, 2015" BY REFERENCE AMENDING THE TOWN OF CHINO VALLEY UNIFIED DEVELOPMENT ORDINANCE, CHAPTER 1 ADMINISTRATION AND PROCEDURES, BY AMENDING SECTION 1.1 SHORT TITLE; SECTION 1.4 PLANNING AND ZONING COMMISSION, SUBSECTIONS 1.4.1 ESTABLISHMENT; COMPOSITION; TERMS OF MEMBERS; VACANCIES; COMPENSATION OF MEMBERS; 1.4.2 POWERS AND DUTIES, 1.4.3 SELECTION OF OFFICERS, 1.4.4 QUORUM; VOTING, AND 1.4.5 RULES; REGULATIONS; RECORDS; MEETINGS, AND ADDING NEW SUBSECTION 1.4.6 ETHICS; AND SECTION 1.5 BOARD OF ADJUSTMENT, SUBSECTIONS 1.5.1 ESTABLISHMENT; COMPOSITION; TERMS OF MEMBERS; VACANCIES; COMPENSATION OF MEMBERS; 1.5.2 POWERS AND DUTIES, 1.5.4 SELECTION OF OFFICERS, 1.5.5 QUORUM; VOTING, 1.5.6 RULES; REGULATIONS; RECORDS; MEETINGS, AND ADDING NEW SUBSECTIONS 1.5.7 EX PARTE COMMUNICATIONS AND 1.5.8 ETHICS, ALL RELATED TO ADDING ALTERNATE MEMBERS TO THE PLANNING AND ZONING COMMISSION AND BOARD OF ADJUSTMENT, CLARIFYING TERMINATION AND VACANCY OF MEMBERS, POWERS AND DUTIES, SELECTION OF OFFICERS, VOTING, MEETING RULES, ALIGNING ETHICS PROVISIONS WITH REQUIREMENTS FOR TOWN COUNCILMEMBERS, AND PROHIBITING EX PARTE COMMUNICATIONS FOR BOARD OF ADJUSTMENT MEMBERS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES

WHEREAS, that certain document entitled "Amendments to the Town of Chino Valley Unified Development Ordinance Regarding Planning and Zoning Commission and Board of Adjustment, April 28, 2015", three copies of which are on file in the office of the Town Clerk, is hereby declared to be a public record and said copies are hereby ordered to remain on file with the Town Clerk; and

WHEREAS, the Town Council has determined that the proposed amendments will further the stated purposes of the Unified Development Ordinance, clarify provisions of the Unified Development Ordinance, enhance the expediency of the processes set forth in the Unified Development Ordinance, and it is in the best interest of the public health, safety and general welfare of the Town to adopt the proposed amendments;

WHEREAS, all required public notice was provided and all required public meetings and hearings were held in accordance with applicable state and local laws.

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

Section 1. In General

The Unified Development Ordinance of Chino Valley, Arizona, Chapter 1 Administration and Procedures is hereby amended by amending Section 1.1 Short Title; Section 1.4 Planning and Zoning Commission, Subsections 1.4.1 Establishment; Composition; Terms Of Members; Vacancies; Compensation of Members, 1.4.2 Powers and Duties, 1.4.3 Selection of Officers, 1.4.4 Quorum; Voting, And 1.4.5 Rules; Regulations; Records; Meetings, and adding new Subsection 1.4.6 Ethics; and Section 1.5 Board Of Adjustment, Subsections 1.5.1 Establishment; Composition; Terms of Members; Vacancies; Compensation of Members, 1.5.2 Powers and Duties, 1.5.4 Selection of Officers, 1.5.5 Quorum; Voting, 1.5.6 Rules; Regulations; Records; Meetings, and adding new Subsections 1.5.7 Ex Parte Communications and 1.5.8 Ethics, all as set forth in that document entitled "Amendments to the Town of Chino Valley Unified Development Ordinance Regarding Planning and Zoning Commission and Board of Adjustment, April 28, 2015", which document is hereby adopted and incorporated by reference.

Section 2. Providing for 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.

