



REPORT TO COUNCIL

City of Sacramento

19

915 I Street, Sacramento, CA 95814-2604
www. CityofSacramento.org

Consent
August 15, 2006

Honorable Mayor and
Members of the City Council

Title: Approval of Code Enforcement Hearing Examiners

Location/Council District: City-wide

Recommendation: Adopt a **Resolution:** Including the five individuals listed as the panel of Hearing Examiners.

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

Presenters: Not applicable

Department: Code Enforcement

Division: Neighborhood Code Enforcement

Organization No: 4651

Description/Analysis

Issue: Adding two additional hearing examiners to the existing panel of three hearing examiners. This will facilitate scheduling especially with the potential increase usage of the hearing process by other city departments as well as increasing programs being enforced by the Code Enforcement Department, i.e. taxicab licensing, mobile food vendor licensing, etc.

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.

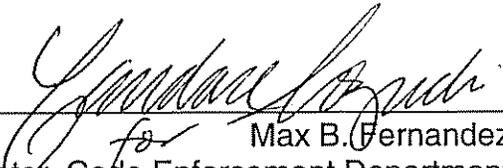
Environmental Considerations: The accompanying resolution does not constitute a project under CEQA guidelines.

Rationale for Recommendation: Members of the hearing examiner panel hear cases on a rotating basis. Hearings are generally held on the second and fourth Wednesdays of the month. Increasing the number of examiners will facilitate scheduling and will not increase costs. The frequency of the hearings (schedule) remains the same, i.e. two times per month. However, when vacations, illness,

other absences/conflicts occur, it will be easier to coordinate coverage at the hearings with the additional two (2) hearing examiners.

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.

Emerging Small Business Development (ESBD): Not applicable.

Respectfully Submitted by: 
for Max B. Fernandez
Director, Code Enforcement Department

Recommendation Approved:


Ray Kerridge
City Manager

Table of Contents:	
Report	pg. 1-2
Attachments	
1 Background	pg. 3
2 Resolution	pg. 4

Background

Attachment 1

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

Attachment 2

RESOLUTION NO.

Adopted by the Sacramento City Council

APPROVAL OF CODE ENFORCEMENT HEARING EXAMINERS

BACKGROUND

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
Wilfred Weitman

