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MAR 27 1990

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Adopted A

March 22, 1990

Mayor and City Council
City Hall
Sacramento, CA 95814

Members in Session:

SUBJECT: Appeals of Alan Hess and John Oneto from the decision of the Chief of Police
Regarding Revocation of Cardroom Work Permits

SUMMARY

Attached is the appeal of Alan Hess and John Oneto requesting relief from the decision of the Chief of Police regarding revocation of cardroom work permits, as required by Section 5.3-5 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 Police Department's 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.



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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 Kathleen Friedrich as Hearing Examiner to hear the appeal of Alan Hess on April 20, 1990 at the hour of 9:00 a.m. and John Oneto on April 20, 1990 at the hour of 1:00 p.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 April 17, 1990.

Respectfully submitted,



Valerie Burrowes
City Clerk

Attachment

cc: Kathleen Friedrich,, Hearing Examiner
Stewart Katz, Appellant's Attorney
Diane Balter, Deputy City Clerk
D. Michael Busch, Sacramento Police Department
Gary Little, Citizens Assistance Officer

Contact Person:
Valerie Burrowes
Phone No. 449-5799

March 27, 1990
All Districts

