



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Toni J. Taber, CMC
City Clerk

**SUBJECT: APPEALS HEARING BOARD
INTERVIEWS**

DATE: December 10, 2021

RECOMMENDATION

Interview applicant for appointment to the Appeals Hearing Board:

- (a) Appoint applicant to one of the vacant seats on the Appeals Hearing Board for a full term from January 1, 2022 to December 31, 2025;
- (b) If any vacancy remains, direct the City Clerk to continue recruitment efforts and bring forward additional applicants for consideration within 90 days.

OUTCOME

Appointment of the applicant to ensure six seated members on the 7-member 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.

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Per Council Policy 0-4, Consolidated Policy Governing Boards and Commissions, applicants who were not appointed to a Board or Commission will have their applications maintained on file in the City Clerk's Office for a period of one year from the date of application.

There are currently two vacancies on the Appeals Hearing Board.

ANALYSIS

The applicant, Ronald Cabanayan, has already served two terms on the Appeals Hearing Board. San José Municipal Code 2.08.150.F allows appointment to a third term to maintain commissioners with one (1) or more years of experience or a required background on the commission. A special eligibility requirement of the Board is for one member to be an attorney-at-law licensed to practice in the State of California, and Mr. Cabanayan is a practicing attorney in San José.

As required by Council Policy 0-4, a successful applicant 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 one appointment for a term ending December 31, 2025.

Candidate applications and any supporting documentation are attached to this memorandum. Memoranda from the Office of the City Attorney regarding their review for potential conflicts of interest are also included.

PUBLIC OUTREACH

This memorandum has been posted on the City Clerk's website as part of the January 25, 2022 City Council Meeting Agenda.

COORDINATION

This memorandum has been coordinated with the Office of the City Attorney.

COMMISSION RECOMMENDATION/INPUT

The recommended actions have no commission input or recommendation.

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CEQA

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

TONI J. TABER, CMC
City Clerk

For questions, please contact Toni J. Taber, Deputy City Clerk, at (408) 535-1260.