

**TOWN OF PRESCOTT VALLEY
REQUEST FOR COUNCIL ACTION
Date: February 10, 2011**

SUBJECT: Re-appointment to Board of Adjustment – Vince Lombardi

SUBMITTING DEPARTMENT: Town Management

PREPARED BY: Lea Duke, Administrative Assistant

AGENDA LOCATION: Comments/Communications , Consent , Work/Study ,
New Business , Public Hearing , Second Reading

ATTACHMENTS: a) Application for Re-appointment

SUMMARY/BACKGROUND: On January 31, 2011, the position of Vince Lombardi on the Board of Adjustment came up for renewal. Mr. Lombardi was first appointed to the Board in April 2004 to fill a partial term. If re-appointed, this would be his fourth consecutive term. He currently serves as Chair of the Board and has indicated a willingness to continue for a fourth term. However, the current bylaws adopted by the Board restrict the number of consecutive terms served by any member to two full terms.

Town Code §§13-29-020(D) and 13-29-030 authorize the Board of Adjustment to develop its own procedural rules so long as they are not "inconsistent with any provision of [Chapter 13]" or "inconsistent with [Chapter 13] and the laws of Arizona". Other Town boards and commissions are similarly authorized to adopt their own rules so long as they are not inconsistent with the Town Code. As a rule, board and commission bylaws are presented to the Town Council for ratification in order to ensure that there is no issue in this regard. However, it appears that the current Board of Adjustment bylaws were not presented to the Council for ratification.

ARS §9-462.06(A) provides that municipal councils "shall, by ordinance, establish a board of adjustment, which shall consist of not less than five nor more than seven members appointed by the legislative body in accordance with the provisions of the ordinance." Town Code Article 13-29 establishes the Prescott Valley Board of Adjustment, and nothing in that Article discusses any limits when the Council makes appointments to the Board. In fact, Town Code §13-29-020(A) says Board of Adjustment members "shall serve at the pleasure of the Council" after appointment. On the other hand, certain other Town boards do have bylaws which include term limits (and which the Council has previously ratified).

To-date, this term limit for Board of Adjustment members has not been an issue. However, Mr. Lombardi's interest in serving a third term has now brought the issue forward.

Council members Flannery, Nye and Lasker typically interview candidates for board and commission appointments and make a recommendation to the remainder of Council members. They are interested in recommending re-appointment of Mr. Lombardi to a third consecutive term. Technically, the Board of Adjustment bylaw provision may be at odds with the requirement in Article 13-29, and discussions with staff have indicated that the Board would likely revisit the issue and amend its bylaws to remove the provision if requested. Once amended, the revised bylaws can be placed on an upcoming Council agenda for formal ratification.

OPTIONS ANALYSIS: The Council may authorize the re-appointment of Vince Lombardi to the Board of Adjustments or advertise the position for consideration of additional candidates.

ACTION OPTION: Motion to re-appoint Vince Lombardi to the Board of Adjustments to a term with a renewal date of January 31, 2014, **OR** Motion to table this appointment. **VOTE.**

RECOMMENDATION: The Council members involved in this selection process recommend approval of the re-appointment of Vince Lombardi to the Board of Adjustment.

FISCAL ANALYSIS: There is no direct fiscal impact associated with this request.

REVIEWED BY:

Management Services Director _____

Town Clerk _____

Town Attorney _____

Town Manager _____

COUNCIL ACTION:

Approved Denied Tabled/Deferred Assigned to _____