



**MINUTES  
WORK STUDY SESSION  
QUEEN CREEK PLANNING & ZONING COMMISSION  
QUEEN CREEK COMMUNITY CHAMBERS  
20727 E. CIVIC PARKWAY  
NOVEMBER 14, 2018  
IMMEDIATELY FOLLOWING THE 6:00PM REGULAR SESSION**

**1. Call to Order**

The meeting was called to order at 6:47PM.

**2. Roll Call (one or more members of the Commission may participate by telephone)**

Commissioners in attendance: Chairman Alleman, Commissioner Ehmke, Commissioner Young, Commissioner Spall, Commissioner Benson, Commissioner Sossaman, and Commissioner Matheson.

**ITEMS FOR DISCUSSION**

These items are for Commission discussion only and no action will be taken. In general, no public comment will be taken.

**3. Conflict of Interest and Open Meeting Law (Mitesh Patel, Town Attorney)**

Mitesh Patel, Town Attorney from Dickinson-Wright, introduced himself and outlined the topic of Open Meeting Law. Mr. Patel thanked the Commission for their willingness to have him, and began his presentation.

Mr. Patel presented some history behind the Open Meeting Law issue, stating the Council recommended the Commission revisit the topic for training. Mr. Patel presented the Arizona Open Meeting Law A.R.S. 38-431 as defined, and briefly explained its utility. He discussed what the public is able to access in terms of their rights to hear all discussion in the public body realm. Mr. Patel continued further to define what a "meeting" truly constitutes, as a gathering either in person or through technological devices with a quorum of public body members.

Mr. Patel discussed how the Open Meeting Law applies to meetings. He stated a quorum must be held in order for the hearing to be officially recognized as a meeting, but that quorums can be "splintered" through the use of email, phone calls, and other technological means that ultimately allow the members to not all be present in the same location. Mr. Patel presented several scenarios to show how a violation could potentially occur.

Mr. Patel presented how emails are a common pitfall when considering violations of the Open Meeting Law, and again gave several scenarios for examples. He stated how the word "email" can be thought of as "evidence made available in litigation."

Mr. Patel continued to outline how litigation can occur through a variety of mediums, and how public record requests can access staff contact, emails, and texts on public devices. Mr. Patel also

discussed how sending messages on a personal device is subject to the same analysis that any records on the public device would be subject to.

Mr. Patel stated only items listed on an agenda should be discussed at a meeting, and in the case where an investigation into a violation does begin, the process commences by means of a complaint sent to the Town Attorney. Mr. Patel discussed the disciplinary actions that can be taken as a result of an investigation.

Mr. Patel presented the definition of relatives, and how they relate to potential conflict of interests. Mr. Patel stated if there is a suspicion of a conflict of interest, the proper method is to check with the Town Attorney and refrain from any public participation involving the possible conflict.

Mr. Patel then concluded his presentation, and opened to questions from the Commission.

Commissioner Sossaman asked a question regarding a rezoning scenario where the issue of proximity might draw the Town's interest into question with other property owners. Mr. Patel responded, stating the Rule of Ten would still apply, so long as there are more than ten owners involved in the scenario.

Mr. Patel thanked the Commission for their time, and concluded his presentation.

#### **4. Code Enforcement Overview (Victor Martinez, Code Compliance Supervisor)**

Victor Martinez, Code Compliance Supervisor, introduced himself and provided an overview of the activities Code Compliance currently manages. Mr. Martinez discussed the amount of cases Code Compliance responds to daily and the types of complaints they respond to, stating an average of 3400 cases are created annually. Mr. Martinez stated among the common complaints are weeds, dogs, noise, and landscaping issues within subdivisions or site plans. Mr. Martinez provided several photographs showing typical landscaping violations with overgrown weeds.

Mr. Martinez presented the process of notification following the citation that Code Compliance may issue after initially responding to a complaint. Mr. Martinez stated that a criminal complaint has never been given since his time with the Town. Mr. Martinez then briefly outlined how a criminal complaint comes about, discussing how the complaint must escalate for such a complaint to be considered. Mr. Martinez stated Code Compliance attempts to resolve every issue the best they can to avoid additional complaints. Mr. Martinez further stated that out of the average 3400 cases Code Compliance receives per year, usually only around 7 complaints are formally issued.

Mr. Martinez presented how the fee scheduling works in a case where a hearing officer may impose an accruing fine, and how additional complaints can lead to a criminal citation. Mr. Martinez stated once the complaint is resolved, the case is closed.

Mr. Martinez finished his presentation and opened for any questions from the Commission.

Commissioner Young asked: how many current Code Officers there are in the Code Compliance department? Mr. Martinez responded, stating aside from himself there is one other full-time employee and one employee who works on Saturdays.

Commissioner Benson thanked Code Compliance for their work on the last Board of Adjustment case he was present at.

Commissioner Spall asked: how Code Compliance responds to people who are building or have built without the proper building permit? Mr. Martinez responded, stating there is a provision in the Zoning Ordinance and Building Code that allows for the Code Officers to pursue the issue as a civil matter.

Mr. Martinez thanked the Commission for their time and concluded his presentation.

**ADMINISTRATIVE ITEMS**

**5. Recent activity update.**

None.

**6. Summary of Events from members of the Commission and staff.** The Commission may not deliberate or take action on any matter in the "summary" unless the specific matter is properly noticed on the Regular Session agenda.

None.

**7. Adjournment**

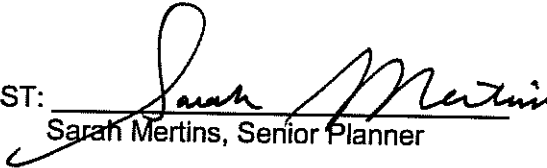
**Motion to adjourn at 7:24PM.**

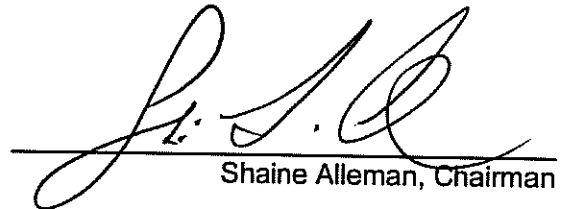
1<sup>st</sup>: Sossaman

2<sup>nd</sup>: Matheson

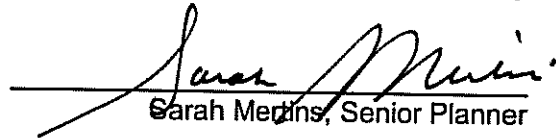
Vote: 7-0

ATTEST:

  
Sarah Mertins, Senior Planner

  
Shaine Alleman, Chairman

I, Sarah Mertins, do hereby certify that, to the best of my knowledge and belief, the forgoing Minutes are a true and correct copy of the Minutes of the November 14, 2018 Work Study Session of the Queen Creek Planning and Zoning Commission. I further certify that the meeting was duly called and that a quorum was present.

  
Sarah Mertins, Senior Planner

Passed and approved on January 9, 2019.