



## **MINUTES**

Tuesday, August 13, 2024

### **BOARD OF APPEALS HEARING**

9:00 a.m.

City Council Chambers

311 Vernon Street

Roseville, CA

#### **1. CALL TO ORDER**

Tom Rutherford called the meeting to order at 9:00 a.m. in the City Council Chambers.

#### **2. ROLL CALL (SILENT)**

The following Hearing Panel members were present:

Tom Rutherford  
Andrea Seminer  
Bruce Hagler

The following Staff members were present:

Deputy City Attorney, Travis Cochran  
Board Secretary, Kelly Aye

#### **3. IDENTIFICATION OF CHAIR**

Chairperson for the August 13, 2024 hearing was Tom Rutherford.

#### **4. PLEDGE OF ALLEGIANCE**

Chairperson Tom Rutherford led the audience in the Pledge of Allegiance.

#### **5. PUBLIC COMMENT**

No one from the public offered any comments.

## **6. SWEAR IN**

Chairperson Tom Rutherford administered the Oath to those in attendance who would be offering testimony at the hearing.

## **7. MATTERS TO BE HEARD**

### **7.1. Citation No.: 21331**

Appellant: Colleen Nicholls

- Roseville Municipal Code Section 7.12.010, Animal at Large
- Roseville Municipal Code Section 7.12.050, Aggressive Behavior

#### **A. Staff Report:**

Animal Control Officer Brianna Chacon-Raoul offered testimony in regards to the staff materials in Exhibit 7.1-A and answered panel questions.

Per RMC Section 2.50.060(D), the Staff Report was submitted to the City of Roseville Attorney's Office prior to the hearing and was provided to the Appellant and the panel members in advance of the hearing.

#### **Exhibit 7.1-A:**

- Staff Report including case history and narrative

#### **B. Complainant's Statement:**

Complainant Elizabeth Noble presented Exhibit 7.1 and offered testimony in support of the complaint and answered panel questions.

#### **Exhibit 7.1-B :**

- Picture of Complainant's dog
- Witness statements
- Picture of Leash
- Picture of location
- Pet Addendum to lease
- Appellant's statement to Animal Control

Witness Halie Noble offered testimony in support of the complaint.

C. Appellant's Response:

Exhibit 7.1-C:

(Appellant's Exhibit 7.1-C was provided to the panel in advance of the hearing for review.)

- Request for Hearing form, received by the Roseville City Attorney's Office on April 30, 2024.

Appellant Colleen Nicholls offered testimony in support of the appeal and answered panel questions.

D. Rebuttals and Panel Questions:

Complainant Elizabeth Noble offered rebuttal testimony and answered panel questions.

Appellant Colleen Nicholls offered rebuttal testimony and answered panel questions.

Animal Control Officer Brianna Chacon-Raoul answered panel questions.

Complainant Elizabeth Nicholls answered panel questions.

Animal Control Officer Brianna Chacon-Raoul answered more panel questions.

E/F. Panel Discussion and Decision:

The panel discussed the evidence and testimony presented for Administrative Citation No. 21331.

In regard to Roseville Municipal Code Section 7.12.010, Animal at Large, a motion was made by Panel Member Bruce Hagler and seconded by Panel Member Andrea Seminer to deny the appeal and uphold the citation because the City and/or Complainant proved by a preponderance of the evidence that the violations occurred and that the appellant is the responsible party.

The motion passed with the following vote:

AYES: All

NOES: None

In regard to Roseville Municipal Code Section 7.12.050, Aggressive Behavior, a motion was made by Panel Member Bruce Hagler and seconded by Panel Member Andrea Seminer to deny the appeal and uphold the citation because the City and/or Complainant proved by a preponderance of the evidence that the violations occurred and that the appellant is the responsible party.

The motion passed with the following vote:

AYES: All

NOES: None

Chairperson Tom Rutherford signed the decision form (Exhibit 7.1-D), asked the Appellant to see staff for the paperwork, and informed the parties that they may file a petition for review with the Superior Court in Placer County within 20 days.

## **8. ADJOURNMENT**

A motion was made by Panel Member Bruce Hagler and seconded by Panel Member Andrea Seminer to adjourn the hearing.

AYES: All

NOES: none

Chairperson Tom Rutherford adjourned the August 13, 2024 hearing at 9:57 a.m.

Kelly Aye  
Board Secretary