

ORDINANCE NO. 90-050

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF OCT 09 1990.

AN ORDINANCE AMENDING SECTION 2.44 AND 2.45 OF THE SACRAMENTO CITY CODE, RELATING TO APPOINTMENT OF HEARING EXAMINERS TO HEAR CERTAIN APPEALS TO THE CITY COUNCIL, INCLUDING THE PROCEDURE FOR AUTOMATIC REFERRAL TO A HEARING EXAMINER AND THE COUNCIL ACTION NECESSARY TO RESCIND AN APPOINTMENT

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1

Sections 2.44 and 2.45 of the Sacramento City Code are hereby amended to read as follows:

§ 2.44 Appointment of hearing examiner.

In lieu of hearing any appeal filed pursuant to Section 2.40, the city council, upon making the determination set forth in Section 2.45(a), may cause the appeal to be heard by a hearing examiner designated by the council. This section shall not apply to any appeal to the city council from a decision or action taken by the planning commission or preservation board, or any appeal taken wherein the council is required by a statute of the State of California to conduct the appellate hearing itself. (Ord. No. 89-065, §4)

§ 2.45 Criteria for appointment.

- (a) A hearing officer may be appointed by the city council whenever, in its sole discretion, it determines from an examination of the notice of appeal that a hearing on the subject of the appeal may involve a lengthy fact finding process which could be more appropriately accommodated by a formal hearing before a hearing examiner. The appointment of a

FOR CITY CLERK USE ONLY

ORDINANCE NO.: 90-050

DATE ADOPTED: OCT 09 1990

hearing examiner may be made at any time prior to the time that the city council commences a hearing on the matter under appeal and may be made with or without prior notice to the appellant. The time and place of the initial hearing before the hearing examiner shall be fixed by the city council.

- (b) The city council may by resolution delineate one or more categories of appeal which routinely involve a lengthy fact finding process, and instruct the city clerk to schedule such appeal hearings before a hearing examiner without further action of the city council. The resolution shall include criteria for the selection of a hearing examiner. The city clerk shall inform the city council of each hearing scheduled pursuant to this subsection.
- (c) The city council may, at any time before a hearing examiner commences a hearing on a matter under appeal, with or without prior notice to the appellant, by motion rescind the appointment of the hearing examiner and schedule the matter under appeal for hearing before the council. (Ord. No. 89-065, §4)

DATE PASSED FOR PUBLICATION: October 2, 1990

DATE ENACTED: October 9, 1990

DATE EFFECTIVE: November 9, 1990


MAYOR

ATTEST:


CITY CLERK

FOR CITY CLERK USE ONLY

ORDINANCE NO.: 90-050

DATE ADOPTED: OCT 09 1990