Section 4. Providing for Penalties

Any person found responsible for violating any provision of this Ordinance shall be subject to the civil sanctions and habitual offender provisions set forth in Sections 1.10 and 1.11 of the Unified Development Ordinance of the Town of Chino Valley, Arizona.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 28th day of April, 2015 by the following vote:

AYES:	_____	ABSENT:	_____
NAYS:	_____	ABSTAINED:	_____

APPROVED this 28th day of April, 2015.

_____
Chris Marley, Mayor

ATTEST:

_____
Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:

_____
Curtis, Goodwin, Sullivan, Udall & Schwab, PLC
Town Attorneys
By: Phyllis L.N. Smiley

I, JAMI LEWIS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 15-795 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY ON THE 28TH DAY OF APRIL, 2015, WAS POSTED IN THREE PLACES ON THE _____ DAY OF _____, 2015.

_____
Jami Lewis, Town Clerk

Amendments to the Town of Chino Valley
Unified Development Ordinance
Regarding
Planning and Zoning Commission and Board of Adjustment
April 28, 2015

The Town of Chino Valley Unified Development Ordinance, Chapter 1 Administration and Procedures, Sections 1.1 Short Title, 1.4 Planning and Zoning Commission, and 1.5 Board of Adjustment are hereby amended to read as follows (additions in ALL CAPS; deletions in strikeout; * * * indicate intervening provisions remain unchanged):

1.1 Short Title

This Ordinance shall be known as "The Unified Development Ordinance of the Town OF CHINO VALLEY."

* * *

1.4 Planning and Zoning Commission

1.4.1 Establishment; Composition; Terms of Members; Vacancies; Compensation of Members

A. There is hereby established a Planning and Zoning Commission OF THE TOWN, ~~hereinafter called~~ ("Commission") ~~of the Town~~ to consist of seven (7) REGULAR members AND ONE (1) ALTERNATE MEMBER, APPOINTED BY THE TOWN COUNCIL. ~~,~~ ~~each of whom~~ MEMBERS OF THE COMMISSION shall be a ~~resident~~ QUALIFIED ELECTORS of the Town~~, to be appointed by Council~~. The TERM OF EACH REGULAR member~~s of the Commission~~ shall BE ~~serve for~~ three (3) years, except as hereinafter provided. THE TERM OF THE ALTERNATE COMMISSIONER SHALL BE ONE (1) YEAR.

B. THE ALTERNATE MEMBER OF THE COMMISSION SHALL ACT AS A REGULAR MEMBER IN THE ABSENCE OF A REGULAR MEMBER AT ANY MEETING OR HEARING OF THE COMMISSION. THE ALTERNATE MEMBER SHALL NOT, HOWEVER, SUBSTITUTE FOR A REGULAR MEMBER WHO IS PRESENT AT A MEETING OR HEARING BUT HAS DECLARED A CONFLICT OF INTEREST.

~~B~~C. TERMINATION; VACANCY.

1. PLANNING AND ZONING COMMISSIONERS SERVE AT THE PLEASURE OF THE COUNCIL AND MAY BE REMOVED BY THE COUNCIL.

2. A COMMISSION SEAT SHALL BE DEEMED VACANT IF ANY OF THE FOLLOWING OCCURS:

a. ~~In the event of a~~ death, resignation or removal OF A REGULAR MEMBER from the Commission; OR

b. A REGULAR MEMBER OF THE COMMISSION IS ABSENT AT THREE (3) CONSECUTIVE MEETINGS OR A TOTAL OF FOUR (4) MEETINGS WITHIN ANY ONE (1) YEAR PERIOD; OR

c. AT THE DISCRETION OF THE COUNCIL, A MEMBER ~~, the Council shall fill the vacancy for the unexpired term. Members~~ of the Commission IS ~~may be~~ removed ~~by the Council for inefficiency, neglect of duty, excessive absenteeism, or malfeasance in office. subsequent to an executive session.~~

3. IN THE EVENT OF A VACANCY, THE COUNCIL SHALL FILL THE VACANCY FOR THE REMAINDER OF THE UNEXPIRED TERM.~~No executive session shall be held, if the Commissioner in question requests a public hearing. The Council shall file a written statement of the reasons for removal. Two (2) consecutive unexcused absences or a total of three (3) unexcused absences per calendar year from any regular or special meeting shall be grounds for termination at the will and pleasure of the Council. subsequent to an executive session or public hearing if requested, and such action shall be final.~~

~~1. An excused absence requires the Commissioner to notify the Chair or Vice Chair, directly or indirectly, the Town Hall or Police Department, of their absence from a meeting no later than twenty-four (24) hours prior to commencement of the regular or special Planning and Zoning meeting, unless an emergency occurs.~~

~~2. All other absences shall be deemed unexcused.~~

~~C~~D. All members shall serve without pay. However, members may be reimbursed for actual expenses incurred in connection with their duties. ~~upon authorization and ratification by the Commission and approval of such expenditures by Council~~.

