



MINUTES

February 22, 2018

BOARD OF APPEALS MEETING 4:00 p.m. Hutchinson Conference Room 311 Vernon Street, 2nd Floor Roseville, CA

1. CALL TO ORDER

Chairperson Dan Myers called the meeting to order at 4:01 p.m. in the Hutchison Conference Room.

2. ROLL CALL (SILENT)

The following Board members were present:

Samson Badal
Leilani Fratis
Bruce Hagler
Dan Myers, Chairperson
Sherry Rutledge
Sean Wallentine

The following Board members were not present:

Pete Constant, Vice Chairperson
Scott Sanford
Brian Stenklyft

The following staff members were present:

Joseph Speaker, Deputy City Attorney
April Esparza, Legal Clerk

3. APPROVAL OF AUGUST 23, 2017 MINUTES

A motion by was made by Leilani Fratis and was seconded by Samson Badal that the minutes of the August 23, 2017 Board of Appeals Semi-Annual Meeting be approved.

AYES: Samson Badal, Leilani Fratis, Bruce Hagler, Dan Myers,
Sherry Rutledge, Sean Wallentine

NOES: none

4. PUBLIC COMMENT

No one from the public offered any public comments.

5. NEW BUSINESS

5.1. AB1661 Sexual Harassment Prevention Training

Joe Speaker reminded the Board that everyone needs to complete their AB1661 Sexual Harassment Prevention Training. This is a State and City requirement that needs to be completed every two years.

5.2. Massage Business Permit Citations

Joe Speaker gave background on the Massage Business Permit Ordinance. On July 1, 2017, after more than two years of public outreach and several revisions of the ordinance the City went from individual massage permits to massage business permits. Massage businesses were sent notices letting them know what action they needed to take in order to comply with the new ordinance. In addition to sending notices, the massage permit coordinator, Dottie Castro, and officers went to every massage establishment in Roseville to communicate the new requirements. In October 2017, the grace period to become compliant was over and the Roseville Police Crime Suppression Unit began conducting compliance checks. These compliance checks led to the issuance of administrative citations which resulted in fines for business owners. To date, two massage business citations have been appealed and both were heard at the February 13, 2018 Board of Appeals Hearing.

Joe encouraged the Board to review RMC Sections 9.10.190, Operating Requirements- General Conditions, 9.10.200 Operating Requirements- Facilities, and 9.10.210 Operating Requirements Operations, as these are most likely the sections the Board will be asked to review for appealed violations.

Sean Wallentine asked how the Board would handle criminal violations at massage establishments. Joe responded that the Board does not hear and decide appeals of criminal violations, only municipal code violations, and that the District Attorney decides whether or not to proceed with charges for criminal violations.

Board discussion included inquiries about RMC Title 9, Chapter 9.10 Massage Services. Samson Badal asked about recording devices and background checks. Joe Speaker replied that for privacy reasons, cameras are not allowed in treatment rooms and that a background check of the business owner is completed prior to the issuance of the massage business permit.

Joe added that officers use the “Language Line” in the field if a translator is needed for non-english speakers. And a case worker from Stand Up Placer may come with officers on their inspections of massage businesses.

5.3. Novus Agenda Standardization

Joe Speaker notified the Board that the City Clerk’s Office is working towards getting all boards, commissions, and City Council agendas and minutes to have the same look and feel. So in the next few months, there may be changes to the formatting of agenda’s and minutes and the Board may need to create a profile with a password in Novus. The Board will be given more direction when any action on their part is needed.

6. **OLD BUSINESS**

6.1. Attendance

It was requested that everyone strive to volunteer to serve on three to four hearing panels each calendar year because it can become burdensome on those who extend the courtesy of helping out more.

6.2. Roseville Municipal Code Title 7 “Animals” Updates

Joe Speaker reported that he and Animal Control are in the process of updating the Municipal Code chapter pertaining to Animals. The chapter is being updated to comply with new laws and to clarify sections as needed.

6.3. Animal Noise Affidavits

Joe reported that we have begun to see citations for Animal Noise accompanied by the new Animal Noise Affidavit, which is filled out by the Complainant. The use of the affidavit is not mandatory, but it has proved to be helpful in determining whether a violation has occurred or not. It is the hope of staff that the form may decrease the number of animal noise citation appeals.

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

Bruce Hagler asked for direction and clarification on where the Board should draw the line on inappropriate comments being made by parties at the hearing. Joe Speaker responded that it is at the discretion of the board to make the determination that comments are out of line. If the person does not settle down or continues to use foul language, the Board can ask that person to leave the Council Chambers. Joe added that the Board may request the presence of a police officer at a hearing, if they recognize a need prior to the hearing.

8. ADJOURNMENT

A motion was made by Samson Badal and seconded by Sean Wallentine to adjourn the February 22, 2018 Board of Appeals Semi-Annual Meeting.

AYES: Samson Badal, Leilani Fratis, Bruce Hagler, Dan Myers, Sherry Rutledge, Sean Wallentine

NOES: none

Chairperson Dan Myers adjourned the February 22, 2018 Board of Appeals Semi-Annual Meeting at 5:05 p.m.

April Esparza
Secretary