



REPORT TO COUNCIL

City of Sacramento

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CONSENT
May 30, 2006

Honorable Mayor and
Members of the City Council

Subject: Approval of Code Enforcement Hearing Examiners

Location/Council District: City-wide

Recommendation: Adopt a Resolution including the five individuals listed as an interim panel of Hearing Examiners.

Contact: Ron O'Connor, Code Enforcement Manager, (916) 808-8183

Presenters: Ron O'Connor, Code Enforcement Manager

Department: Code Enforcement

Division: Neighborhood Code Enforcement

Organization No: 4651

Summary:

Title 8 of the Sacramento City Code requires the selection of a panel of hearing examiners before who Code Enforcement cases are brought for action. This report proposes an interim panel of hearing examiners for approval by the City Council. The term of the interim panel will be for such time until the next panel has been selected. Termination of individual appointment is through resignation of hearing examiner or by the City Council if the examiner fails to adhere to City Code and policy.

Committee/Commission Action: None.

Background Information:

The Nuisance Code provides, in relevant part:

§ 8.04.070 Hearing Examiner

In order to hear cases brought by the department head under the provisions of this code, the city council shall appoint a panel of hearing examiners, from which one hearing examiner on a rotating basis shall hear cases brought by the department head. Such examiners shall serve at the pleasure of the city council. A hearing examiner may not be a city employee. (Prior code § 61.02.204)

In the interest of fairness and prudence, the prohibition against city employees has been expanded in order to exclude close friends, relatives, and business associates of city employees and officials. All of the individuals proposed here are well qualified and meet the criteria of the Ordinance.

The proposed panel consists of the following individuals:

Walter Thompson, Incumbent, Former Citizens' Assistance Officer and Engineering Administrator, City of Sacramento

Donald E. Sperling, Incumbent, retired Assistant City Treasurer and Administrative Services Officer, City of Sacramento

Robert B. Wall, Incumbent, retired Assistant Director, Planning & Development Department, City of Sacramento

William Carey, former Building Official, El Dorado County

Wilfred Weitman, retired Ombudsman, Development Services Department, City of Sacramento

Financial Considerations:

Hearings are held twice per month at a cost of \$50.00 per hour for the hearing(s) and any additional time spent toward rendering decision(s). Funds are allocated in the Neighborhood Code Enforcement Division's budget.

Environmental Considerations:

The accompanying resolution does not constitute a project under CEQA guidelines.

Policy Considerations:

The appointment of Hearing Examiners, by resolution, is consistent with Council priorities and policies related to compliance with the City's Codes, cost recovery, and the City's vision to be the most livable city in America.

RESOLUTION NO. 2006-

Adopted by the Sacramento City Council

May 30, 2006

A RESOLUTION APPOINTING A PANEL OF NUISANCE CODE HEARING EXAMINERS AND REPEALING RESOLUTION NO. 2001-511

BACKGROUND

- A. The Nuisance Code (§ 8.04.070 Hearing Examiner) provides that in order to hear cases brought by the department head under the provisions of this code, the city council shall appoint a panel of hearing examiners, from which one hearing examiner on a rotating basis shall hear cases brought by the department head. Such examiners shall serve at the pleasure of the city council. A hearing examiner may not be a city employee.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. That, Resolution #2001-511 be repealed.

Section 2. That, the current panel of Hearing Examiners now include:

William Carey
Donald E. Sperling
Walter Thompson
Robert B. Wall
Will Weitman