1.4.2 Powers and Duties

A. THE COMMISSION SHALL HAVE THE FOLLOWING POWERS AND DUTIES:

1. RECOMMEND TO THE TOWN COUNCIL A GENERAL PLAN AND AMENDMENTS THERETO;

2. ANNUALLY REVIEW PROGRESS TOWARDS IMPLEMENTATION OF THE GENERAL PLAN AND RECOMMEND TO THE TOWN COUNCIL CHANGES DESIRED DUE TO NEW LEGISLATION, DEVELOPMENT TRENDS AND CHANGING ECONOMIC, SOCIAL AND ENVIRONMENTAL CONDITIONS;

3. REVIEW AND MAKE RECOMMENDATION TO THE TOWN COUNCIL ON PROPOSALS TO AMEND THE TOWN ZONING MAP OR THE PROVISIONS OF THE UNIFIED DEVELOPMENT ORDINANCE;

4. INITIATE CHANGES TO THE TOWN ZONING MAP OR THE PROVISIONS OF THE UNIFIED DEVELOPMENT ORDINANCE;

5. REVIEW AND RECOMMEND APPROVAL TO THE TOWN COUNCIL OF DESIGN GUIDELINES OR STANDARDS OF DEVELOPMENT. ~~It shall be the duty of the Commission to formulate and administer any lawful plan duly adopted by the Council for the present and future growth and development of the Town; 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 to recommend to the Council revisions in such plans which, in the opinion of the Commission, are for the best interest of the citizens of the Town; to hold public hearings~~

~~where necessary; to make recommendations to the Council on all matters concerning or relating to the creation of zoning districts, the boundaries thereof, the appropriate regulations to be enforced therein, and amendments of this Ordinance, and to undertake all activities usually associated therewith and commonly known as "Planning and Zoning." The Commission is also authorized to confer with and advise other City, County, Regional, or State Planning Agencies and Commissions. Minutes of the meetings shall be sent to the Council upon approval.~~

1.4.3 Selection of Officers

The Commission shall elect a Chairperson and Vice Chairperson from among its own members, who shall serve for one (1) year and until their successors are elected and qualified. The Chairperson shall preside at all meetings and exercise all the usual rights, duties and prerogatives of the head of any similar organization. ~~The Chairperson shall have the power to take evidence.~~ The Vice Chairperson shall perform the duties of the Chairperson in the latter's absence or disability. ~~Vacancies created by any cause shall be filled for the unexpired term by a new election.~~ IN THE EVENT OF VACANCY IN THE CHAIRMANSHIP OF THE COMMISSION, THE VICE-CHAIRMAN SHALL BECOME CHAIRMAN TO SERVE FOR THE REMAINDER OF THE PRIOR CHAIRMAN'S TERM, AND AN ELECTION SHALL BE HELD AT THE NEXT MEETING TO FILL THE OFFICE OF VICE-CHAIRMAN FOR THE REMAINDER OF THAT TERM.

1.4.4 Quorum; Voting

A. Four (4) members shall constitute a quorum. The affirmative vote of a majority of members voting shall be required for ~~passage~~APPROVAL OR RECOMMENDATION TO COUNCIL of any matter before the Commission.

B. A member who has OR APPEARS TO HAVE, or whose relative has OR APPEARS TO HAVE, a ~~pecuniary or proprietary interest, either directly or indirectly, in any~~CONFLICT OF INTEREST PURSUANT TO TITLE 38, CHAPTER 3, ARTICLE 8 OF THE ARIZONA REVISED STATUTES REGARDING ANY MATTER BEFORE~~ decision of~~ the Commission, shall disclose such interest in the official records of the Commission, and shall ~~thereafter~~ refrain from participating in any DISCUSSION, VOTE OR ANY OTHER manner as a COMMISSION member in such ~~decision~~MATTER.

