

## **APPEALS BOARD**

Chair, Joan Stewart  
Vice Chair, Taide Zamora  
Member, John Dinan  
Member, Michael Halterman  
Member, Natasha Basso  
Alternate, Steve Link  
Alternate, Ben Reuben



## **CITY OF RIVERBANK APPEALS BOARD HEARING**

City Council Chambers  
6707 Third Street • Suite B  
Riverbank, CA 95367

The Appeals Board Hearings are NOT Televised.  
They are RECORDED for the Record.

# **AGENDA**

## **THURSDAY, SEPTEMBER 17, 2024 – 5:30 P.M.**

(THE AGENDA PACKET IS ONLINE AT [HTTP://WWW.RIVERBANK.ORG/AGENDACENTER](http://www.riverbank.org/agendacenter). ADDITIONAL PUBLIC DOCUMENTS RELATING TO THE MEETING AND PROVIDED TO THE APPEALS BOARD ARE AVAILABLE FOR REVIEW OR COPYING AT RIVERBANK CITY HALL.)

### **1. CALL TO ORDER:**

### **2. ROLL CALL:**

### **3. CONFLICT OF INTEREST:** *Any Board Member or Staff who has a direct Conflict of Interest on any scheduled agenda item to be considered is to declare their conflict at this time.*

### **4. PUBLIC COMMENTS (No action can be taken)**

At this time, members of the public may comment on any item not appearing on the agenda, and within the subject matter jurisdiction of the Appeals Board. Individual comments will be limited to a **maximum of 3 minutes (or as stated by the presiding Officer)** and time cannot be yielded to another person. Under State Law, matters presented during the public comment period cannot be discussed or acted upon.

### **5. BUSINESS**

**Item 5.1:** **Administrative Citation Appeal Hearings-** It is recommended that the Appeals Board consider each appeal request provided, receive any oral or written evidence presented by the Appellant and by the City, and determine whether to uphold or dismiss the related Administrative Citation issued by the City for violation of the Riverbank Municipal Code.

### **6. ADJOURNMENT**

AFFIDAVIT OF POSTING

I hereby certify under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted at the meeting location, on the North and South City Hall and The Riverbank Community Center public exterior bulletin boards, and the City's website 72 hours prior to the meeting in accordance to the California Ralph M. Brown Act.

Posted this 12<sup>th</sup> Day of September, 2024

/s/ *Gabriela Hernandez, CMC, City Clerk*



**ADA COMPLIANCE STATEMENT**

In compliance with the Americans with Disabilities Act, and the Governor's Executive Order N-29-20, the City will make every effort to make reasonable modifications or accommodations from individuals with disabilities. Contact the Administration Dept. at (209) 863-7122 or the City Clerk at [cityclerk@riverbank.org](mailto:cityclerk@riverbank.org) at least (48) hours prior to the meeting to enable the City to make reasonable arrangements for accessibility.

**NOTICE REGARDING NON-ENGLISH SPEAKERS**

Pursuant to California Constitution Article III, Section IV, establishing English as the official language for the State of California, and in accordance with California Code of Civil Procedures Section 185, which requires proceedings before any State Court to be in English, notice is hereby given that all proceedings before the City of Riverbank City Council/LRA Board shall be in English and anyone wishing to address the Council is required to have a translator present who will take an oath to make an accurate translation from any language not English into th

# RIVERBANK SPECIAL APPEALS BOARD

## AGENDA ITEM NO. 5.1

### SECTION 5: BUSINESS

<b>Meeting Date:</b>	<b>September 17, 2024</b>
<b>Subject:</b>	<b>Administrative Citation Appeals Hearing</b>
<b>From:</b>	<b>Marisela H. Garcia, City Manager</b>
<b>Submitted by:</b>	<b>Gabriela Hernandez, CMC, City Clerk</b>

#### **RECOMMENDATION**

It is recommended that the Appeals Board consider the appeal request and any oral or written evidence presented by the Appellant and by the City to determine whether to uphold or dismiss the related Administrative Citation issued by the City for violation of the Riverbank Municipal Code.

#### **SUMMARY**

Administrative citations are issued by Riverbank Police Services and City Staff primarily to gain compliance with State or Municipal Codes and regulations in a timely and efficient manner, as well as to protect the public health, safety and welfare of its citizens. In addition, it provides a method to hold parties responsible when they fail or refuse to comply with these provisions; it minimizes the expense and delay of pursuing compliance through the civil criminal justice system; and allows the City to partially recover its costs to bring the responsible party into compliance.

The City Clerk has received one appeal request (Attachment 1) for Notice of Violations and related administrative citation fines issued to resident, by the City, that have been determined to have violated the Riverbank Municipal Code.

In accordance with Policy, a notice was sent via Electronic Mail and mailed via U.S. Postal Mail Service to each appellant that clearly indicated the date, time, location, and additional information of their scheduled hearing.

# ADMINISTRATIVE CITATION APPEALS HEARING LIST

SEPTEMBER 17, 2024

Citation No.	NAME	DATE OF CITATION LETTER	RIVERBANK MUNICIPAL CODE	VIOLATION NO.	FINE	VIOLATION
2024-0491	Gary Bell	07/12/2024	Fireworks Section 92.30 (B)	1 <sup>st</sup>	\$1,000 Fine (Hearing Deposit Paid \$500)	Use, Possession, Discharge of Illegal Fireworks

## ATTACHMENTS

1. Application and Supporting Evidence for Appeal Hearing Request for Consideration by the Board.



**CITY OF RIVERBANK  
APPEAL HEARING REQUEST FORM  
(FOR ILLEGAL FIREWORKS CITATIONS)**

Date Stamp (received) and Staff initials:  
**CITY OF RIVERBANK**  
AUG 07 2024  
Received By: *Balger H*  
 Proof of deposited fine(s) PAID.

