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August 22, 1991

Mayor and City Council
City Hall
Sacramento, CA 95814

APPROVED
BY THE CITY COUNCIL

AUG 27 1991

OFFICE OF THE
CITY CLERK

Honorable Members in Session:

SUBJECT: Appointment of Hearing Examiner in the matter of an appeal of **John J. Birosik** from the decision of the City Planning Department regarding demolition of property located at **1020 25th Street**.

SUMMARY

Attached is the appeal of John J. Birosik requesting relief from the decision of the City Planning Department regarding demolition of property located at **1020 25th Street**, as required by Section 49.1130 of the Sacramento City Code.

BACKGROUND

Resolution 90-617 authorizes the City Clerk automatic referral of certain appeals to a hearing examiner without further council action. Any appeal so referred is determined to involve a lengthy fact finding process which will be more appropriately accommodated by a formal hearing before a hearing examiner.

Municipal Code Sections 2.44 and 2.45 require notification by the City Clerk to the City Council when a hearing date and appointment of an examiner has been made.

Ordinance No. 90-050 allows for the City Council to rescind by motion any appointment of a hearing officer as made by the City Clerk.

FINANCIAL DATA

The estimated cost would be \$450 and would be available from the City Planning Department budget.

City Council
August 22, 1991
Page Two

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.

RECOMMENDATIONS

Approve the City Clerk appointment of a Hearing Examiner to hear the appeal of John J. Birosik on Monday, September 30, 1991 at 9:00 a.m. at the McGeorge School of Law, 3130 Fifth Avenue, Sacramento, California.

Respectfully submitted,



VALERIE BURROWES
CITY CLERK

Attachment

cc: Hearing Examiner
John J. Birosik, Appellant
Tamara Milligan-Harmon, Deputy City Attorney
Max B. Fernandez, Housing Administrator

Contact Person:
Lynette Gardner
Phone No. 449-8200

August 27, 1991
District # 4

NOTICE OF APPEAL

DATE: July 23, 1991

Pursuant to Section 2.320, City Code, I wish to appeal the decision of the
Planning Department made on July 10, 1991
regarding denial of property located
at 1020 25th Street

as required by Section 49.106, City Code.

My reason for appealing is as follows: Have already started
repairs
of the property and obtained a
building permit.

PLEASE PRINT:

NAME: John Birocik John J. Birocik

ADDRESS: 1020 1/2 25th Street

CITY: Sacramento STATE: CA ZIP CODE: 95816

TELEPHONE NUMBER: _____

John Birocik
SIGNATURE

