



City Council Report

915 I Street, 1st Floor

Sacramento, CA 95814

www.cityofsacramento.org

File ID: 2021-00378

April 13, 2021

Consent Item 02

Title: Appointment of Hearing Examiners for Code Compliance Hearings

Location: Citywide

Recommendation: Pass a Motion pursuant to Sacramento City Code section 1.24.050 appointing Sheila Byars, Barbara Dellamarie, Darin Noonan, and Christopher Wooten as hearing examiners to hear appeals of administrative penalties, monitoring fees, Notice and Orders, and other enforcement matters for violations of the Sacramento City Code for a four-year term effective May 1, 2021.

Contact: Tina Lee-Vogt, Program Manager, (916) 808-2679, Community Development Department

Presenter: None

Attachments:

1-Description/Analysis

2-Hearing Examiner Applications

Description/Analysis

Issue Detail: Various chapters of the Sacramento City Code provide appeal of administrative penalties, monitoring fees, and Notices and Orders imposed for code violations, and staff decisions which otherwise would be heard by the City Council. Under City Code section 1.28.010 (D)(4)(c), administrative penalty appeals shall be heard by a hearing examiner appointed by the City Council. The Community Development Department Code Compliance Division conducts bi-monthly code compliance hearings for administrative penalties issued by its building inspectors and code enforcement officers for code violations and failure to comply with a Notice and Order after the owner was given a preliminary notice of the violations. However, the subject matters of these hearings have expanded to include cases involving decisions of other city departments and divisions, including Animal Control, Police, Fire, Urban Forestry, and Solid Waste, being appealed. Additionally, although hearing examiners routinely hear code violation cases, they are also utilized by other city departments when an independent decision is necessary, such as Department of Utilities for service disconnections and the Revenue Division for fee collections.

For code violations resulting in an administrative penalty, the hearing examiner can affirm the administrative penalty amount, reduce the penalty to a lower amount, or find that imposition of the penalty is not warranted. The hearing examiner's decision is based on the evidence presented, the costs of the correction, and the appellant's financial situation. The hearing examiner has the discretion to impose a lower, but not a higher penalty amount. In making the decision, the hearing examiner considers evidence presented by all witnesses, the seriousness of the violation, the responsible party's efforts to correct the violation, the impact on the neighborhood, any instances in which the responsible party has been in violation of the same or similar code provisions in the previous three years, and the amount of city staff time which was expended investigating and addressing the violation. In accordance with City Code Section 1.24.090, decisions made by the hearing examiner are final.

Hearing examiner openings were posted on the City Clerk Boards and Commissions recruitment website. Four applications were received and validated and are included in Attachment A. The applications were reviewed by the Community Development Department staff and applicants were interviewed by the Code and Housing Enforcement Chief. Based on their qualifications, experience, and interview, it was determined that all the applicants were qualified to serve as hearing examiners and would be able to provide fair decisions.

Once appointed, hearing examiners cannot be removed during their term unless they fail to meet the requirements of a hearing examiner such as not properly administering the hearing, failing to issue decisions that are based on the facts disclosed at the hearing, or if they are unable to continue serving due to scheduling conflicts, health conditions, or similar reasons.

Staff is recommending appointment of hearing examiners to a four-year term. Hearing examiners could apply to be reappointed and the end of their term. There are no term limits for hearing examiners or limit to the number that may be appointed.

Policy Considerations: None.

Economic Impacts: Not Applicable.

Environmental Considerations: Not Applicable.

Sustainability: Not Applicable.

Commission/Committee Action: Not Applicable.

Rationale for Recommendation: Hearing examiners are necessary to ensure due process for appeals of administrative penalties. They are non-city employees who conduct hearings and issue opinions based on findings of fact.

