

**BOARD OF ADJUSTMENT OF  
THE TOWN OF DEWEY-HUMBOLDT  
REGULAR MEETING  
Friday, October 21, 2011, 2:00 P.M.**

**BOA REGULAR MEETING  
2735 S. HWY 69**

**COUNCIL CHAMBERS, TOWN HALL  
DEWEY-HUMBOLDT, ARIZONA**

**AGENDA**

The issues that come before the Board of Adjustment are often challenging and potentially divisive. In order to make sure we benefit from the diverse views to be presented, the Board believes that the meeting be a safe place for people to speak. With this in mind, the Board asks that everyone refrain from clapping, heckling and any other expressions of approval or disapproval. Please turn off all cell phones. The Board meeting may be broadcast via live streaming video on the internet in both audio and visual formats. A majority/quorum of the Dewey-Humboldt Town Council may be in attendance at this meeting, but no Council deliberation will occur. During recess of a BOA Hearing, a BOA Member shall not communicate with any BOA Member or applicant, witness or the Planning Administrator. **NOTICE TO PARENTS:** Parents and legal guardians have the right to consent before the Town of Dewey-Humboldt makes a video or voice recording of a minor child. A.R.S. § 1-602.A.9. Dewey-Humboldt Council Meetings are recorded and may be viewed on the Dewey-Humboldt website. If you permit your child to participate in the Council Meeting, a recording will be made. You may exercise your right not to consent by not permitting your child to participate or by submitting your request to the Town Clerk that your child not be recorded.

**1. Call To Order.**

**2. Pledge of Allegiance.**

**3. Roll Call.** Board Members Odis Brockman, Judy Davidson, and Frank Davidson; Vice Chair Jack Hamilton, and Chair Lydia Chapman.

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**4. Consent Agenda.**

3 **4.1.** Approval of minutes from the August 26, 2011 meeting.

**5. Discussion Agenda – Unfinished Business.** Discussion and Possible Action on matters not previously presented to the Board.

5 **5.1.** Review changes for “Rules of Procedure.”

**5.2.** Clarify past controversial words and phrases; make any new changes necessary.

**5.3.** Approve “Procedures.”

**5.4.** Discuss Robert’s Rules, “Calling out of order.”

**6. Discussion Agenda – New Business**

**6.1** Study and discussion of materials from Arizona Planning Association Conference September 28, 2011 (materials will be distributed to members at the meeting).

**a.** Discuss handout -“Boards of Adjustment Case Studies,” by Frank Cassidy, Marana Town Attorney.

**6.2.** “Duties of Board Members” – A discussion of appropriate preparation and participation.

**7. Recommendations for Future Meetings and Discussion.**

**7.1** November Meeting – Read and prepare “Boards of Adjustment, Powers and Limitations.” (Materials from AZPA Conference, September 28, 2011).

**7.2** Extend time for training for the benefit of the Davidson’s.

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**THIS CONCLUDES THE LEGAL ACTION PORTION OF THE AGENDA.**

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**8. Adjourn.**

**For Your Information:**

Next Town Council Meeting: Tuesday, November 1, 2011 at 6:30 p.m.

Next Town Council Work Session: Tuesday, November 8, 2011 at 2:00 p.m.

Next Planning & Zoning Commission Meeting: Thursday, November 3, 2011 at 6:00 p.m.

If you would like to receive Town Council agendas via email, please sign up at [AgendaList@dhaz.gov](mailto:AgendaList@dhaz.gov) and type Subscribe in the subject line, or call 928-632-7362 and speak with Judy Morgan, Town Clerk.

**Certification of Posting**

The undersigned hereby certifies that a copy of the attached notice was duly posted at the following locations: Dewey-Humboldt Town Hall, 2735 South Highway 69, Humboldt, Arizona, Chevron Station, 2735 South Highway 69, Humboldt, Arizona, Blue Ridge Market, Highway 69 and Kachina Drive, Dewey, Arizona, on the \_\_\_\_ day of \_\_\_\_\_, 2011, at \_\_\_\_ p.m. in accordance with the statement filed by the Town of Dewey-Humboldt with the Town Clerk, Town of Dewey-Humboldt.

By: \_\_\_\_\_, Town Clerk's Office.

