

REPORT TO THE CITY COUNCIL



DATE: October 1, 2019

TITLE: An Ordinance Amending Chapters 3.20, 4.36, 5.04, 5.08, 5.12, 5.28, 5.36, 5.44, 5.50, 15.60, 17.08, 17.12, 17.40, 17.45, 17.76, 17.92, 17.144, 17.152, 17.156, 17.164, and 17.168 of the Municipal Code Providing More Consistent Rules and Procedures for the Denial, Suspension, Modification, and Revocation of Licenses and Permits and Appeals Thereof

Prepared by: Jennifer Mizrahi, City Attorney

RECOMMENDATION

- 1) Staff Report;
- 2) Entertain questions of Staff from the City Council;
- 3) Open the Public Hearing;
- 4) Take testimony from those in favor;
- 5) Take testimony from those opposed;
- 6) Take testimony from those in a neutral position;
- 7) Close the Public Hearing;
- 8) City Council discussion and questions to Staff; and
- 9) Introduce for First Reading and read by title only, "An Ordinance Amending Chapters 3.20, 4.36, 5.04, 5.08, 5.12, 5.28, 5.36, 5.44, 5.50, 15.60, 17.08, 17.12, 17.40, 17.45, 17.76, 17.92, 17.144, 17.152, 17.156, 17.164, and 17.168 of the Municipal Code Providing More Consistent Rules and Procedures for the Denial, Suspension, Modification, and Revocation of Licenses and Permits and Appeals Thereof."

BACKGROUND

Titles Three, Four, Five, Fifteen, and Seventeen of the Desert Hot Springs Municipal Code regulate various licenses, permits, and other approvals granted by the City to persons or entities (collectively "Permit(s)"). Every Permit(s) granted by the City may be denied, revoked, modified, or suspended by the City under certain circumstances; Every holder of a Permit(s) that is in jeopardy of suspension, modification, denial, or revocation is entitled to due process under the California and United States Constitution, which includes the opportunity to be heard in a fair hearing

Currently, Titles Three, Four, Five, Fifteen, and Seventeen of the Desert Hot Springs Municipal Code prescribes the procedures to deny, revoke, modify, or suspend Permit(s) which, depending on the type of Permit(s), entails: 1) an initial decision by a city staff member, with an opportunity to appeal the city staff member's decision, or 2) a hearing conducted by a neutral third party hearing officer ("Hearing Officer"), whose decision can be appealed, or 3) a hearing conducted by the City Council, whose decision can be appealed to the superior court.

DISCUSSION

The Proposed Ordinance would allow 1) initial City staff determinations to revoke, modify, or suspend a permit to be appealed to a Hearing Officer, and 2) similarly, if an initial determination to revoke, modify, or suspend a Permit(s) requires a hearing (instead of City staff making the initial determination), by a hearing officer. It should be noted that Hearing Officers are not employees of the City and have no financial conflict or any other impermissible interest in the outcome of a hearing, providing a fair and transparent hearing for Permit(s) holders. The proposed Ordinance amends Titles Three, Four, Five, Fifteen, and Seventeen of the Desert Hot Springs Municipal Code to create a consistent and fair process in matters pertaining to the revocation, denial, suspension, or modification of Permit(s). It further creates uniformity of rules

and procedures, promotes efficient and orderly administration of Permit(s), and simplifies procedures for city staff to implement.

FISCAL IMPACT

None.

EXHIBIT

1) Proposed Ordinance