**THIS FORM CAN ONLY BE ACCEPTED IF HANDED IN WITHIN THE 30-DAY PERIOD FROM THE DATE OF YOUR CITATION LETTER AND WITH THE REQUIRED DEPOSIT ( HALF OF THE FINE AMOUNT)**

TO FILE: 1.) Read Pages 2 and 3 - Important deadlines and information of the appeals process; 2.) This form must be hand-delivered or mailed with any required payment/deposit to the City Clerk; emailed forms will only be accepted if the required payment/deposit is made prior to the deadline; and 3.) You may attach additional pages or any evidence for consideration.

**(PLEASE PRINT LEGIBLY) SUMMIT ONE (1) APPEAL REQUEST FORM FOR EACH CITATION YOU WANT TO APPEAL.**

I have attached a full and complete copy (front and back) of the citation I wish to appeal.

Appealing to the:  Appeals Board     City Council (only mark if Appeals Board hearing has first occurred.)

Are you the property owner of where the violation occurred?  Yes     No    If No, provide the name, and contact information of the property owner \_\_\_\_\_

Citation # 2024-0491    Date of Citation: 7/2/24    Fine Amount: \$ 1000

Address where violation occurred (indicated on citation): [REDACTED]

First Name: GARY    Last Name: Bell

Your Mailing Address: [REDACTED]

Contact Phone # [REDACTED]    Email: [REDACTED]  
(For expedient communication, a valid email address is important.)

REASON FOR CITATION: possession / discharge of illegal fireworks within city limits    WHAT ARE YOUR REASON(S) FOR APPEALING?  
\_\_\_\_\_  
\_\_\_\_\_

WHAT FACTS SUPPORT YOUR REASON(S) FOR CHALLENGING THE CITATION? (ATTACH ADDITIONAL SHEETS AS NEEDED.)  
I watched the 2 videos that Deputy Buck showed me. There was no audio OR a clear video that showed me OR my family the ones that lit the illegal FIREWORK. I Did not buy, possess OR light any FIREWORKS.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I certify that the above statements and any attachments provided are true and correct to the best of my knowledge. I understand any final decision and any fine(s) or costs imposed is/are due and payable upon the final decision ordered by the Appeal Board or City Council.

Signature: Gary Bell    Date: 8/7/24  
(Signature required)

City of Riverbank  
6707 Third St  
Riverbank CA 95367  
(209) 863-7109

Receipt No: 1.096279      Avg 7, 2024

202  
BELL, GARY D & KERRI A

Previous Balance:      1,000.00  
Accounts Receivable  
AR Payments      500.00

-----  
Total:      500.00  
New Balance:      500.00  
=====

Check  
Check No: 2143      500.00  
Total Applied:      500.00  
-----

Change Tendered:      .00  
-----

08/07/2024 4:37 PM



**City Of Riverbank Development Services Department**  
 Planning Division Building Division Neighborhood Improvement Division  
 6707 Third Street, Riverbank, CA 95367 Office (209) 863-7190 FAX (209) 869-7126

BELL GARY D & KERRI A  
 [REDACTED]  
 RIVERBANK CA 95367

July 12, 2024

**1st Citation**

**ADMINISTRATIVE CITATION**  
**3207 SUTTON RD-Case#2024-0491.**

<u>Muni Code</u>	<u>Violation</u>	<u>Corrective Action</u>	<u>Date Completed</u>
RCC 92.30 (B)	POSSESSION/ DISCHARGE OF ILLEGAL FIREWORKS WITHIN THE CITY LIMITS OF RIVERBANK		OUTSTANDING

<u>Date</u>	<u>Fee Type</u>	<u>Fee</u>
7/12/2024	1st Citation	\$1,000.00
		<b>\$1,000.00</b>

**Total Payments to Date:** **\$0.00**

**Balance Due:** **\$1,000.00**

FAILURE TO RESPOND OR CORRECT VIOLATION(S): You are hereby order to discontinue and correct the violation(s) by:

**CORRECTION DATE:** 7/26/2024

Failure to respond or to correct the violations(s) by this date may result in additional citations. If you are fined a third time for a violation of the same code within twelve (12) months the fine will be \$500.00. Further legal proceedings may be undertaken resulting in a lien on your property for penalties, the cost of enforcement and collection, including attorney fees.

**PAYMENT OF FINE OR PENALTY:** Payment of fine must be made within thirty (30) days. Make your check or money order payable to: CITY OF RIVERBANK. DO NOT SEND CASH. To ensure proper credit please write citation number on your check or money order. Penalty and back charges will be assessed for check returned by your bank. IN ADDITION, YOU SHALL BE LIABLE FOR A FOR A 10% LATE FEE IF THE FINE IS PAID LATE.

**APPEALS PROCESS OF ADMINISTRATIVE CITATION:** If you wish to contest this citation you must file in writing to request an appeal with City of Riverbank within 30 days of the citation date. Upon timely receipt of a properly completed hearing and deposit, the City shall set a date for a hearing before the Appeals Board not less that fifteen (15) days and not more than sixty (60) from the request of hearing filed. FAILURE TO TIMELY FILE A REQUEST FOR HEARING SHALL CONSTITUTE A WAIVER OF YOUR RIGHT TO APPEAL THE ADMINISTRATIVE CITATION.

If you have any questions or concerns, please call the Neighborhood Improvement Division at (209) 863-7190. \*\*\*Para informacion, en espanol sobre esta carta, por favor llame al (209) 863-7190 y deje un mensaje y le regresamos su llamada.

Sincerely,  
 CITY OF RIVERBANK,  
 Community Development Department

CC: