

Agenda Item: ID#18-0503 (1-F)

Date: 4/19/18

FRESNO CITY COUNCIL



Supplemental Information Packet

Agenda Related Item(s) – ID#18-0503 (1-F)

Contents of Supplement: Exhibit "A" (Notice of Right to Panel Appeal Form)

Item(s)

Actions pertaining to appeal of building code violations:

1. ***RESOLUTION – Setting forth the procedure for a panel appeal to hearing officer decisions for California Building Code violations (Subject to Mayor's veto)
2. ***RESOLUTION – 543rd amendment to the Master Fee Schedule Resolution No. 80-420 to add a fee for a panel appeal by three hearing officers for California Building Code violations (Subject to Mayor's veto)

Supplemental Information:

Any agenda related public documents received and distributed to a majority of the City Council after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed. The Supplemental Packet is available for public inspection in the City Clerk's Office, 2600 Fresno Street, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2)). In addition, Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2600 Fresno Street. Supplemental Packets are also available on-line on the City Clerk's website.

Americans with Disabilities Act (ADA):

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

NOTICE OF RIGHT TO PANEL APPEAL

Pursuant to Resolution No. 2018-____, you are entitled to appeal a hearing officer's decision on any notice and order or citation issued under Municipal Code Chapter 11 (Building Permits and Regulations) and/or other violations that cite to the California Building Code to a panel of three hearing officers knowledgeable in the applicable building codes, regulations, and ordinances. YOU MUST EXERCISE YOUR RIGHT TO A PANEL APPEAL BEFORE ACTION WILL BE CONSIDERED FINAL FOR PURPOSES OF FILING A PETITION FOR WRIT OF MANDATE IN SUPERIOR COURT.

To exercise your right to a panel appeal, within TEN DAYS FROM THE DATE OF THE NOTICE OF DECISION you must submit all of the following:

1. A signed copy of the attached Notice of Exercise of Right to Panel Appeal, and a copy of this decision.
2. The fee for a panel appeal as set forth in the Master Fee Schedule.
3. A written brief setting forth the reason you believe the Hearing Officer's decision to be in error.

The opposing party will then have ten days to submit a brief in opposition. A panel of three hearing officers will then review and decide the appeal on the merits, and render a written decision within forty five days of the date of the Notice of Intent to Exercise Right to Panel Appeal. The panel shall not include the hearing officer who rendered the initial decision. There will be no hearing on the panel appeal.

NOTICE OF EXERCISE OF RIGHT TO PANEL APPEAL

The undersigned hereby requests to have the attached decision reviewed de novo by a panel of three hearing officers.

Signature of Appellant

Print Name

Date

Submit to:
City Manager's Office
2600 Fresno Street
Fresno, CA 93721
Phone: (559) 621-7764

Administrative use only:

☐ Notice of Appeal

☐ Copy of decision

☐ Fee

☐ Written brief