



MINUTES

March 18, 2021

VIRTUAL BOARD OF APPEALS MEETING

4:00 p.m.

1. CALL TO ORDER

The virtual Semi-Annual Meeting of the Board of Appeals was called to order by Board Member Arthur Pauly, Jr. on Thursday, March 18, 2021 at 4:03 p.m.

2. ROLL CALL (SILENT)

The following Board members were present:

Pete Constant
Basil Deem
Deanna Erdman
Bruce Hagler
Andrew Haydu
Arthur Pauly, Jr.
Andrea Seminer
Brian Stenklyft

The following members were not present:

Joseph Bales
Ivann Greene

The following staff members were present:

Joseph Speaker, Senior Deputy City Attorney
Lynda Risucci, Legal Clerk

3. APPROVAL OF FEBRUARY 05, 2020 MINUTES

A motion by was made by Pete Constant and seconded by Basil Deem, that the minutes of the February 05, 2020 Board of Appeals Semi-Annual Meeting be approved.

AYES: Pete Constant
Basil Deem
Deanna Erdman
Bruce Hagler
Andrew Haydu
Arthur Pauly, Jr.
Andrea Seminer
Brian Stenklyft

NOES: None.

4. PUBLIC COMMENT

No one from the public offered any public comments.

5. NEW BUSINESS

5.1. Introduction of New Board Members

Joseph Speaker reported that this is the first Semi-Annual Meeting of the Board of Appeals since the Covid closure. Several Board Members have termed out, and two new members have been sworn in since the last Semi-Annual Meeting, which held on February 05, 2020. Joe had each Board Member introduce themselves and provide a short summary of their background. This included the introduction of the two new Board members, Deanna Erdman and Andrea Seminar.

5.2. Election of Chairperson and Vice Chairperson

A motion was made by Bruce Hagler and seconded by Pete Constant to nominate Arthur Pauly, Jr. as the new Chairperson for 2021-22.

AYES: Pete Constant
Basil Deem
Deanna Erdman
Bruce Hagler
Andrew Haydu
Arthur Pauly, Jr.
Andrew Seminer
Brian Stenklyft

NOES: None.

A motion was made by Arthur Pauly, Jr. and seconded by Pete Constant to nominate Bruce Hagler as Vice Chairperson for 2021-22.

AYES: Pete Constant
Basil Deem
Deanna Erdman
Bruce Hagler
Andrew Haydu
Arthur Pauly, Jr.
Andrea Seminer
Brian Stenklyft

NOES: None.

5.3 Covid Update

Joe Speaker reported that the first virtual Board of Appeals hearing will take place on March 25, 2021 via a Teams Meeting. The main difference will be that the Appellants will be providing all of their evidence or exhibits in advance of the hearing. The hearing will be recorded. The Teams Meeting link has been posted on the Agenda and placed on the City's website. Any member of the public can attend the hearing, which is how the Board addresses the Brown Act and how public comment can be solicited.

Bruce Hagler inquired as to the case backlog and how long do we anticipate holding virtual hearings. Joe responded that there was not a large backlog, and several appeals were resolved short of a hearing.

As background, Joe advised that the City of Roseville proclaimed a Local State of Emergency on March 17, 2020 due to the Covid outbreak. The City has also issued periodic Executive Orders from our Director of Emergency Services (the City Manager) implementing certain acts that are necessary to help address some of the problems created by the Covid outbreak. One of the early Executive Orders was one that extended the time period for the Board of Appeals hearings. The Board of Appeal hearings are usually heard within 90 days. The Executive Order extended that time period to state that a hearing can be heard no later than 45 days after the Executive Order is lifted.

The Board will continue to operate under the State's tier system. The Board may resume in-person hearings, but may continue virtual hearings if it is seeing success in the virtual setting. The other issue the Board faces with holding in-person hearings is that they are held in Council Chambers. This requires the City's Communications staff to be present, spacing of seats, and sanitation requirements need to be met.

Arthur Pauly, Jr. inquired as to how we will handle the timing of the testimony at the hearings. Joe advised the members to use their watch or timer during the hearing and that he will also monitor the time periods as well. Mr. Pauly also inquired as to how the Decision form will be completed after the hearing. Joe advised that we will email the form to the Chairperson to sign or we will set up the form for DocuSign. The Decision form will be presented to the Appellant after the hearing.

Pete Constant reported that the School Board meetings he attends are held virtually. They have one person share their screen using an IP based timer, which is displayed during the hearing. Pete advised that it is hard to interrupt people due to the delay and that the visual clock assists with this process. Joe thought this was a great suggestion and will look into this feature. Joe welcomes any feedback after the hearing that will help improve the virtual hearing process.

5.4 Code Enforcement Update

Joe Speaker reported that due to Covid, Code Enforcement, Animal Control, and Water Waste have had to alter their protocol when processing complaints and citations. The primary change has been to reduce in-person contact as much as possible.

As to Animal Control, the Officers are not requiring complainants to meet with an Animal Control Officer or go into the Police Department to sign complaints. The Animal Control Officer will now sign the citation as "Complaint" to avoid in-person contact.

The Code Enforcement continues their normal process with citations but their citations have been based solely on the complaint of the citizen and the reliance on the evidence provided by the citizen (photographs, etc.) in lieu of doing in-person inspections.

Water Waste is also limiting in-person contact. They are engaging in more over the telephone conversations and the exchange of emails with citizens. Citations will come across looking different, and the background may be different than what the Board has seen in the past.

Bruce Hagler reported that the City of Roseville has been forecasted for a drought year and inquired as to whether ramping up for water control has begun. Joe advised that the City has been forecasted for drought conditions but a proclamation has not yet been issued by the State setting forth the various stages that will be instituted.

6. OLD BUSINESS

6.1 None.

7. REPORTS/COMMENTS/QUESTIONS/SUGGESTIONS OF BOARD MEMBERS

Bruce Hagler inquired as to whether the idea of expanding the Board of Appeals panel from three to five members could be considered to provide citizens with a broader consensus of their case. Andrew Haydu thought it sounded like a reasonable suggestion but questioned whether the Board has received any feedback from the public raising this concern. Joe reported that he is aware of one hearing where this subject was discussed. Joe advised that the Board's Meeting Procedures would have to be formally changed to a set number and it would be a permanent change. Joe suggested we should place this topic as an action item for the July Semi-Annual Meeting. Arthur Pauly agreed with this suggestion.

8. ADJOURNMENT

A motion was made by Bruce Hagler and seconded by Andrew Haydu to adjourn the March 18, 2021 Board of Appeals semi-annual meeting.

AYES: Pete Constant
 Basil Deem
 Deanna Erdman
 Bruce Hagler
 Andrew Haydu
 Arthur Pauly, Jr.
 Andrea Seminer
 Brian Stenklyft

NOES: None

The potential date of the next Board of Appeals Semi-Annual Meeting will be July 15, 2021.

Chairperson Arthur Pauly, Jr. adjourned the March 18, 2021 Board of Appeals Semi-Annual Meeting at 4:49 p.m.

Lynda Risucci
Secretary