



MINUTES

July 25, 2018

BOARD OF APPEALS MEETING 4:00 p.m. Hutchinson Conference Room 311 Vernon Street, 2nd Floor Roseville, CA 95678

1. CALL TO ORDER

The semi-annual meeting of the Board of Appeals was called to order by Vice Chairperson Pete Constant on Wednesday, July 25, 2018 at 4:02 p.m. in the Hutchinson Conference Room of the Civic Center.

2. ROLL CALL (SILENT)

The following Board members were present:

Pete Constant
Leilani Fratis
Bruce Hagler
Drew Haydu
Sherry Rutledge
Scott Sanford
Brian Stenklyft
Sean Wallentine

The following staff members were present:

Joseph Speaker, Deputy City Attorney
April Esparza, Legal Clerk

3. APPROVAL OF February 22, 2018 MINUTES

A motion by was made by Bruce Hagler and was seconded by Sean Wallentine that the minutes of the February 22, 2018 Board of Appeals Semi-Annual Meeting be approved.

AYES: Pete Constant, Leilani Fratis, Bruce Hagler, Drew Haydu, Sherry Rutledge, Scott Sanford, Brian Stenklyft, Sean

Wallentine

NOES: none

4. PUBLIC COMMENT

No one from the public offered any public comments.

5. NEW BUSINESS

5.1. Election of Chairperson and Vice Chairperson

Motion was made by Bruce Hagler seconded by Scott Sanford to nominate Pete Constant as the new Chairperson for 2018-19.

AYES: Pete Constant, Leilani Fratis, Bruce Hagler, Drew Haydu, Sherry Rutledge, Scott Sanford, Brian Stenklyft, Sean Wallentine

NOES: none

Motion by Brian Stenklyft seconded by Bruce Hagler to nominate Brian Stenklyft as the new Vice Chairperson for 2018-19.

AYES: Pete Constant, Leilani Fratis, Bruce Hagler, Drew Haydu, Sherry Rutledge, Scott Sanford, Brian Stenklyft, Sean Wallentine

NOES: none

5.2. Translators and the Brown Act

Joe Speaker discussed the difficulties encountered during the previous hearing using an over the phone interpreter and that he is exploring different methods of translation, including in-person translators. To ensure due process, translators are provided by the City upon request, but that parties may also use and bring their own translators.

Joe also informed the Board that a section was added to the Board of Appeals Procedures for Case Presentation informing parties that time limits are doubled when using an interpreter.

Drew Haydu spoke about his experience using in-person interpreters in hearings.

Pete Constant suggested that interpreters be provided with a handout showing the procedures to be followed by interpreters. Scott Sanford

added that another option to communicate interpreting procedures could be having the Chairperson read guidelines during the hearing. He also suggested looking into translation software.

5.3. Determination of Citable Offenses

Joe Speaker told the Board that at a recent hearing, a question was raised about a section of the Massage Services chapter of the municipal code and whether or not the section was citable. Joe said that if this question arises during a hearing, the panel is given discretion to determine if it is a citable offense.

Joe requested that board members contact him to discuss any concern with the municipal code prior to a hearing date. If that isn't possible, he can discuss the concern before or after the hearing. To offer clarity, Joe stated that at the end of the Massage Services chapter there is language that states violations of the chapter may be charged as either an infraction or a misdemeanor in the discretion of the City Attorney.

Bruce Hagler mentioned that City Council was going to be hearing an appeal of a massage permit denial. Joe Speaker stated that this is the first appeal of a denial of a massage permit that has come before City Council since the massage ordinance went into effect last year. He added that appeals of the denial of a massage business permit was not in the purview of the Board of Appeals.

6. **OLD BUSINESS**

6.1. New Meeting Procedures

Joe Speaker informed the Board that the City Clerk's office is working on standardizing meeting procedures and the format of agendas for all City boards and commissions. The Board of Appeals meeting procedures will be listed as an addendum to the general meeting procedures.

6.2. Massage Citations

Joe Speaker told the Board that the Police Department has finished their initial round of inspections of massage businesses and enforcement of the massage ordinance. They have found the enforcement to be effective.

6.3. Animal Noise Affidavits

Joe Speaker asked for feedback on the use and effectiveness of Animal Noise Affidavits.

The Board provided positive feedback stating that the affidavits provide a good structure for the complaining party's record and plenty of opportunity for discussion. Leilani Fratis suggested that if Animal Control hand delivers affidavits to complaining parties, it would be more efficient to have the form available online.

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

Joe Speaker introduced the newest board member, Drew Haydu.

Joe recognized and expressed thanks to the panel members whose term expire December 31, 2018: Leilani Fratis, Scott Sanford, Dan Myers and Sean Wallentine.

Bruce Hagler asked why the Board of Appeals hearings are not televised like some of the other Boards and Commissions. Joe Speaker responded that the hearings are recorded and that DVD copies can be requested. He also said that he would look into why they are not televised.

8. ADJOURNMENT

A motion was made by Sean Wallentine and seconded by Scott Sanford to adjourn the July 25, 2018 Board of Appeals semi-annual meeting.

AYES: Pete Constant, Leilani Fratis, Bruce Hagler, Drew Haydu, Sherry Rutledge, Scott Sanford, Brian Stenklyft, Sean Wallentine

NOES: none

Vice Chairperson Pete Constant adjourned the July 25, 2018 Board of Appeals semi-annual meeting at 4:57 P.M.

April Esparza
Secretary