



City of San Leandro

Meeting Date: July 20, 2015

Staff Report

File Number: 15-450

Agenda Section: CONSENT CALENDAR

Agenda Number: 8.R.

TO: City Council

FROM: Chris Zapata
City Manager

BY: City Attorney and
Rich Pio Roda
City Attorney

FINANCE REVIEW: David Baum
Finance Director

TITLE: Staff Report For A Resolution Authorizing The City Manager Or His Designee To Perform Certain Functions Pertaining To The Business License Revocation Appeal Of Green Leaf Spa Pursuant To City Of San Leandro Municipal Code Section 2-2-450

RECOMMENDATIONS

Staff recommends that the City Council adopt the attached Resolution authorizing the City Manager or his designee to perform certain functions pertaining to the business license revocation appeal of Green Leaf Spa, pursuant to City of San Leandro Municipal Code Section 2-2-450.

BACKGROUND AND ANALYSIS

Pursuant to the San Leandro Municipal Code, the Finance Director has the authority to revoke business licenses whenever the Finance Director has reasonable cause to believe that a licensed business is not complying with state law or the City's Municipal Code. A licensee who has had its business license revoked is entitled to appeal the Finance Director's determination to the City Council within 10 days of the mailing of the notice of revocation. Section 2-2-450 of the San Leandro Municipal Code designates the City Council as the hearing body for appeals of business license revocations. In the alternative, the Municipal Code authorizes the City Council to refer the appeal to a hearing officer. The decision of the hearing officer must be submitted to the City Council, which may, on the basis of the record only, approve or disapprove the findings of the hearing officer.

On June 17, 2015, the Finance Director conducted a show cause business license revocation hearing for Green Leaf Spa. After determining that a Green Leaf Spa therapist engaged in prostitution, and following the business license revocation hearing, the Finance Director revoked the business license for Green Leaf Spa. Green Leaf Spa submitted an appeal of the Finance Director's revocation decision to the City Council on June 25, 2015.

The proposed resolution authorizes the City Manager to engage the services of a hearing officer to enact the alternative procedure described in San Leandro Municipal Code section 2-2-450. Invoking the Municipal Code's alternative procedure will relieve the City Council from having to hold the appeal at a City Council meeting.

FISCAL IMPACTS

Staff believes that the costs of a hearing officer would be below \$5,000, which is well within the City Manager's discretionary budget. The City Attorney's Office, who would assist the Finance Director in preparing his response to the appeal, would also incur costs. Staff believes that the costs of preparation would also be below \$5,000, and would probably not even rise to \$2,500. There are available funds in the City Attorney's Office budget for such costs.

PREPARED BY: Richard D. Pio Roda, City Attorney, and Kristopher J. Kokotaylo, Assistant City Attorney



City of San Leandro

Meeting Date: July 20, 2015

Resolution - Council

File Number: 15-449

Agenda Section: CONSENT CALENDAR

Agenda Number:

TO: City Council

FROM: Chris Zapata
City Manager

BY: City Attorney and
Rich Pio Roda
City Attorney

FINANCE REVIEW: Not Applicable

TITLE: RESOLUTION Authorizing The City Manager Or His Designee To Perform Certain Functions Pertaining To The Business License Revocation Appeal Of Green Leaf Spa Pursuant To City Of San Leandro Municipal Code Section 2-2-450

WHEREAS, on June 17, 2015, the Finance Director conducted a show cause business license revocation hearing for Green Leaf Spa pursuant to City of San Leandro Municipal Code Section 2-2-440. Following the business license revocation hearing, the Finance Director revoked the business license for Green Leaf Spa; and

WHEREAS, pursuant to City of San Leandro Municipal Code Section 2-2-450, Green Leaf Spa submitted an appeal of the Finance Director's revocation decision to the City Council on June 25, 2015; and

WHEREAS, City of San Leandro Municipal Code Section 2-2-450 authorizes the City Council to delegate the authority to conduct a hearing for appeals regarding business license revocations to a hearing officer, who will make a recommendation to the City Council for a final determination.

NOW, THEREFORE, the City Council of the City of San Leandro does RESOLVE as follows:

1. Pursuant to City of San Leandro Municipal Code Section 2-2-450, the City Council hereby authorizes the City Manager, or his designee, to engage the services of a hearing officer to conduct the appeals hearing for the revocation of the Green Leaf Spa business license; and
2. The City Manager is hereby authorized and directed, on behalf of the City Council, to take all actions necessary or appropriate to carry out and implement the intent of this Resolution.