Financial Considerations: The rate for hearing examiners for code compliance hearings is \$50.00 per hour. This rate applies to review of the hearing packet, the hearing length, and the time to review the evidence and prepare the decision. Hearing costs are partially offset by hearing appeal fees. There are sufficient resources in the Fiscal Year 2020/21 Community Development Department Operating budget to fund the hearing costs.

Local Business Enterprise (LBE): Not Applicable.

Home / Manage Applications / Shelia L. Byars

View Application

Application

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Status

Name

Shelia L. Byars

Application Date

12/4/2020

Expiration Date

12/4/2026

Board Member

Shelia L. Byars

Status

Validated

Board	Vacancies	Status
Hearing Examiners	2	Pending

Basic Information

Name

Shelia L. Byars

Date of Birth

Please state the reason(s) you would like to serve on this legislative body.
I would like to serve on this body to contribute to my community and continue to sharpen my skills as a Hearing Officer.

Please list all of your professional experience directly related to the seat you are applying for.
I am a Driver Safety Hearing Officer by profession. I hold administrative hearings dealing with rules of evidence and regulations. I verify evidence, case law and make findings of fact. I determine what action should be taken if any. I make decisions based on the merits of the case. I know how to analyze situations and exercise good judgment.

Please list any training or education directly related to the seat you are applying for.
I have received extensive training for this position by the State of California. I have been doing this job for over 7 years.

Please list any additional experience, community activities, volunteering experience, or other qualifications that would be helpful in evaluating your application.
I am currently on my unions Community Power Volunteer group

Please list the Seat(s) you are applying for.

Hearing Examiner

Contact Information

Address

[REDACTED]
[REDACTED]

Ward/District

1

Phone

[REDACTED]

Email

[REDACTED]

Occupation

Employer

State of California

Job Title

Driver Safety Hearing Officer

Question #1

What is your Sexual Orientation?

- [REDACTED]

Question #2

Would you describe yourself as transgender?

- [REDACTED]

Gender

What is your gender?

- [REDACTED]

Ethnicity

What is your ethnic origin?

- [REDACTED]

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Application

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Status

Name

Barbara Grace Dellamarie

Application Date

10/21/2020

Expiration Date

10/21/2026

Board Member

Barbara Grace Dellamarie

Status

Validated

Board	Vacancies	Status
Hearing Examiners	2	Pending

Basic Information

Name

Barbara Grace Dellamarie

Date of Birth**Please state the reason(s) you would like to serve on this legislative body.**

Having retired early from the State of California, I have a desire to do part time work that interests me and is related to my past experience. As a former investigator for many state agencies, I have found that my favorite part of the job was interviewing people in so many different types of situations. I love to gather facts, analyze them, and problem solve.

Please list all of your professional experience directly related to the seat you are applying for.

Most of my professional life has been spent working in investigative positions. These positions, generally, involved interacting with all types of people in situations ranging from cordial to hostile. While employed by the State of California, I performed investigations in the areas of consumer fraud, equal employment opportunity, sexual harassment, attorney misconduct, certified nursing assistant misconduct, and general employee misconduct. In most of these positions I acted as an independent fact finder.

As a private investigator I have worked primarily in the area of sexual harassment. In this capacity I was required to

interview the alleged perpetrator, the alleged victim, and witnesses if applicable. I was then required to make a determination of whether or not the act likely occurred. The standard of evidence was similar to a preponderance of the evidence. As with my work for the state, I was an independent fact finder.

In all of my work I have been required to analyze statements and evidence in an unbiased manner and I have done so successfully.

Please list any training or education directly related to the seat you are applying for.

I have been trained in Trauma Informed Interviewing Techniques, This may not be directly related but it means that my interview style is designed to elicit information in an unbiased and sensitive manner.

Please list any additional experience, community activities, volunteering experience, or other qualifications that would be helpful in evaluating your application.

I have no related experience of this kind.

Contact Information

Address

[REDACTED]
[REDACTED]

Ward/District

District 5

Phone

[REDACTED]

Email

[REDACTED]

Occupation

Employer

N/A

Occupation

Retired.

