

Minutes
City of Roseville
Board of Appeals Hearing Panel
December 12, 2017 at 9:00 a.m.
City Council Chambers
311 Vernon Street
Roseville, CA

1) Call to Order

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

The following Hearing Panel members were present:

Brian Stenklyft
Sherry Rutledge
Bruce Hagler

The following Staff members were present:

Joseph Speaker	Deputy City Attorney
April Esparza	Legal Clerk

2) Designation of Chair

Chairperson for the December 12, 2017 hearing was Brian Stenklyft.

3) Pledge of Allegiance

Chairperson Stenklyft led the audience in the Pledge of Allegiance.

4) Public Comment

No one from the public offered any comments.

5) Swear In

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

6) Matters to be Heard

Citation #3380

Appellant: Richard Weir

- **Roseville Municipal Code Section 16.04.100, California Buildings Standards Code**

- **Roseville Municipal Code Section 16.35.110, Dangerous Structure**
- **Roseville Municipal Code Section 19.22.030(C)(2)(d), Permitted Accessory Structures – Greater than seven feet in height**

Deputy City Attorney Joe Speaker explained to the panel that the Appellant had been working with City staff to resolve the violations. On December 11, 2017, Richard Weir submitted an administrative permit application and paid the associated fee. Therefore, the item was removed from the agenda.

Citation #11933

Appellant: Samantha Valencia

- **Roseville Municipal Code Section 7.12.010, Animal at Large**
- **Roseville Municipal Code Section 7.12.050, Aggressive Behavior**
- **Roseville Municipal Code Section 7.16.010, Failure to License**
- **Roseville Municipal Code Section 7.48.024, Failure to Comply With Conditions of Release**

A. Staff Report and Complainant's Statement:

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

Per RMC Section 2.50.060(D), the Staff Report was submitted to the Roseville City 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
- Copy of the Conditions of Release of a Vicious Animal signed by Samantha Valencia on November 2, 2016.

Complainant's Statement:

Complainant Ormand Perry offered testimony in support of the complaint and answered panel questions.

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 October 27, 2017

Chairperson Stenklyft administered the Oath to Samantha Valencia, who had arrived late to the hearing.

Samantha Valencia offered testimony in support of the appeal and answered panel questions.

C. Rebuttals and Panel Questions:

Animal Control Officer Debbie Dalton offered rebuttal testimony and answered panel questions.

Ormand Perry offered rebuttal testimony and answered panel questions.

Samantha Valencia offered rebuttal testimony and answered panel questions.

Ormand Perry was recalled by the panel to answer additional questions.

Animal Control Officer Debbie Dalton was recalled by the panel to answer additional questions.

D. Panel Discussion:

The panel discussed the evidence and testimony presented before them at the hearing in regards to Administrative Citation No. 11933 for one count of violating Roseville Municipal Code Sections 7.12.010, Animal at Large; 7.12.050, Aggressive Behavior; 7.16.010, Failure to License; and 7.48.024, Failure to Comply With Conditions of Release.

A motion was made by Sherry and was seconded by Bruce to deny the appeal and uphold all of the charges because the City/Complainant proved by a preponderance of the evidence that the violations occurred and that the Appellant is the responsible party.

AYES: Sherry Rutledge, Bruce Hagler, Brian Stenklyft

NOES: none

E. Panel Decision:

Regarding the appeal of Citation No. 11933, the panel decided to deny the appeal and uphold the charges for one count of violating Roseville Municipal Code Sections 7.12.010, Animal at Large; 7.12.050, Aggressive Behavior; 7.16.010, Failure to License; and 7.48.024, Failure to Comply With Conditions of Release because the City/Complainant proved by a preponderance of the evidence that the violations occurred and that the Appellant is the responsible party.

This decision was based on the testimony and evidence presented before them at the December 12, 2017 hearing.

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

Citation #11958

Appellant: Barbara Olson

- **Roseville Municipal Code Section 7.25.010, Animal Noise, second offense**

A. Staff Report and Complainant's Statement:

Animal Control Officer Sarah DeRego was present but did not offer testimony because the Appellant was not present.

Per RMC Section 2.50.060(D), the Staff Report was submitted to the Roseville City 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 Leanne Dial was present but did not offer testimony because the Appellant was not present.

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 November 9, 2017

Appellant, Barbara Olson, was not present for the December 12, 2016 hearing.

C. Rebuttals and Panel Questions:

No rebuttal testimony was offered.

D. Panel Discussion:

At 9:15 a.m., Appellant Barbara Olson was not present. According to Section VII (A) of the Board of Appeals Meeting Procedures, if the responsible party fails to appear for the hearing within 15 minutes after the hearing commences, the responsible party's appeal will be automatically denied.

A motion was made by Bruce Hagler and was seconded by Sherry Rutledge to deny the appeal and uphold the charge because the Appellant failed to appear.

AYES: Bruce Hagler, Sherry Rutledge, Brian Stenklyft

NOES: none

E. Panel Decision:

Regarding the appeal of Citation No. 11958, the panel decided to deny the appeal and uphold the charge of one count of violating Roseville Municipal Code Section 7.25.010, Animal Noise, second offense, because the Appellant failed to appear.

Chairperson Stenklyft signed the decision form.

7) Adjournment

A motion was made by Sherry Rutledge and was seconded by Bruce Hagler to adjourn the December 12, 2017 Appeal Hearing meeting.

AYES: Sherry Rutledge, Bruce Hagler, Brian Stenklyft

NOES: none

Chairperson Stenklyft adjourned the December 12, 2017 Appeal Hearing at 9:33 a.m.

April Esparza
Legal Clerk