C. EACH MEMBER PRESENT SHALL NOT ABSTAIN FROM VOTING ON AN ITEM UNLESS HE OR SHE HAS DECLARED A CONFLICT OF INTEREST.

1.4.5 Rules; Regulations; Records; Meetings

A. The Commission shall make and publish rules and regulations to govern its proceedings and to provide for its meetings.

B. ALL MEETINGS OF THE COMMISSION SHALL BE HELD AT THE CALL OF THE CHAIR AND AT SUCH OTHER TIMES AS THE COMMISSION MAY DETERMINE. EXCEPT FOR EXECUTIVE SESSIONS AUTHORIZED BY LAW, All meetings of the Commission shall be open to the public.

C. The minutes and records of all Commission proceedings shall be kept and filed as public recordS in the office of the Town Clerk. MINUTES OF EACH MEETING SHALL

CONTAIN A RECORD OF THE NUMBER OF VOTES CAST FOR AND AGAINST EACH ITEM REQUIRING A VOTE.

1.4.6 ETHICS

COMMISSIONERS AS APPOINTED OFFICERS OF THE TOWN ARE SUBJECT TO AND SHALL COMPLY WITH THE ETHICS PROVISIONS SET FORTH IN CHAPTER 35 OF THE CHINO VALLEY TOWN CODE.

1.5 Board of Adjustment

1.5.1 Establishment; Composition; Terms of Members; Vacancies; Compensation of Members

A. There is hereby established a Board of Adjustment of the Town to consist of five (5) REGULAR members AND ONE (1) ALTERNATE MEMBER, each of whom shall be appointed by the ~~Chino Valley~~ Town Council.

1. The terms of the REGULAR members of the Board shall be ~~determined by Council at the time of their appointment. After the initial appointment, all terms shall be for~~ three (3) years. THE TERM OF THE ALTERNATE MEMBER SHALL BE ONE (1) YEAR.

2. All members shall serve without pay. However, members of the Board may be reimbursed for actual expenses incurred in connection with their duties ~~upon authorization and ratification by the Board and approval of such expenditures by Council~~.

3. THE ALTERNATE MEMBER SHALL ACT AS A REGULAR MEMBER IN THE ABSENCE OF A REGULAR MEMBER AT ANY MEETING OR HEARING OF THE BOARD. THE ALTERNATE MEMBER SHALL NOT, HOWEVER, SUBSTITUTE FOR A REGULAR MEMBER WHO IS PRESENT AT A MEETING OR HEARING BUT HAS DECLARED A CONFLICT OF INTEREST. THE TERM OF THE ALTERNATE MEMBERS SHALL BE ONE (1) YEAR.

B. MEMBERS OF THE BOARD OF ADJUSTMENT SERVE AT THE PLEASURE OF THE COUNCIL AND MAY BE REMOVED BY THE COUNCIL. IN THE EVENT OF A DEATH, RESIGNATION OR REMOVAL FROM THE BOARD, THE COUNCIL SHALL FILL THE VACANCY FOR THE UNEXPIRED TERM. A BOARD SEAT SHALL BE DEEMED VACANT IF A MEMBER IS ABSENT AT THREE (3) CONSECUTIVE MEETINGS OR A TOTAL OF FOUR (4) MEETINGS IN ANY ONE (1) YEAR PERIOD.

1.5.2 Powers and Duties

A. It shall be the duty of the Board of Adjustment to:

1. Hear and decide appeals ~~in which it is alleged there is an error in an order, requirement, or~~FROM A decision, DETERMINATION OR INTERPRETATION made by the Zoning Administrator in the enforcement of ~~a~~THE Unified Development Ordinance; and to reverse or affirm, wholly or partly, or modify the order, requirement or decision of the Zoning Administrator appealed from, and make such order, requirement, decision or determination as necessary;

2. Hear and decide ~~appeals~~APPLICATIONS for a Variance from the terms of this Ordinance only if, because of special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, the strict application of ~~this Ordinance~~THE UNIFIED DEVELOPMENT ORDINANCE will deprive such property of privileges enjoyed by other property of the same classification in the same zoning districts. Any Variance granted is subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the same zoning district in which such property is located.

