



Legislation Details (With Text)

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Title: Staff report to approve a resolution authorizing the City Manager or his designee to perform certain functions pertaining to the business license denial of Royal Ice Cream pursuant to City of San Leandro Municipal Code Section 2-2-450 and approving the findings of the Hearing Officer to uphold the appeal of Patras Gill, Owner, regarding the Finance Director’s Decision to deny the business license for Royal Ice Cream

Sponsors: Rich Pio Roda

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Recommendation

Staff recommends that the City Council approve the finding of the hearing officer, that the business licensee, Mr. Patras Gill, show cause why the determination of the Finance Director should not be approved. Based upon the evidence submitted and the findings of the Hearing Officer, the appeal of the business license denial for Royal Ice Cream should be upheld and the business license should be granted.

Background and Summary

Pursuant to the San Leandro Municipal Code, the Finance Director has the authority to reject a business license whenever the Finance Director has reasonable cause to believe that any statement contained in a business license application is not true or that a business will not comply with applicable laws. Applicants that have had their business license application or renewal rejected are entitled to appeal the Finance Director’s determination within 10 days of the mailing of the notice of

rejection or non-renewal.

The San Leandro Municipal Code designates the City Council as the hearing body for business license rejection or non-renewal determinations. The San Leandro Municipal Code authorizes the City Council to delegate the authority to conduct the hearing to a hearing officer to make a recommendation to the City Council for a final determination.

On or around February 16, 2017, Mr. Gill submitted a business license application to the Finance Department in order to operate a business providing mobile ice cream vendor services in San Leandro. Pursuant to San Leandro Municipal Code Section 2-2-420, the Finance Department denied the business license application on March 8, 2017 after determining that Mr. Gill had provided a statement in the application that was not true.

Mr. Gill submitted an appeal of the Finance Director's denial of the business license. Pursuant to the San Leandro Municipal Code, the City Council considers appeals of denials of business licenses.

The proposed resolution authorizes the City Manager, or his designee, to perform the City Council's duties regarding the appeal by Royal Ice Cream. Transferring this responsibility to the City Manager relieves the City Council from holding an appeal hearing at a City Council meeting and allows the City Manager's designee to consider the appeal.

The City Manager designated Deputy City Manager Eric Engelbart to serve as the Hearing Officer for the appeal of the denial for the business license. Under the San Leandro Municipal Code, the City Council, based upon the record only, may approve or disapprove the Hearing Officer's Findings. On March 23, 2017, the Deputy City Manager, the City's independent Hearing Officer for this case, held a hearing for the licensee to show cause why the action or determination of the Finance Director should not be approved. On April 3, 2017, the Hearing Officer rendered his findings, and decision. The Hearing Officer's findings and decision are attached.

For purposes of expedience for both the business applicant and the City Council, staff recommends that the City Council concurrently and retroactively refer consideration of the business license appeal to the City Manager or his designee, in this case, the Deputy City Manager. Pursuant to the Hearing Officer's Findings and Decision, the applicant showed cause why the Finance Director's denial of the business license should not be approved. Based upon the evidence submitted and the findings of the Hearing Officer, Royal Ice Cream's appeal should be upheld and the business license should be granted.