

Minutes
City of Roseville
Hearing Panel
November 14, 2017 at 9:00 a.m.
City Council Chambers
311 Vernon Street

1) Call to order

Chairperson Bruce Hagler called the meeting to order at 9:00 a.m. in the City Council Chambers.

The following Hearing Panel members were present:

Bruce Hagler
Dan Myers
Sherry Rutledge

The following Staff members were present:

Joseph Speaker	Deputy City Attorney
April Esparza	Legal Clerk

2) Designation of Chair

Chairperson for the November 14, 2017 hearing was Bruce Hagler.

3) Pledge of Allegiance

Chairperson Hagler led the audience in the Pledge of Allegiance.

4) Public Comment

No one from the public offered any comments.

5) Swear In

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

6) Matters to be Heard

Citation #15941

Appellant: Elizabeth Willis-Lewis

Roseville Municipal Code Section 14.09.060, Water Waste

A. Staff Report and Complainant's Statement:

Water Conservation Specialist John Shannon offered testimony in regards to the staff materials in Exhibit A and answered panel questions.

Per RMC Section 2.50.606(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 A:

- Staff Report including case history and narrative

B. Appellant's Response:

Exhibit B:

(The appellant's Exhibit B 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 August 31, 2017

Elizabeth Willis-Lewis presented Exhibit C, and offered testimony in support of the appeal and answered panel questions.

Exhibit C:

- 10 photos
- Letter dated November 14, 2017 from Benjamin J. Lewis

C. Rebuttals and Panel Questions:

John Shannon offered rebuttal testimony and answered panel questions.

Elizabeth Willis-Lewis offered rebuttal testimony and answered panel questions.

D. Panel Discussion:

The panel discussed the evidence and testimony presented before them at the hearing in regards to Administrative Citation No. 15941 for one count of violating Roseville Municipal Code Section 14.09.060, Water Waste.

A motion was made by Dan Myers and was seconded by Sherry Rutledge to grant the appeal and dismiss the charge because the City did not prove by a preponderance of the evidence that the violation occurred.

AYES: Dan Myers, Sherry Rutledge, Bruce Hagler

NOES: none

E. Panel Decision:

Regarding the appeal of Citation No. 15941, the panel decided to grant the appeal and dismiss the charge because the City did not prove by a preponderance of the evidence that the violation occurred of one count of violating Roseville Municipal Code section 14.09.060, Water Waste, based on the testimony and evidence presented before them at the November 14, 2017 hearing.

Chairperson Hagler signed the decision form and asked the appellant to see staff for the paperwork and informed the appellant that he/she may file a petition for review with the Superior Court in Placer County within 20 days.

Citation #11951

Appellant: Jack Hatton

Roseville Municipal Code Section 7.25.010, Animal Noise

A. Staff Report and Complainant's Statement:

Animal Control Officer Dalton offered testimony in regards to the staff materials in Exhibit A and answered panel questions.

Per RMC Section 2.50.606(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 A:

- Staff Report including case history and narrative

Complainant's Statement:

Complainant Julie Barnes presented Exhibit B, and offered testimony in support of the complaint and answered panel questions.

Exhibit B:

- Letter dated November 14, 2017 from Susan Mulder
- Dog Barking Log

B. Appellant's Response:

Exhibit C:

(The appellant's Exhibit 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 October 6, 2017

Jack Hatton offered testimony in support of the appeal and answered panel questions.

C. Rebuttals and Panel Questions:

Ron Barnes offered rebuttal testimony and answered panel questions.

D. Panel Discussion:

The panel discussed the evidence and testimony presented before them at the hearing in regards to Administrative Citation No. 11951 for one count of violating Roseville Municipal Code Section 7.25.010, Animal Noise.

A motion was made by Sherry Rutledge to deny the appeal and uphold the charge because the city/complaining party did not prove by a preponderance of evidence that the violation occurred/the appellant is the responsible party.

The panel had procedural questions for Mr. Speaker.

Sherry Rutledge rescinded her motion to deny the appeal and uphold the charge because the city/complaining party did not prove by a preponderance of evidence that the violation occurred/the appellant is the responsible party.

A motion was made by Sherry Rutledge and was seconded by Dan Myers to uphold the citation but waive the fine in the interests of justice.

AYES: Sherry Rutledge, Dan Myers and Bruce Hagler

NOES: none

E. Panel Decision:

Regarding the appeal of Citation No. 11951, the panel decided to uphold the citation but waive the fine in the interests of justice of one count of violating Roseville Municipal Code section 7.25.010, Animal Noise, based on the testimony and evidence presented before them at the November 14, 2017 hearing.

Chairperson Hagler signed the decision form and asked the appellant to see staff for the paperwork and informed the appellant that he/she may file a petition for review with the Superior Court in Placer County within 20 days.

7) Adjournment

A motion was made by Sherry Rutledge, and was seconded by Dan Myers to adjourn the November 14, 2017 Appeal Hearing meeting.

AYES: Sherry Rutledge, Dan Myers and Bruce Hagler

NOES: none

Chairperson Hagler adjourned the November 14, 2017 hearing at 10:06 a.m.

April Esparza
Legal Clerk