



## City of Sacramento City Council

915 I Street, Sacramento, CA, 95814  
[www.CityofSacramento.org](http://www.CityofSacramento.org)

**Meeting Date:** 8/4/2011

**Report Type:** Consent

**Title:** Taxicab Permit Appeal Procedures (Passed for Publication on 7-26-11, published on 7-29-11)

**Report ID:** 2011-00662

**Location:** Citywide

**Recommendation:** Adopt an ordinance modifying the appeal process for actions taken on taxicab permits.

**Contact:** Dafna Gauthier, Business Permit Manager, Finance Department (916) 808-7800

**Presenter:** None

**Department:** Finance

**Division:** Business Permits

**Dept ID:** 06001231

### Attachments:

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- 1-Description/Analysis
- 2-Background
- 3-Attachment 1
- 4-Attachment 2

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### City Attorney Review

Approved as to Form  
 Steve Itagaki  
 7/25/2011 1:28:14 PM

### City Treasurer Review

Prior Council Financial Policy Approval or  
 Outside City Treasurer Scope  
 Russell Fehr  
 7/20/2011 10:25:13 AM

### Approvals/Acknowledgements

Department Director or Designee: Leyne Milstein - 7/22/2011 1:11:45 PM

Assistant City Manager: Cassandra Jennings - 7/22/2011 2:33:00 PM



## **Description/Analysis**

**Issue:** The current City Code contains provisions regarding appeals of actions on taxicab permits. Staff is recommending amendments to the City Code to clarify and enhance those provisions.

**Policy Considerations:** Having clear and specific appeal procedures in the City Code will aid in the enforcement of taxicab regulations and provide due process to appellants.

**Environmental Considerations: California Environmental Quality Act (CEQA):** The regulation of taxicabs is not a project that is subject to CEQA. (CEQA Guidelines §§ 15060(c) (3), 15061(b) (2), 15321(b), 15378(a).)

**Sustainability:** There are no sustainability considerations applicable to amending City Code relating to taxicabs.

**Commission/Committee Action:** On May 3, 2011, the Law and Legislation Committee moved to advance an ordinance amending the taxicab permit appeal procedures to the City Council for consideration.

**Rationale for Recommendation:** The amendments to the taxicab permit appeal procedures will aid in the enforcement of taxicab regulations and make them consistent with other appeal procedures in the City Code.

**Financial Considerations:** None. The proposed changes to the City Code are not anticipated to have any financial impact to the City.

**Emerging Small Business Development (ESBD):** Not applicable



## **Background**

Staff recommends adopting an ordinance repealing the current Section 5.136.740 and adding a new Section 5.136.740 of the Sacramento City Code relating to the procedures for appealing an action taken on a taxicab related permit. This ordinance will clarify and enhance those procedures regarding the notices of appeal and the scheduling of hearings, and aid in the enforcement of taxicab regulations.



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## ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

### AN ORDINANCE REPEALING AND ADDING SECTION 5.136.740 OF THE SACRAMENTO CITY CODE, RELATING TO THE APPEAL OF ACTIONS ON TAXICAB PERMITS

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

#### SECTION 1.

Section 5.136.740 of the Sacramento City Code is repealed.

#### 5.136.740 Appeal of action on permit.

~~\_\_\_\_\_ A. \_\_\_\_\_ An applicant may appeal the director’s decision to deny, suspend or revoke a permit issued pursuant to this chapter, to the city council or a designated hearing examiner in accordance with Chapter 1.24.~~

~~\_\_\_\_\_ B. \_\_\_\_\_ A notice of appeal, accompanied by a taxicab permit appeal fee in the amount established by resolution of the city council, must be filed within ten (10) calendar days of the date of service of the notice of decision.~~

~~\_\_\_\_\_ C. \_\_\_\_\_ Failure to properly file a written appeal of the decision will constitute a waiver of all right to an appeal hearing, and the decision will be final. Failure to properly and timely appeal the decision shall also constitute a failure to exhaust administrative remedies and a bar to any judicial action pertaining to the decision.~~

#### SECTION 2.

Section 5.136.740 of the Sacramento City Code is added to read as follows:

#### 5.136.740 Appeal of action on permit.

\_\_\_\_\_ A. \_\_\_\_\_ Any applicant or permittee aggrieved by the director’s decision to deny, suspend, or revoke a permit issued pursuant to this chapter, may appeal the decision by submitting a written notice of appeal to the director within ten calendar days from the date of service of the notice of decision. The written notice of appeal shall contain:

\_\_\_\_\_ 1. \_\_\_\_\_ A brief statement in ordinary and concise language of the specific decision protested, together with any material facts claimed to support the contentions of the appellant;

2. A brief statement in ordinary and concise language of the relief sought, and the reasons why it is claimed the protested decision should be reversed or otherwise set aside;

3. The signatures of all parties named as appellants and their official mailing addresses; and

4. A declaration under penalty of perjury by at least one appellant as to the truth of the matters stated in the notice of appeal.

B. The appeal hearing shall be conducted by a hearing examiner appointed pursuant to Section 8.04.070 of this code.

C. Upon receipt of any appeal filed pursuant to this section, the director shall transmit the appeal to the secretary of the hearing examiner who shall calendar it for hearing as follows:

1. If the appeal is received by the director not later than 15 days prior to the next regularly scheduled appeal hearing date, it shall be calendared for hearing on that date.

2. If the appeal is received by the director less than 15 days prior to the next regularly scheduled appeal hearing date, it shall be calendared for hearing on the next subsequent appeal hearing date.

D. Written notice of the time and place of the hearing shall be given at least ten days prior to the date of the hearing to each appellant by the secretary of the hearing examiner either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at the address shown on the appeal.

E. Only those matters or issues specifically raised by the appellant in the written notice of appeal shall be considered in the appeal hearing.

F. Failure of any person to file a timely appeal in accordance with the provisions of this section shall constitute an irrevocable waiver of the right to an administrative hearing and a final adjudication of the matter and any portion thereof.



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