

COUNCIL COMMITTEE MINUTES

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COMMITTEE NAME: LAW AND LEGISLATION
MEETING DATE: SEPTEMBER 19, 1995
MEETING TIME: 12:00 P.M. (NOON)
LOCATION: 915 I STREET, 2ND FLOOR, COUNCIL CHAMBER

The meeting was called to order at 12:04 p.m. by Deborah Ortiz, Chairperson.

PRESENT: Committee Members Ortiz, Steinberg, Cohn

ABSENT: Committee Member Fargo

1.0 CONSENT CALENDAR

ALL ITEMS LISTED ON THE CONSENT CALENDAR ARE CONSIDERED AND ACTED UPON BY ONE MOTION. A MEMBER OF THE COMMITTEE OR STAFF MAY REQUEST AN ITEM TO BE REMOVED FOR SEPARATE CONSIDERATION.

1.1 Amendment to Labor, H.H.S., and Education Appropriations Bill, 1996, Offered by Mr. Riggs

Committee Member Ortiz recommended approval of staff recommendation to oppose legislation.

2.0 STAFF REPORTS

2.1 An Ordinance amending Section 6.04.040 of the Sacramento City Code relating to Animals and prohibited conduct requiring owners of animals (except domestic cats) to remove feces deposited upon Public Property or the Private Property of others

Ruben Mora, Chief Animal Control Officer, presented report. This report is a proposed ordinance requiring owners of animals to remove feces deposited by their animals upon public property or the private property of another. The ordinance presented affects all animals except domestic cats.

Committee Member Ortiz questioned and wanted an explanation of why cats can't be prohibited from defecating on public property. Ruben Mora, Chief Animal Control Officer, said there is an ordinance relating to domestic cats, Ordinance 6.04.042. This ordinance is very hard to enforce. Diane Balter, Deputy City Attorney, said the ordinance is subject to interpretation by the court. It is possible to cite under Ordinance 6.04.042, but hard to do because cats don't have to be leashed. Diane Balter, Deputy City Attorney, told Committee that what needs to be done is to educate the

public about the ordinance. Committee Member Ortiz asked what are the penalties? Diane Balter, Deputy City Attorney, said it is an infraction. Ruben Mora, Chief Animal Control Officer, stated that there is not enough staff to enforce the ordinance. Robert Lee, Director, Public Works, is of the opinion that the public needs to be educated about the rules and regulations.

Committee Member Ortiz said this was not at the top of the list of priorities. Committee Member Ortiz recommended approving staff recommendation and forward to City Council.

2.2 An Ordinance amending Titles 49 and 50 of the Sacramento City Code relating to Housing Code Enforcement

Dennis Kubo, Acting Manager, Code Enforcement Division, presented report. The report recommends that the Law and Legislation Committee recommend to the City Council that the ordinance amendments pass for publication and recommend that the reviewed amendments go before the City Council on October 3, 1995 and enactment scheduled for October 17, 1995. In general, the recommended ordinance modifications do the following: simplify the process and shorten the time frames for housing related code action without depriving any citizen of due process; allow Code Enforcement to more quickly respond to the needs of residents unfairly displaced because of owner neglect; incorporate the latest version of the Uniform Building Code into Title 49; and clarify the appeals process. Dennis Kubo, Acting Manager, Code Enforcement Division, went through the substantive revisions of Titles 49 and 50.

Committee Member Ortiz asked if the appeal process would go to Council? Dennis Kubo, Acting Manager, Code Enforcement Division, said that the Board's decision is final. Item would not come before Council.

Committee Member Steinberg asked how are the changes to the ordinance going to speed up the process in regards to dangerous/substandard buildings? What is the real backlog?

Bruce Cline, Deputy City Attorney, answered that regarding the ordinance as amended, if you don't appeal, it is a final order. If you appeal, Board's decision is final (maximum of sixty days).

Dennis Kubo, Acting Manager, Code Enforcement Officer, said that the backlog is from Neighborhood Services because there is so much paper work to process complaints.

Committee Member Steinberg asked if cases can be consolidated? Bruce Cline, Deputy City Attorney, said yes, if a person has lots of code violations. Committee Member Steinberg asked if there was enhanced penalty for multiple properties? Bruce Cline, Deputy City Attorney, answered not at this time.

Committee Member Ortiz said that until you hit people in the pocket book, no positive action will be taken to clean up property. Committee Member Ortiz inquired about how many properties are substandard? Dennis Kubo, Acting Manager, Code Enforcement Officer, answered "2200".

Committee listened to one (1) speaker in support of the ordinance. Barrie Roberts, 515 12th Street, spoke in support of the ordinance with a few exceptions. Regarding Chapter 50.07.(c)4 (page 21 of report), Barrie Roberts requested that "City Manager's Office" be added to this section.

Committee Member Ortiz said that building inspectors do care about the tenants. They don't want to keep people in a dangerous situation. Bruce Cline, Deputy City Attorney, said he looks at this ordinance strictly in a legal sense. How much authority does a building official have? Dennis Kubo, Acting Manager, Code Enforcement Officer, said manager doesn't make final decision, the building official does. Committee Member Steinberg asked if Barrie Roberts still wants City Attorney to be a "check?" Barrie Roberts wanted the Committee to know of the unbelievable hardship and chaos that is created when tenants have to find replacement housing. She requested that this decision not be left in building officials hands only.

Committee Member Steinberg moved to add terminology (add "City Manager's Office"). Committee Member Ortiz seconded the motion.

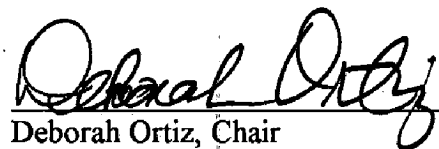
Next, Barrie Roberts asked about relocation ordinance, Chapter 49. She requested that the same rules apply to temporary and permanent relocation. Bruce Cline, City Attorney, said nothing is set forth in ordinance regarding "emergency."

The last item Barrie Roberts brought up was when a building becomes unoccupied, future occupancy should be prohibited until City goes and reinspects. Bruce Cline, Deputy City Attorney, asked if this item be brought back to Committee or go to Council? Committee Member Steinberg said bring a small piece back to Law and Legislation.

Motion: 1st - Steinberg
2nd - Ortiz

Ayes: Committee Members Ortiz, Steinberg, Cohn

The meeting was adjourned at the hour of 12:58 p.m.


Deborah Ortiz, Chair

ATTEST:

Leslie Oldridge, Secretary