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SPECIALIZED SERVICES

April 26, 1990

Mayor and City Council
City Hall
Sacramento, CA 95814

Members in Session:

SUBJECT: Appeal of Samalyn Davis from the decision of the Chief Animal Control Officer regarding a vicious pitbull dog.

SUMMARY

Attached is the appeal of Samalyn Davis requesting relief from the decision of the Chief Animal Control Officer regarding a vicious animal, as required by Section 6.101 (a) (c) of the Sacramento City Code.

BACKGROUND

Under Section 2.44 and 2.45 of the City Code, the Council may appoint a hearing examiner to hear the appeal if it finds that "the appeal may involve a lengthy factfinding process which would be more appropriately accommodated by a formal hearing before a hearing examiner."

FINANCIAL DATA

The estimated cost would be \$450 and would be available from the Animal Control Division budget.

POLICY CONSIDERATIONS

The current policy regarding administrative appeals is consistent with procedures specified in the Sacramento City Code.

MBE/WBE

Pursuant to Agreement No. 87310 adopted on June 28, 1988, McGeorge School of Law, Institute for Administrative Justice, agreed to assist the City of Sacramento in achieving its MBE/WBE goals (20%/5%) by endeavoring to appoint a minority or woman attorney hearing officer (or graduate legal assistant). Since adoption of the agreement, the City of Sacramento has been successful in maintaining these goals.

CITY OF SACRAMENTO
CALIFORNIA

APPROVED
BY THE CITY COUNCIL

MAY 1 1990

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CITY HALL
ROOM 303
915 I STREET
SACRAMENTO, CA
95814-2671

916-449-8200

RECOMMENDATIONS

1. If the Council should decide to appoint a hearing examiner, it is recommended that the following motion be adopted: "The Council hereby determines pursuant to Section 2.45, City Code, that this appeal will involve a lengthy factfinding process which will be more appropriately accommodated by a formal hearing before a hearing examiner, and therefore, appoints Terence Roberts as Hearing Examiner to hear the appeal on May 17, 1990, at the hour of 9:00 a.m. at McGeorge School of Law, 3130 Fifth Avenue, Sacramento, California."
2. If the Council should decide to consider the appeal itself, it is recommended that the hearing be set for May 22, 1990.

Respectfully submitted,


for Valerie Burrowes
City Clerk

Attachment

cc: Terence Roberts, Hearing Examiner
Samalyn Davis, Appellant
Diane Balter, Deputy City Attorney
Ruben Mora, Chief Animal Control Officer

Contact Person:
Valerie Burrowes
Phone No. 449-5799

May 1, 1990
District Four