REPORT TO COUNCIL 21
City of Sacramento

915 I Street, Sacramento, CA 95814-2604
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Consent
December 18, 2007

Honorable Mayor and
Members of the City Council

Title: Repealing Resolution No. 2006-604 and Appointing a Panel of Hearing Examiners

Location/Council District: City-wide

Recommendation: Adopt a **Resolution**: 1) Repealing Resolution No. 2006-604; and 2) Appointing William Carey, Tim Quintero, Donald E. Sperling, and Robert B. Wall as the panel of hearing examiners.

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

Presenters: Not applicable

Department: Code Enforcement

Divisions: Neighborhood Code Compliance, Business Compliance, and Housing & Dangerous Buildings

Organization Numbers: 4651, 4652 & 4653

Description/Analysis

Issue: As provided by Sacramento City Code section 8.04.070, the City Council appoints the panel of hearing examiners to hear cases brought under the provisions of the Nuisance Code. This report recommends appointing a panel of four hearing examiners. We anticipate increased usage of the hearing examiners by other city departments as well as additional programs being enforced by the Code Enforcement Department, i.e. taxicab licensing, mobile food vendor licensing, etc.

Policy Considerations: The appointment of a panel of hearing examiners is consistent with City 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: None.

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. The frequency of the hearings (schedule) will remain

the same, i.e., two times per month. Coverage of the hearings will be coordinated with a rotating panel of four (4) 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) and for training purposes. Funds are allocated in the Neighborhood Code Compliance Division's budget.

Emerging Small Business Development (ESBD): Not applicable.

Respectfully Submitted by:

Max B. Fernandez
Director, Code Enforcement Department

Recommendation Approved:

for Ray Kerridge
City Manager

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Background **Attachment 1**

Sacramento City Code section 8.04.070 provides:

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.

In the interest of fairness and prudence, the prohibition against city employees serving on the panel has been expanded 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 Section 8.04.070.

The proposed panel consists of the following individuals:

William Carey, Incumbent, former Building Official, El Dorado County

Tim Quintero, retired Area Director, Neighborhood Services Department, 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

Attachment 2

RESOLUTION NO.

Adopted by the Sacramento City Council

APPROVAL OF CODE ENFORCEMENT HEARING EXAMINERS

BACKGROUND

Sacramento City Code section 8.04.070 provides that in order to hear cases brought by the department head under the provisions of the Nuisance 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. 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. Resolution No. 2006-604 is repealed.

Section 2. William Carey, Tim Quintero, Donald E. Sperling, and Robert B. Wall are appointed as the panel of hearing examiners.