

RESOLUTION NO. 2019-0305

Adopted by the Sacramento City Council

July 30, 2019

Appointing Edith Awuah as Hearing Examiner for Appeals of Administrative Penalties Imposed for All Cannabis-Related Violations of the Sacramento City Code and for Bid Protests Under Chapters 3.56 and 3.60 of the Sacramento City Code

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. On June 11, 2019, the City Council appointed Edith Awuah as the hearing examiner for appeals of administrative penalties imposed for violations of Chapter 8.132, Cultivation of Cannabis. (Resolution No. 2019-0221.)
- C. The matters in which administrative penalties are imposed for violations of Chapter 8.132 often also include the imposition of administrative penalties for violations of other parts of the Sacramento City Code, including cannabis business regulations (Chapter 5.150), cannabis consumption regulations (Chapter 9.08), the Sacramento City Building Code (Title 15), and the Planning and Development Code (Title 17).
- D. Despite the variety of provisions upon which administrative penalties are imposed in cannabis cultivation cases, the subject matter and the parties in these cases are usually the same or substantially interrelated. Dividing the cases into two or more hearings will result in inefficiencies for all parties.
- E. In light of the various other Sacramento City Code provisions upon which administrative penalties may be imposed in matters relating to cannabis, and the desire to have the appeals of each of them heard by a hearing examiner that is familiar with the issues specific to cannabis, 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, not only violations of Chapter 8.132 (cultivation of cannabis), but all appeals of administrative penalties for cannabis-related violations and any other violations of the Sacramento City Code cited in the same case.
- F. There is also a need to appoint a hearing examiner to hear bid protests under Chapter 3.56 (supplies and services) and Chapter 3.60 (public projects) of the Sacramento City Code.

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 F 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 all cannabis-related violations of the Sacramento City Code (including chapters 5.150 (cannabis businesses), chapter 8.132 (cultivation of cannabis), chapter 9.08 (public consumption of marijuana), and chapter 17.228 (cannabis special use regulations) and for any other violations of the Sacramento City Code cited in the same case.
- Section 3. The City Council hereby appoints Edith Awuah as the hearing examiner for bid protests filed under chapters 3.56 and 3.60 of the Sacramento City Code.
- Section 4. The term, rate, and other conditions of her appointment on June 11, 2019 shall continue as stated in Resolution No. 2019-0221.

Adopted by the City of Sacramento City Council on July 30, 2019, by the following vote:

- Ayes: Members Ashby, Carr, Guerra, Hansen, Harris and Jennings
- Noes: None
- Abstain: None
- Absent: Members Schenirer, Warren and Mayor Steinberg

Attest: **Mindy Cuppy** Digitally signed by Mindy Cuppy
Date: 2019.08.07 08:44:53
-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.