

**OFFICE OF THE
CITY CLERK**

VALERIE A. BURROWES, CMC/AE
CITY CLERK

VIRGINIA K. HENRY, CMC/AE
ASSISTANT CITY CLERK

**CITY OF SACRAMENTO
CALIFORNIA**

CITY HALL
915 I STREET
ROOM 304
SACRAMENTO, CA
95814-2671

FAX 916-264-7672
HTTP://WWW.SACTO.ORG

ADMINISTRATION
PH 916-264-5799

OPERATIONAL SERVICES
PH 916-264-5427

SPECIALIZED SERVICES
PH 916-264-7200

April 8, 1999

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: Appeal of Daunte D. Burks from the decision of the Animal Control Division regarding two dogs that have been deemed vicious.

LOCATION AND COUNCIL DISTRICT:

The subject address is 7279 South Land Park Drive, in Council District 4.

STAFF RECOMMENDATION: This report is for information only.

CONTACT PERSON: Virginia Henry, Phone No. 264-5799
Valerie Burrowes, Phone No. 264-5799

FOR COUNCIL MEETING OF: April 13, 1998

SUMMARY:

Attached is the appeal of Daunte D. Burks requesting relief from the decision of the Animal Control Division regarding two dogs that have been deemed vicious as required by Section 6.09.101(a and d) of the Sacramento City Code.

BACKGROUND INFORMATION:

On April 1, 1999 the City Clerk determined the appeal may involve a lengthy fact finding process which would be more appropriately accommodated by a formal hearing before a hearing officer. The hearing for this appeal has been scheduled for Monday, April 19, 1999 at the McGeorge School of Law, 3455 Fifth Avenue, Sacramento, California, 95817.

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City Council
April 8, 1999
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FINANCIAL CONSIDERATIONS:

The estimated cost is \$450 and the funds are available from the Public Works, Animal Control division budget.

POLICY CONSIDERATIONS:

The current policy regarding administrative appeals is consistent with procedures specified in the Sacramento City Code.


ESBD CONSIDERATION:

Administrative appeals referred to McGeorge School of Law have no impact on the City of Sacramento's ESBD goals. Hearing Officers are employees of the McGeorge School of Law and not subject to ESBD goals. Pursuant to City Council Agreement No. 87-188, adopted on February 2, 1988, McGeorge School of Law certifies that any goods or services provided and any persons employed pursuant to the Agreement shall be without discrimination based on sex, color, religion, national origin, ancestry, handicap or sexual orientation.

Respectfully submitted,



Virginia K. Henry, Asst. City Clerk



Valerie Burrowes,
City Clerk

Attachment

cc: Hearing Officer, McGeorge School of Law
Deputy City Attorney Arnold Samuel
Chief Animal Control Officer Ruben Mora
Animal Control Manger Dennis Kubo



DEPARTMENT OF
PUBLIC WORKS

ANIMAL CONTROL DIVISION

CITY OF SACRAMENTO
CALIFORNIA

2127 FRONT STREET
SACRAMENTO, CA
95818-1106

PH 916-264-7387
FAX 916-264-5386

March 18, 1999

Ruby Burks
7279 S. Land Park Dr.
Sacramento, CA. 95831

Dear Ruby Burks,

Your two dogs, a one male, black and tan Rottweiler, and one male, black and tan Rottweiler, have been deemed vicious animals under the Sacramento City Animal Control Ordinance, Section 6.09.101 (a) and (d).

On January 9, 1999, your two above mentioned dogs, without provocation, attacked and severely bit Maricel Thein, and her daughter Alyssa Thein, of 7279 S. Land Park Dr., in Sacramento, CA..

Your two dogs will be put to sleep on April 2, 1999.

If you wish to contest the determination of the Chief Animal Control Officer, you must file a notice of such appeal with the City Clerk's office at 915 I St., Room 300, City Hall, Sacramento, CA., before April 1, 1999. The non-refundable fee for such appeal is \$150.00 per dog. For information regarding the filing fee, please contact the City Clerk's Office at 264-7200.

Respectively,

Dennis J. Kubo
Division Manager

Ruben Mora
Chief Animal Control Officer

cc: Carolyn Hoover, City Clerk's Office
City Attorney's Office



NOTICE OF APPEAL
PLEASE PRINT

DATE: April 1, 1999

Pursuant to Section 2.320, City Code, I wish to appeal the decision of Ruben Mora
made on March 18, 1999 regarding Vicious Animals as required
by Co. 09.101 (a) and (d) City Code.

MY REASON FOR APPEALING IS AS FOLLOWS:

The determination of the Animal Control Officer is not correct. The
dogs actions were not those of a vicious animal. The claims have been
greatly exaggerated and the dogs should not be put to sleep
for actions they did not commit. I strongly feel that this case
needs to be reviewed carefully.

NAME: Daunte D. Burks

ADDRESS: 7279 S. Land Park Dr.

CITY: Sacramento STATE Ca ZIP 95831

TELEPHONE NUMBER: (916) 395-6661

SIGNATURE: Daunte D. Burks



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CERTIFIED MAIL - RETURN RECEIPT REQUESTED
FIRST CLASS MAIL

April 8, 1999

Daunte D. Burks
c/o Ruby Burks
7279 S. Land Park Drive
Sacramento, CA 95831

SUBJECT: ADMINISTRATIVE APPEAL HEARING

Dear Mr. Burks:

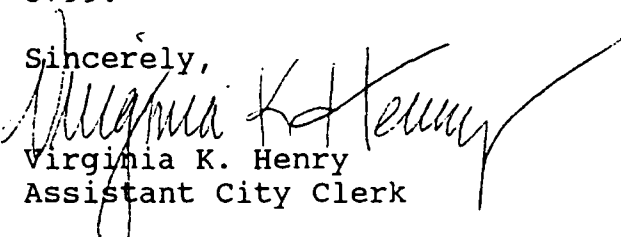
In accordance with Chapter 2.06.450 of the Sacramento City Code, it has been determined that your appeal regarding two dogs that have been deemed vicious will involve a lengthy fact finding process and has been scheduled for a formal hearing before a hearing officer.

A Hearing Officer will hear your appeal on Monday, April 19, 1999 at the hour of 9:00 a.m. at McGeorge School of Law, 3455 Fifth Avenue, Sacramento, California (in Room S-7, upstairs). You have the right to bring an attorney or other representative to assist you at the hearing.

Under Chapter 2.06.480 of the Sacramento City Code, the decision of the Hearing Officer is final and no appeal may be taken to the City Council.

If you have any questions on this matter, you may call me at 264-5799.

Sincerely,


Virginia K. Henry
Assistant City Clerk

cc: Hearing Officer, McGeorge School of Law
Deputy City Attorney Arnold Samuel
Chief Animal Control Officer Ruben Mora
Animal Control Manager Dennis Kubo