



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Toni J. Taber, CMC  
City Clerk

**SUBJECT: APPEALS HEARING BOARD  
INTERVIEW**

**DATE:** April 24, 2024

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## **RECOMMENDATION**

- (a) Interview applicants and consider appointment to fill one (1) Member-at-Large seat with a term ending December 31, 2025 on the Appeals Hearing Board.
- (b) If any vacancies remain, direct the City Clerk to continue recruitment efforts and bring forward additional applicants for consideration.

## **OUTCOME**

Appointment of one applicant to ensure seven seated members on the seven-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.

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 is one vacancy on the Appeals Hearing Board. The appointment is for one (1) Member-at-Large seat with a term ending December 31, 2025 on the Appeals Hearing Board. Members-at-Large are eligible for reappointment to the Board to successive four-year terms under the San José Municipal Code Section 2.08.630.

### **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 applicants have been invited to be interviewed by the City Council on May 14, 2024. Successful applicants must receive six (6) or more votes to be appointed to the Board. If the seat(s) remain 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 ending on December 31, 2025. Applications are attached to this memorandum. A memorandum from the Office of the City Attorney regarding their review for potential conflicts of interests is also included.

### **PUBLIC OUTREACH**

This memorandum has been posted on the City Clerk's website as part of the May 14, 2024 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.

### **CEOA**

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



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TONI J. TABER, CMC  
City Clerk

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