

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Toni J. Taber, CMC
City Clerk

SUBJECT: APPEALS HEARING BOARD
APPOINTMENT

DATE: November 30, 2018

RECOMMENDATION

1. Interview applicant for appointment to the Public Member Seat on the Appeals Hearing Board;
2. Appoint up to one (1) applicant to the Appeals Hearing Board for a term of January 1, 2019 through December 31, 2022; and
3. 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 one applicant to the Appeals Hearing Board will allow for the Board to have quorum to continue conducting regular business in January 2019.

BACKGROUND

The Appeals Hearing Board (Board), consisting of seven (7) members appointed by the City Council and one (1) member must be an attorney-at-law licensed to practice in the State of California is established by San Jose Municipal Code Section 2.08.600.

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.

There are two (2) upcoming vacancies and two (2) immediate vacancies on the Appeals Hearing Board. The upcoming vacancies have a scheduled term expiration of December 31, 2018. The two immediate vacancies are due to the resignation of Edgar Parker and Robyn Shearin.

The Office of the City Clerk conducted an open recruitment from August 2, 2018 through October 7, 2018. At the close of the recruitment, one (1) application was received from incumbent Karen Parsons.

ANALYSIS

As required by Council Policy 0-4, the appointment process for the Appeals Hearing Board includes the City Council holding a public interview of the applicants. The applicant has been invited to be interviewed by the City Council on December 11, 2018. Successful applicants must receive six (6) or more votes to be appointed to the Board. If the seat remains unfilled, it is recommended that the recruitment be referred to the City Clerk to ensure additional applications for consideration by Council in 90 days. After the interview, the Council may make an appointment for a term of January 1, 2019 through December 31, 2022.

Karen Parsons is the only applicant seeking reappointment to the Board. Her application is 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 interests 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. At the time of this writing, the Office of the City Clerk is conducting an open recruitment to obtain additional applicants for the Board. The applicants will come before City Council early next year for interviews and appointment.

PUBLIC OUTREACH

The Office of the City Clerk conducted several open recruitments for the Public Member Seat beginning August 2, 2018 through October 7, 2018 with the following recruitment efforts:

- Council Offices and Boards and Commission secretary's newsletters and distribution tools
- Posted on the City's Brown Act Board
- Posted on the City Manager's Weekly Report

- Posted on the City's main website and Clerk's Office webpage
- Posted on City Calendar
- Distributed to all community centers and library branches
- Promoted through NextDoor.com from August 7, 2018 through August 22, 2018.

This memorandum has been posted on the City Clerk's website as part of the December 11, 2018 City Council Meeting Agenda.

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.