Section 1-310 Joint Review Committee.

A. Joint Review Committee – Creation and Purpose. The Joint Review Committee is created for the purpose of reviewing and making decisions and recommendations on development actions in lieu of the Board of Adjustment and Development Review Commission for projects within the MU-Ed zoning district.

B. Joint Review Committee – Duties and Powers.

1. The Joint Review Committee shall exercise the powers granted to the Board of Adjustment, and the Development Review Commission, consistent with applicable law for those boards and commissions for any development action in the MU-Ed zoning district;

2. The Joint Review Committee may, in connection with any development action in the MU-Ed zoning district, impose conditions, as it deems necessary to fully carry out the provisions and intent of this Code. Violation of any approved condition shall be a violation of this Code pursuant to Section 1-201. The City of Tempe has zoning enforcement authority within the MU-Ed zoning district; and

3. Any Decision of the Development Services Manager, or designee, may be appealed to the Joint Review Committee for projects within the MU-Ed zoning district.

C. Joint Review Committee – Organization.

1. The Joint Review Committee shall consist of seven (7) regular members and five (5) alternates. The alternate members shall serve at the committee hearings whenever a regular committee member is unable to attend or must decline due to conflict of interest. Three (3) regular members and two (2) alternate members of the committee shall be appointed by the President of Arizona State University (ASU), three (3) regular members and two (2) alternate members shall be appointed by the Mayor of Tempe with the approval of the City Council. One (1) regular member and one (1) alternate member of the committee shall be jointly appointed by the Mayor of Tempe with City Council approval, and the President of ASU;

2. The term of office for all Joint Review Committee members shall be three (3) years beginning on the date of appointment except terms for the initial members shall be staggered. Members may serve consecutive terms with concurrence of the Mayor and/or President for their respective appointees. No committee member shall serve more than two (2) complete consecutive three (3) year terms. Vacancies shall be filled for the unexpired term of a member whose office is vacant in the same manner as such member received original appointment;

3. The regular members and alternate members of the Joint Review Committee shall serve without compensation;

4. The Joint Review Committee shall elect a chairperson and vice-chairperson from among its own regular members who shall have power to administer oaths, take evidence, and set consent agendas;

5. Meetings and hearings of the Joint Review Committee shall be open to the public. The public shall be given an opportunity to testify orally or in writing. The minutes of its proceedings, showing the vote of each member, records of the committees' examinations and other official actions, shall be kept by the City Clerk as a public record;

6. The Joint Review Committee shall adopt rules of procedure consistent with the provisions of this ordinance for the conduct of its business and procedure;

7. A quorum consists of four (4) members of the Joint Review Committee. The concurring vote of four (4) members of the Joint Review Committee shall be necessary to approve, deny, approve with conditions, or make a recommendation on any application, or to affect any variation from the terms and conditions of this ordinance. Robert's Rules of Order shall govern any other motion;

8. The Development Services Manager, or designated representative, shall serve ex officio as secretary of the Joint Review Committee;

9. Whenever a regular member is either unable to attend or must decline due to conflict of interest, that member shall give timely notice to the appropriate staff person of the Development Services Department or ASU. The staff shall then notify the alternate Joint Review Committee member(s) to fill the vacancy represented by the respective appointee(s) (i.e., Tempe appointed alternate fills a Tempe appointed vacancy, ASU appointed alternate fills an ASU appointed vacancy, and a jointly appointed alternate fills a jointly appointed vacancy). In the event that such members are not sufficiently available to make a quorum, one staff member is authorized to act as an alternate member on consent agenda items only, and only to the extent that their presence makes a quorum; and

10. The rules and procedures for advertising, notification and scheduling of hearings before the Joint Review Committee shall be consistent with the legal standards required for action before other decision-making bodies, depending upon the subject of the individual application. If any conflict exists between the provisions of this chapter regarding advertising, notification or scheduling and any other applicable law then the stricter standard applies.

D. Joint Review Committee – Appeals. On matters other than recommendations, a person aggrieved, or the Development Services Manager, or designee, with the consent of the City Manager, or any member of the City Council, or a designated representative of ASU, may file an appeal with the city clerk within fourteen (14) calendar days after a decision by the Joint Review Committee or President of ASU or designated representative. An appeal will first be heard by the President of ASU or a designated representative. The President of ASU, or a designated representative, may affirm or reverse, in whole or in part, or modify the decision of the Joint Review Committee and shall render a written decision within twenty (20) working days of receipt of request for review. The decision by the President of ASU, or a designated representative, may be appealed to the Tempe City Council. The appeal shall be in accordance with Part 6, Chapter 8, Appeals and procedures adopted by the Council and may affirm or reverse, in whole or in part, or modify the President of ASU's or designated representative's decision. Compliance with applicable open meeting laws is required for all actions in this district by the Joint Review Committee, President of ASU or designated representative and the Tempe City Council.

A. Joint Review Committee – Reconsideration. Reconsideration of Joint Review Committee decisions shall comply with Part 6, Chapter 7, Re-Application and Reconsideration of Decisions.