

RESOLUTION NO. 2019-0221

Adopted by the Sacramento City Council

June 11, 2019

Appointing Edith Awuah as Hearing Examiner for Appeals of Administrative Penalties Imposed for Violations of Chapter 8.132 of the Sacramento City Code, Relating to the Cultivation of Cannabis

BACKGROUND

- A. Pursuant to section 1.28.010 (D)(4)(c) of the Sacramento City Code, administrative penalty appeals shall be heard by a hearing examiner appointed by the City Council. The hearing examiner may not be a city employee.
- B. The City Council has established that the appeals of administrative penalties imposed for violations of City Code chapter 8.132, Cultivation of Cannabis, be heard by a hearing examiner.
- C. Due to the amount of the fines for the illegal cultivation of cannabis, which can be hundreds of thousands of dollars, and the likelihood that the decision of the hearing examiner will be challenged in court, there is a need to appoint a hearing examiner who has experience as practicing attorney with knowledge of the rules of civil procedure in order to manage the hearing process, focus the hearings on relevant issues, evaluate evidence, and issue formal opinions that include applicable findings of fact.
- D. The Office of Cannabis Policy and Enforcement is recommending that the City Council immediately appoint Edith Awuah as the hearing examiner for appeals of administrative penalties for violations of Chapter 8.132, Cultivation of Cannabis, for a term of six months. Ms. Awuah is a practicing attorney who was admitted to the State Bar of California in 2007 and has an LL.M. degree in Alternative Dispute Resolution. She has four years' experience serving as a hearing examiner for the City of Modesto and six years serving as a mediator for the Tuolumne County Superior Court.
- E. During the hearing examiner's six-month term, staff will conduct more extensive outreach to find a panel of local attorneys who can serve as hearing examiners in order to ensure that the cannabis appeal hearings, which occur twice a month, can be properly administered once that term has expired.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. The City Council finds and determines that the background statements A through E are true.

- Section 2. The City Council, in accordance with section 1.28.010 (D)(4)(c) of the Sacramento City Code, hereby appoints Edith Awuah as the hearing examiner for appeals of administrative penalties imposed for violations of Chapter 8.132, Cultivation of Cannabis, for a term of six months and at a rate of \$85.00 per hour plus mileage reimbursement.

- Section 3. The hearing examiner cannot be removed during his or her term unless they fail to meet the requirements of a hearing examiner, such as not properly administering the hearing or failing to issue decisions that are based on the facts disclosed at the hearing, or they are unable to continue serving due to scheduling conflicts, health conditions, or similar reasons.

Adopted by the City of Sacramento City Council on June 11, 2019, by the following vote:

Ayes: Members Ashby, Carr, Guerra, Hansen, Harris, Jennings, Schenirer, Warren and Mayor Steinberg

Noes: None

Abstain: None

Absent: None

Attest: **Mindy Cuppy** Digitally signed by Mindy Cuppy
Date: 2019.06.18 11:38:40
-07'00'

Mindy Cuppy, City Clerk

The presence of an electronic signature certifies that the foregoing is a true and correct copy as approved by the Sacramento City Council.