

MINUTES

**City of Roseville
Hearing Examiners & Board of Appeals
July 20, 2016 at 4:00 P.M.
City of Roseville Civic Center
311 Vernon Street, 2nd Floor
Hutchinson Conference Room**

1. The semi-annual meeting of the Hearing Examiners and Board of Appeals was called to order by Chairperson Sharon Telles on Wednesday, July 20, 2016 at 4:00 p.m. in the Hutchinson Conference Room of the Civic Center.

2. **ROLL CALL:**

The following Board members were present:

Pete Constant
Mark Elmquist
Leilani Fratis
Bruce Hagler
Dan Myers
Scott Sanford
Brian Stenklyft
Richard Sweet
Sharon Telles

The following staff members were present:

Joe Speaker, Deputy City Attorney
Pamela Sisk, Legal Clerk

Chairperson Telles requested a roundtable introduction of all members.

3. **APPROVAL OF MINUTES**

Motion by Leilani Fratis, seconded by Scott Sanford, that the minutes of the January 20, 2016 Board of Appeals semi-annual meeting be approved.

AYES: Pete Constant, Mark Elmquist, Leilani Fratis, Bruce Hagler, Dan Myers, Scott Sanford, Brian Stenklyft, Richard Sweet, Sharon Telles

NOES: none

4. **PUBLIC COMMENT**

No one from the public offered any public comment.

5. NEW BUSINESS

a) Election of Chairperson and Vice Chairperson

Chairperson Telles called for nominations of a Chairperson and Vice Chairperson to serve the Board of Appeals for the next year, with the next election to occur in July of 2017. Bruce Hagler was nominated as Chairperson, and Dan Myers was nominated as Vice Chairperson, and both agreed to accept their nomination.

AYES: Pete Constant, Mark Elmquist, Leilani Fratis, Bruce Hagler, Dan Myers, Scott Sanford, Brian Stenklyft, Richard Sweet, Sharon Telles

NOES: none

b) New Procedures – Board of Appeals

Notification was made that the Meeting Procedures for the Board of Appeals need to be revised and will be going to the City Council for ultimate approval. There was a discussion about the proposed changes and further handling of case presentation. The revised Meeting Procedures will be provided to the Board once approved by Council.

It was announced that the City Clerk's office is offering a Board, Commission and Committee Training on August 31, 2016 at 5:00 pm in the Civic Center Council Chambers. Attendance is encouraged, and Board Members need to RSVP directly to City Clerk Sonia Orozco.

Scott Sanford asked for clarification on what Burden of Proof requirements are for the Board of Appeals hearings versus an appeal in Superior Court. Deputy City Attorney Joe Speaker explained that in Superior Court, the California Rules of Evidence apply, so it is helpful if each Board Member can state clearly on the record what factors and evidence their decision is based on, because in an appeal the case becomes a new trial where the burden is on the City.

Pete Constant stated that he sat on the Appeals Board for the City of San Jose for six years, and in his experience it is important for Panel Members to clearly lay out key points with clear and convincing evidence for each point, verbalizing the weight of the evidence for each point for the judge to consider in an appeal. Pete also said the Board would review judicial decisions on appeals to determine how to verbalize a position in the future.

Leilani Fratis offered that the Chair can invite the other members on the panel to expand on their reasoning. Leilani proposed that if a panel member is not always in agreement with the motion and the second, they may state an opinion which may result in retraction of a motion.

Pete Constant brought to the panel two proposals for discussion. The first proposal was to increase the number of panel members from three to five. After further discussion by the Board, the consensus was to have the panel remain the same at three panel members, with a ten member Board of Appeals.

The second proposal by Pete Constant was to offer residents a dispute resolution or pre-hearing mediation process that would provide neighbors, particularly those with animal noise complaints an opportunity to work out their problems without taking extreme measures. The panel discussed this option, and Joe Speaker offered to check with other cities and departments to determine what mediation services are offered, if any. Joe Speaker explained there are cost implications with such a dispute resolution process. The panel agreed that they would like Joe to research this subject and report back to them with what others are doing, if anything.

c) Rules for Case Presentation

The Board discussed getting materials in advance of the hearing to allow them additional time to review the documents. The Board was cautioned of the potential temptation to talk to each other about the materials prior to the hearing, which would be a Brown Act violation. After further discussion, the Board unanimously agreed that they would like to receive the packet of materials 72 hours prior to the meeting, which is the posting requirement for the hearings, and for the packet to include the staff reports.

d) Animal Control Law Updates (Chapter 7 Roseville Municipal Code)

It was announced that the City Attorney's office is working with Animal Control on a form that will assist in standardizing complaints, particularly animal noise complaints. The form may include a log, questions pertaining to Roseville Municipal Code, and an "under penalty of perjury" signature statement.

There will also be a review of the entire chapter of the Municipal Code to ensure the sections are current and relevant.

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

There were no additional comments offered by any member.

7. ADJOURNMENT

Sharon Telles adjourned the July 20, 2016 Board of Appeals semi-annual meeting at 5:14 p.m. The next regular meeting will be held on January 18, 2017 at 4:00 p.m. in the Hutchinson Conference Room in the Civic Center.

Pamela Sisk
Legal Clerk

Minutes Approved at the January 25, 2017 Board of Appeals semi-annual meeting