



Agenda Report

19-897

Agenda Date: 11/19/2019

REPORT TO COUNCIL

SUBJECT

Action on Adoption of Ordinance No. 2007 Amending Chapters 2.115 ("General Characteristics of License or Permit - Suspension Procedure"), 3.25 ("Transient Occupancy Tax"), 3.40 ("Business Tax"), 5.05 ("Solicitors and Peddlers"), 5.30 ("Pawnbrokers and Secondhand Dealers"), 5.35 ("Taxicabs and Pedicabs"), 5.61 ("Public Entertainment Generally"), 5.75 ("Bingo"), and 13.10 ("Sewers") of "The Code of the City of Santa Clara, California" to Streamline the Appeal Procedures for City Licenses And Permits

BACKGROUND

The Santa Clara City Code ("SCCC") contains provisions in which the City grants, approves, denies, revokes, or suspends a City license or permit. In the event the City decides that a license or permit shall be denied, revoked, suspended or not renewed, the license or permit applicant has the right to appeal the decision. Currently, the SCCC contains separate and varying processes for appealing decisions, depending upon the type of license or permit involved. This has led to inefficiencies in the appeals systems. Therefore, the City Attorney's Office recommended amendments to update the SCCC to: 1) ensure that applicants' due process interests in appeals continue to be properly protected; and 2) create uniformity in the appeals process.

DISCUSSION

The proposed Ordinance was passed for the purpose of publication on October 29, 2019.

The current license/permit appeal and hearing process, depending on the type of license or permit, is contained in different sections of the Santa Clara City Code. The proposed amendments to several sections of the SCCC improve language consistency throughout the City Code and streamline the City's appeal procedures. The Ordinance will establish a clear, streamlined process and designate an administrative hearing officer (rather than a City staff member) to preside over the hearings.

In the proposed Ordinance, the person who applied or who was the holder of the license or permit can appeal the City's decision through a uniform hearing process, utilizing a hearing officer, which is similar to the process used for administrative citations (SCCC Chapter 1.10). The City currently has an agreement with one hearing officer who hears the City's administrative citation appeals. If the City Council adopts this Ordinance, the City will begin the process to contract with additional hearing officers.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project within the meaning of a California Environmental Quality Act ("CEQA") pursuant to the CEQA Guidelines section 15378(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

FISCAL IMPACT

Funds for the existing hearing officer agreement are included in the FY 2019/20 Operating Budget (\$12,000). Additional funding required will be determined upon the completion of the procurement and selection process to support contracts with additional hearing officers. Necessary budget amendments will be brought forward to the City Council separately for approval.

COORDINATION

This report has been coordinated with the City Attorney's Office.

PUBLIC CONTACT

A summary of proposed Ordinance No. 2007 was published to the Santa Clara Weekly on November 6, 2019, and copies were posted in three public places and made available for public inspection at the City Clerk's Office.

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

Adopt Ordinance No. 2007 Amending Chapters 2.115 ("General Characteristics of License or Permit - Suspension Procedure"), 3.25 ("Transient Occupancy Tax"), 3.40 ("Business Tax"), 5.05 ("Solicitors and Peddlers"), 5.30 ("Pawnbrokers and Secondhand Dealers"), 5.35 ("Taxicabs and Pedicabs), 5.61 ("Public Entertainment Generally"), 5.75 ("Bingo"), and 13.10 ("Sewers") of "The Code of the City of Santa Clara, California" to Streamline the Appeal Procedures for City Licenses And Permits.

Reviewed by: Brian Doyle, City Attorney

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Introduction Ordinance No. 2007