



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Toni J. Taber, CMC
City Clerk

SUBJECT: APPEALS HEARING BOARD
INTERVIEWS

DATE: December 1, 2017

RECOMMENDATION

Interview applicants to the Appeals Hearing Board and consider appointment to fill two (2) vacant Public Member seats to a term of January 1, 2018 to December 31, 2021.

OUTCOME

Appointment of two applicants to the two (2) vacant Public Member seats will ensure a full membership on the Appeals Hearing Board.

BACKGROUND

Under San José Municipal Code Section 2.08.620, the Appeals Hearing Board has the following functions, powers, and duties:

- A. Hear all administrative hearings and appeals authorized by this Code or by ordinance.
- B. Conduct all administrative abatement action hearings authorized by this Code or by ordinance.
- C. Perform the functions and duties within the jurisdiction of the code enforcement appeals commission and traffic appeals commission as set forth in other titles of this Code.
- D. Perform such other programs or functions related to administrative hearings and appeals that the city council or the city manager may, from time to time, authorize or request.
- E. Hear and determine, consistent with city policies, appeals from orders of the city traffic engineer pertaining to citizen requests for stop control devices.
- F. Issue decisions, consistent with city policies, to the city traffic engineer on the subject of installing stop signs at street intersections.

ANALYSIS

As required by Council Policy 0-4, two applicants received indications of interest from four or more councilmembers and have been invited to be interviewed by the City Council on December 12, 2017. Successful applicants must receive six (6) or more votes to be appointed to the Appeals Hearing Board. If the seat remains unfilled, it is recommended that the recruitment be referred back to the City Clerk to secure additional applicants for consideration by Council in 90 days. After the interviews, the Council may make two appointments for a term ending December 31, 2021. The applicant interview order was determined by using the California Secretary of State's Randomized Alphabet Drawing for the November 7, 2017 Local Election Ballot. Applicants will be sequestered in another location so that they may not view or hear the interviews of other applicants until they are called to appear. The interview order is:

- Ronald Cabanayan
- Elizabeth Chien-Hale

Candidate applications and any supporting documentation are attached to this memorandum. Memoranda from the Office of the City Attorney and the Department of Planning, Building, and Code Enforcement regarding their review for potential conflicts of interest and code enforcement reviews for each applicant are also included.

EVALUATION AND FOLLOW-UP

A core duty of the Office of the City Clerk is to minimize vacancies on the Boards and Commissions.

PUBLIC OUTREACH

The Office of the City Clerk conducted an open recruitment for the vacancies from August 14, 2017 through October 2, 2017 with the following recruitment efforts:

- Council Offices and Board and Commission secretary's newsletters and distribution tools
- Posted on City Manager's Weekly Report
- Posted on the City's main website and Clerk Office's webpage
- Posted on City Calendar
- Distributed to all community centers and library branches

The memorandum has been posted on the City Clerk's website as part of the December 12, 2017 City Council Meeting Agenda.

HONORABLE MAYOR AND CITY COUNCIL
December 1, 2017
Subject: Appeals Hearing Board Interviews
Page 3

COORDINATION

This memorandum has been coordinated with the Office of the City Attorney and the Department of Planning, Building, and Code Enforcement.

COMMISSION RECOMMENDATION/INPUT

The recommended actions have no commission input or recommendation.

CEQA

Not a Project, File No. PP17-010, City Administrative Activities, resulting in no changes to the physical environment.



TONI J. TABER, CMC
City Clerk

For questions, please contact Elaine Trinh, Deputy City Clerk, at (408) 535-1260.