**TOWN OF DEWEY-HUMBOLDT  
BOARD OF ADJUSTMENT  
REGULAR MEETING MINUTES  
AUGUST 26, 2011, 10:00 A.M.**

**A REGULAR MEETING OF THE DEWEY-HUMBOLDT BOARD OF ADJUSTMENT WAS HELD ON FRIDAY, AUGUST 26, 2011, AT TOWN HALL, 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA. CHAIRPERSON, LYDIA CHAPMAN PRESIDED.**

Frank and Judy Davidson were sworn in as Board of Adjustment Members by Town Clerk, Judy Morgan.

- 1. Call To Order.** The meeting was called to order at 10:00 a.m.
- 2. Pledge of Allegiance.** Made.
- 3. Roll Call.** Board of Adjustment Members Odis Brockman, Frank Davidson, Judy Davidson, Jack Hamilton, and Lydia Chapman, Chair were present. Note: Bob Bowman's resignation was received prior to the meeting.
- 4. Consent agenda.**
  - 4.1. Approval of minutes from the April 15, 2011 BOA meeting.** Jack Hamilton made a motion to approve the minutes from April 15, 2011, seconded by Odis Brockman. The motion passed unanimously.
- 5. Discussion Agenda - New Business**
  - 5.1. Election of BOA Vice Chair.** Odis Brockman made a motion to elect Jack Hamilton as Vice Chairman. The vote was unanimous.
  - 5.2. Appoint of one Board Member to attend the Annual Conference of the Arizona Planning Association meeting on September 28, 2011 in Tucson, Arizona.** Jack Hamilton made a motion to send Lydia Chapman to the P&Z conference, seconded by Odis Brockman. The motion passed unanimously.
- 6. Work Study Session Agenda Part I, A.M.**
  - 6.1. Presentation and discussion by Len Marinaccio on Recurring Open Meeting Law issues-with an overview of OML.** Len Marinaccio gave a presentation on Open Meeting Law.
  - 6.2. Presentation and discussion of "Roberts Rules of Order" and "Riggings Rules" review.** Len Marinaccio talked about Riggins Rules and Robert Rules.
- 7. Lunch Break 12:15 p.m. – 1:15 p.m.** Broke for lunch at 12:30 for lunch. Resumed meeting at 1:20 am
- 8. Work Study Session Agenda Part II, P.M.**

- 8.1 Dewey-Humboldt BOA Procedures Discussion and Possible Approval.** Board of adjustment procedures were discussed on what the Board wanted. An agreement was reached on them which will be voted on at the next meeting.
- 8.2 Review of BOA Zoning Regulations by Dennis Price.** Dennis Price was not available.

**Recommendations for Future Meetings and Discussion.**

- 9.1 Establish a training date for new members – subject: Introduction to “Powers and Limitations of the BOA” (not on a designated meeting date).** Training date for new members will be on the third Friday of the month at 2:00 p.m. in September. The meetings will be scheduled for that date and time in the future.

Agenda Items 9.2 through 9.4 were postponed for a future meeting.

- 9.2 Discussion of meeting date. Is a 3<sup>rd</sup> Friday at 2:00 p.m. still optimal/workable for Members?**
- 9.3 September Meeting “Mock Hearings”.**
- 9.4 Referrals from BOA; Discussion on procedures for Agendizing to Council or P&Z.**

**Public Comment:**

Dennis Repan addressed the Board by saying we are under a lot of different laws and regulations and that we should review the session to see if we had inadvertently broken any of them.

- 9. Adjourn.** The meeting was adjourned at 3:35 p.m.

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Lydia Chapman, Chairperson

ATTEST:

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Jack Hamilton, Vice Chairman

Town of Dewey/Humboldt  
Board of Adjustment and Appeals

RULES OF PROCEDURE

**PURPOSE:** To convey and promote the public health, safety, and general welfare, by guiding and coordinating land-use patterns of equitable parity which will maintain the integrity of the Zoning Regulations of the Town of Dewey/Humboldt.

ARTICLE I. MEETING

1. The Board of Adjustment (Board) will meet on the third (3<sup>rd</sup>) Friday of each month.
2. Special meetings may be held at the call of the Chairman or Vice-Chairman and at such times as any three members of the board may determine.
3. "Roberts Rules of Order" will be used at all proceedings.
4. The Agenda will be prepared by the Chairman or the Vice-Chairman with the assistance of the Town Planner.