Professional Licenses

CA Private Investigator Lic [REDACTED]

Question #1

What is your Sexual Orientation?

- [REDACTED]

Question #2

Would you describe yourself as transgender?

- [REDACTED]

Gender

What is your gender?

- [REDACTED]

Ethnicity

What is your ethnic origin?

- [REDACTED]

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Application

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Status

Name

Darin Noonan

Application Date

12/12/2020

Expiration Date

12/12/2026

Board Member

Darin Noonan

Status

Validated

Board	Vacancies	Status
Hearing Examiners	2	<div>Pending</div>

Basic Information

Name

Darin Noonan

Date of Birth

[REDACTED]

Please state the reason(s) you would like to serve on this legislative body.

I believe that my training and experience with my career with the City of Sacramento gives me the unique ability to hear appeals in a fair and equitable manner.

As a native Sacramentan and a 42 year career employee of the City of Sacramento, I have worked in Parks and Recreation, at the Sacramento Police Department and in Recycling and Solid Waste Code Enforcement. All of these positions have offered me unique opportunities to serve in all of Sacramento's diverse communities.

Please list all of your professional experience directly related to the seat you are applying for.

As a Forensic Investigator with the Sacramento Police Department, I investigated a variety of cases including homicide, sexual assaults, burglary, assaults, and robbery with the ability not to draw conclusions but to allow the evidence to direct the case.

As a Sr. Code Enforcement Officer, I applied the above philosophy to all of my code cases. As a supervisor I trained the officers to look at the evidence in a respectful, fair and objective manner. This included talking to all persons involved in the case.

I have coordinated several neighborhood outreach efforts to combat illegal dumping (for example Dixie Anna and Bel Ali).

Please list any training or education directly related to the seat you are applying for.

I have attended and successfully completed the following:

EEO Training-City of Sacramento

Sexual Harassment for Supervisors- City of Sacramento

Certified Code Enforcement Officer- California Association of Code Enforcement Officers

832 PC-arrest, search and seizure-(course is constitutional based)

I have also completed specific courses in investigative techniques, administrative law and investigative techniques.

Please list any additional experience, community activities, volunteering experience, or other qualifications that would be helpful in evaluating your application.

I have volunteered in the community in the following areas: Shriners Hospital for Children,
Homeless outreach-Sun Grove Church,
Holiday Celebrations-various elementary schools-City of Sacramento- Department of Public Works

Please list the Seat(s) you are applying for.

Hearing Examiner

Contact Information

Address

[REDACTED]
[REDACTED]

Phone

[REDACTED]

Email

[REDACTED]

Occupation

Employer

City of Sacramento-Retired

Occupation

Department of Public Works Recycling and Solid Waste

Job Title

Sr. Code Enforcement Officer

Professional Licenses

Certified Code Enforcement Officer

Question #1

What is your Sexual Orientation?

- [REDACTED]

Question #2

Would you describe yourself as transgender?

- [REDACTED]

Gender

What is your gender?

- [REDACTED]

Ethnicity

What is your ethnic origin?

- [REDACTED]

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Home / Manage Applications / Mr. Christopher Wooten

View Application

Application

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Status

Name

Mr. Christopher Wooten

Application Date

1/25/2021

Expiration Date

1/25/2027

Board Member

Christopher Wooten

Status

Validated

Board	Vacancies	Status
Animal Care Services Citizens Advisory Committee	6	 Pending
Civil Service Board	2	 Pending
Hearing Examiners	2	 Pending

Basic Information

Name

Mr. Christopher Wooten

Date of Birth

[REDACTED]

Please state the reason(s) you would like to serve on this legislative body.

I am interested in getting involved in my community in general, with a possible eye on getting involved in politics down the road. I am a 16 year veteran of the United States Coast Guard Reserve, and my experience and training there has instilled in me a drive to be involved in the betterment of society and to leave an imprint of positivity.

