

Regular Meeting  
January 14, 2014

**MINUTES OF A REGULAR MEETING OF THE CASA GRANDE BOARD OF ADJUSTMENT HELD ON TUESDAY, JANUARY 14, 2014 AT 6:00 P.M. IN THE COUNCIL CHAMBERS LOCATED AT CITY HALL, 510 E. FLORENCE BOULEVARD, CASA GRANDE, ARIZONA**

**I. Call to Order and Pledge:**

Chairman Garcia called the meeting to order at 6:02 p.m.

**II. Roll Call:**

**Members Present:**

Member Lyle Riggs  
Member Gordon Beck  
Member Harold Vangilder  
Vice-Chairman Mark Zeibak  
Chairman Rueben Garcia

**Members Absent:**

Member Charles Wright  
Member Clarence Martin

**City Staff Present:**

Paul Tice, Planning and Development Director  
Brett Wallace, City Attorney  
Melanie Podolak, Administrative Assistant

**III. Approval of Minutes:**

November 12, 2013

Member Beck made a motion to approve the minutes dated November 12, 2013. Member Riggs seconded the motion. A voice call vote was called, all were in favor.

**IV. Changes to the Agenda:**

There were no changes to report.

**V. Discussion:**

Briefing by the City Attorney on the various legal issues associated with the Board of Adjustment decision making process.

City Attorney Brett Wallace came forward to address the Board. Mr. Wallace overviewed the Open Meeting Law, highlighting A.R.S Statues 38-431.01 (A) and A.R.S. 38-431.09, pointing out that in order for a meeting to be held there must

be a quorum present, which would be at least four Board Members present. He then explained compliance with the open meeting law, public notification, agendas, and meeting minutes. Mr. Wallace also clarified what can and can not be accomplished during an Executive Session. He stated that if the open meeting law is violated by any public officer, any action taken at the meeting would be null and void, and the court may remove the public officer from office and assess the public officer personally with a civil penalty and attorney fees. Mr. Wallace then addressed A.R.S 9-462.06, which explains the Board of Adjustment roles and responsibilities. He noted that the City Code Title 17 established our Board of Adjustment, and that the Board adheres to the Rules of Procedure (By-Laws) that were revised and adopted under City Ordinance 13977.17.43. Mr. Wallace discussed the duties of the Board Members noting that their role may be Administrative, Quasi-Judicial or Legislative; he explained each role to the Board. He cited the different cases that fall under each role, stressing the importance of reviewing all the findings for a variance request before making their decision. Once their decision is made a vote is taken and per Ordinance 1397.17.43 a Variance must be approved by a two-thirds vote of all the members of the board, which would mean five members would have to vote positive or negative depending on the motion. When the Board Member cast their vote, Mr. Wallace stressed the importance of stating your findings into the record. There is a 30 day period where the applicant can appeal the Boards decision. If the decision is appealed it will then go to court, where the findings the Board stated will assist the Judge with their decision.

General questions were asked by the Board Members and Mr. Wallace and/or Director Tice responded.

**VI. Call to the Public:**

There were no comments received from the public

**VII. Report by Planning Director:**

There were no items to report.

**VIII. Adjournment:**

Member Vangilder motioned for adjournment, Member Beck seconded the motion, a voice call vote was called and all were in favor.

Chairman Garcia called for adjournment at 7:58 p.m.

Submitted this **23<sup>rd</sup> day of January, 2014** by Melanie Podolak, Administrative Assistant to the Casa Grande Board of Adjustment, subject to the Board's approval.

Approved this 11<sup>th</sup> day of March, 2014 by the Casa Grande Board of Adjustment.

*Rueben Garcia*  
/s/Rueben Garcia  
Chairman Garcia