ARTICLE II. OFFICERS

1. The Chairman shall preside at all meetings. In the event of the absence of the Chairman and the Vice-Chairman, a quorum shall designate an Acting Chairman. Once in each year, at the first meeting in July, the Board shall elect one of its members as Chairman, and one of its members as Vice-Chairman. The Board shall have the Administrative Assistant to be responsible for the keeping of minutes and of records of all of its meetings.

ARTICLE III. BOARD OF ADJUSTMENT MEMBERS

1. The Council will appoint five (5) Board of Adjustment Members to four (4) year terms.
2. Board Members must be physically present at Hearings. Electronic attendance will be considered not acceptable.
3. A Board Member with a conflict of interest will recuse himself from the hearing and decision-making.
4. Absences are excused with notification to the Administrative Assistant.

#### ARTICLE IV. AGENDA ITEMS-MINUTES-RECORDS

1. PLANNER'S REPORT will keep the Board informed by presenting information, such as:
  - a. On-going updates on current legislation or case-law precedents as they relate to planning, zoning, Boards of Adjustment or any other related legality.
  - b. Waivered-Town-Attorney opinions on any matter, procedure relevant to the business of the Board, or to public rights.
  - c. Current and specific requests from citizens made to the Planner regarding non-conforming uses; requests for relief on land-use and the disposition suggested and agreed upon, between the planner and customer, and also potential issues that may arise.
2. Written minutes will contain the following: all identifying data of property, applicant, witnesses; relief sought; evidence; findings; decisions; stipulations; votes and reasons for votes.
3. Agendas will allow public comment not related to a hearing or agenda item.
4. Any person may refer an agenda item, or a matter for a public hearing.
5. Records and minutes will be kept in a secure location and will be available upon request.

#### ARTICLE V. DISPOSITION OF CASES

1. No application will be considered by the Board unless the applicant or his representative shall appear in person at the hearing.
2. No application, dismissed or denied, can be considered again except on an approved motion to grant a rehearing. No request to grant a rehearing can be entertained unless new evidence is submitted which could not be presented at the previous hearing.
3. The Chairman of the Board at any public meeting shall have to the right to define the issues to be considered at any such hearing of the Board, and to limit the testimony produced by, or offered by any party appearing before the Board, by requiring the testimony to be within the issues so defined. Any questions asked, or any answer given which is not within the issues so defined may be stricken and disregarded by the Board on the Board's own motion.
4. All principals and witnesses shall be sworn before testimony is given by such, or in any other circumstance upon the decision of the Chairman.
5. No person, (principal, attorney or Board member) shall be permitted to examine or cross examine any person appearing as a witness in any such hearing. At the conclusion of the

testimony, speeches or arguments will be permitted, but may be limited at the discretion of the Chairman.

6. In any closing argument before the Board, the proponent shall have the right to reply. Each party will be limited in the time allotted for such arguments and the time allotted shall be fixed by the Chairman whose determination as to such allotments shall be final.
7. In the event of a need for information or evidence that has been omitted, or in the event that the Board has doubts as how to proceed, the Board shall table the matters of the hearing until such time as information or a legal opinion are respectively presented.
8. Public demonstrations of any kind, (cheering, booing, hand-clapping or the interruption of the hearing by voluntary remarks) from the audience, principals or witnesses shall be forbidden. Any person/s who shall continue to participate in such conduct shall be subject to being removed from the hearing room on order of the Chairman. Such conduct shall also constitute a disturbing of the peace.

ARTICLE VI. ACCOUNTABILITY AND TRAINING

1. Every six months, the Board chairman will present a summary of its business to the Council. Updates or other information will be given upon request.
2. The Board will have work studies and in-house trainings upon the Board consensus.

ARTICLE VII. ADOPTION OF RULES

Amendments to these Rules of Procedure may be made at a special meeting of the Board of Adjustment at which a quorum of three (3) members must be present.

As adopted by the Dewey Humboldt Board of Adjustment

Chairman \_\_\_\_\_

Date \_\_\_\_\_