B. The Board of Adjustment shall not:

1. Make OR PERMIT any changes in uses permitted in any zoning classification or zoning district, or make any changes in the terms of ~~this Ordinance~~THE UNIFIED DEVELOPMENT ORDINANCE, provided the restrictions in this paragraph shall not affect the authority of granting Variance pursuant to this article.

* * *

1.5.4 Selection of Officers

The officers of the Board of Adjustment shall be a Chairperson and Vice-Chairperson who shall be selected by the Board each year at its first meeting following July 1st. IN THE EVENT OF VACANCY IN THE CHAIRMANSHIP OF THE BOARD, THE VICE-CHAIRMAN SHALL BECOME CHAIRMAN FOR THE REMAINDER OF THE PRIOR CHAIRMAN'S TERM, AND AN ELECTION SHALL BE HELD AT THE NEXT MEETING TO FILL THE OFFICE OF VICE-CHAIRMAN FOR THE REMAINDER OF THE PRIOR VICE-CHAIRMAN'S TERM.

1.5.5 Quorum; Voting

A. Three (3) members shall constitute a quorum. The affirmative vote of a majority of members voting shall be required for ~~passage~~APPROVAL of any matter before the Board. In the event the matter before the Board is an appeal from a ruling by the Zoning Administrator, a tie vote shall result in upholding the original ruling of the Zoning Administrator.

B. A member who has OR APPEARS TO HAVE, or whose relative has OR APPEARS TO HAVE, a ~~pecuniary or proprietary interest either directly or indirectly, in any~~CONFLICT OF INTEREST PURSUANT TO TITLE 38, CHAPTER 3, ARTICLE 8 OF THE ARIZONA REVISED STATUTES REGARDING ANY MATTER BEFORE~~ decision of~~ the Board, shall disclose such interest in the official records of the Board, and shall t~~hereafter~~ refrain from participating in any DISCUSSION, VOTE OR ANY OTHER manner as a member OF THE BOARD in such ~~decision~~MATTER.

1.5.6 Rules; Regulations; Records; Meetings

* * *

B. All meetings of the Board shall BE AT THE CALL OF THE CHAIR AND AT SUCH OTHER TIMES AS THE BOARD MAY DETERMINE. EXCEPT FOR EXECUTIVE SESSIONS AUTHORIZED BY LAW, ALL MEETINGS SHALL be open to the public.

C. The minutes and records of all Board proceedings shall be kept and filed as public recordS in the office of the Town Clerk. MINUTES OF EACH MEETING SHALL CONTAIN A

RECORD OF THE NUMBER OF VOTES CAST FOR AND AGAINST EACH ITEM REQUIRING A VOTE. EACH MEMBER PRESENT SHALL NOT ABSTAIN FROM VOTING ON AN ITEM UNLESS HE OR SHE HAS DECLARED A CONFLICT OF INTEREST.

1.5.7 EX PARTE COMMUNICATIONS

PROHIBITION OF EX PARTE COMMUNICATIONS. THE BOARD OF ADJUSTMENT ACTS AS A QUASI-JUDICIAL BODY. TO ENSURE THAT THE DECISION-MAKING PROCESS IS FAIR AND IMPARTIAL, MEMBERS OF THE BOARD SHALL NOT, DIRECTLY OR INDIRECTLY, PARTICIPATE IN ANY EX PARTE COMMUNICATION RELEVANT TO AN APPLICATION OR APPEAL PENDING BEFORE THAT BODY. EX PARTE COMMUNICATIONS ARE ORAL OR WRITTEN COMMUNICATIONS RELATED TO THE MATTER TO BE HEARD BY THE BOARD AND WHICH IS MADE TO OR BY A MEMBER OF THE BOARD, INCLUDING IN PERSON, TELEPHONIC OR ELECTRONIC COMMUNICATIONS THAT OCCUR OUTSIDE OF A PUBLIC MEETING THE BOARD.

1.5.8 ETHICS

BOARDMEMBERS AS APPOINTED OFFICERS OF THE TOWN ARE SUBJECT TO AND SHALL COMPLY WITH THE ETHICS PROVISIONS SET FORTH IN CHAPTER 35 OF THE CHINO VALLEY TOWN CODE.