At the heart of my interest in politics, government, and community building is a desire to improve quality of life for people and entities in need. This is why I am particularly interested in the Animal Care Services Citizens Advisory Committee, Hearing Examiners, and Civil Service Board.

I previously mentored for Big Brothers, Big Sisters. Since that time I have had three children which have taken up a lot of my time. But as they are getting older and closer to school-age, I am finding more time for myself and am looking forward to the opportunities this new venture could bring me.

Please list all of your professional experience directly related to the seat you are applying for.

Marine Science Technician, 1st Class

Company NameUnited States Coast Guard Reserve

Dates EmployedSep 2004 – Present

Employment Duration16 yrs 5 mos

Division Supervisor for the Reserve Prevention Department. Manage and support a team of enlisted personnel; direct operations, provide administrative support, and ensure the readiness both in training and in required metrics of all members in department.

Options For Youth

Substitute Teacher

Company NameOptions For Youth

Dates EmployedApr 2012 – Jan 2015

Employment Duration2 yrs 10 mos

LocationSan Juan, California

Substitute Teacher for "at risk" students at various charter school in the San Juan School District.

Clear Channel Entertainment

Promotions Representative

Company NameClear Channel Entertainment

Dates EmployedJul 2012 – Jan 2014

Employment Duration1 yr 7 mos

LocationSacramento, California Area

Provided promotional support at local events, concerts, and various gatherings while interacting with listeners of the 4 radio stations under Clear Channel Entertainment, Sacramento.

St. HOPE

Substitute Teacher

Company NameSt. HOPE

Dates EmployedDec 2011 – Aug 2012

Employment Duration9 mos

LocationSacramento, California

Baybridge Communications

Internet Marketing Specialist/Account Executive

Company NameBaybridge Communications

Dates EmployedApr 2009 – Mar 2012

Employment Duration3 yrs

LocationRichmond, California

Citadel Broadcasting

Ground Crew Member

Company NameCitadel Broadcasting

Dates EmployedJun 2009 – Aug 2010

Employment Duration1 yr 3 mos

Please list any training or education directly related to the seat you are applying for.

Training/Certification

USCG

- Leadership and Management School January 2010
- Hazardous Waste Operations May-July 2005
- Pollution Responder December 2007

- Incident Command System May 2012
- Container Inspector September 2017
- Commercial Fishing Vessel Examiner June 2018

Please list any additional experience, community activities, volunteering experience, or other qualifications that would be helpful in evaluating your application.

BIG BROTHERS, BIG SISTERS, Sacramento, Ca August 2011-Sept 2016

- Mentor and coordinate outings with my "little brother"

CLEAR CHANNEL RADIO, Sacramento, Ca June 2007-August 2007

Intern

- Provided on-site assistance in setting up and tearing down equipment.
- Sat in on business meetings to learn various aspects of the company.
- Proofed audio website content

Please list the Seat(s) you are applying for.

Civil Service Board, Seats D and E

Hearing Examiners, Seats 1 and 2

Animal Care Services Citizens Advisory Committee, Seats E, F and G

Contact Information

Address

[REDACTED]
[REDACTED]

Ward/District

District 7

Phone

[REDACTED]

Email

[REDACTED]

Occupation

Employer

US Coast Guard Reserve

Occupation

Container/Facility Inspector

Job Title

Marine Science Technician

Professional Licenses

Pollution Responder

Container Inspector

Commercial Fishing Vessel Examiner

Type 4 Incident Commander

Registrations/Certifications

Incident Command System 100

Incident Command System 200

Incident Command System 300

Incident Command System 800
Incident Command System 700

Question #1

What is your Sexual Orientation?

- [REDACTED]

Question #2

Would you describe yourself as transgender?

- [REDACTED]

Gender

What is your gender?

- [REDACTED]

Ethnicity

What is your ethnic origin?

- [REDACTED]

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