

ORDINANCE NO. 06-301

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
AMENDING CHAPTER 1.12 OF THE LOS ALTOS
MUNICIPAL CODE PERTAINING TO APPEALS**

The City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. AMENDMENT OF CODE: Chapter 1.12 of Title 1 of the Los Altos Municipal Code is hereby repealed and replaced with the following:

APPEALS

Sections:

- 1.12.010 Right to appeal.**
- 1.12.020 No appeal from ministerial acts.**
- 1.12.030 Time limit on notice of appeal.**
- 1.12.040 Appeal upon initiative of city council.**
- 1.12.050 Schedule of hearing.**
- 1.12.060 Conduct of hearing by city council.**
- 1.12.070 Decision by city council.**
- 1.12.080 Time limitation for judicial review.**

1.12.010 Right to appeal.

Except where an appeals procedure is otherwise specifically set forth in this code, any interested person objecting to the whole or any portion of an administrative determination or decision made by a commission, committee or an official of the city, where such determination or decision involves the exercise of administrative discretion or personal judgment pursuant to any of the provisions of this code, may appeal to the city council by filing with the city clerk a notice of appeal clearly identifying the determination or decision from which the appeal is taken and stating the grounds for the appeal. The notice of appeal shall be accompanied by the payment of a filing fee in such amount as established from time to time by resolution of the city council.

1.12.020 No appeal from ministerial acts.

No right of appeal to the city council shall exist when the decision or action is ministerial and does not involve the exercise of administrative discretion or personal judgment pursuant to any of the provisions of this code.

1.12.030 Time limit on notice of appeal.

The appellant shall file the notice of appeal with the city clerk and pay the filing fee thereon within fifteen days after the date on which the determination or decision is rendered.

1.12.040 Appeal upon initiative of city council.

Regardless of whether a notice of appeal is filed, any two members of the city council may initiate proceedings for review by the city council of any determination or decision which is appealable pursuant to this chapter. A request for such review shall be made by at least two council members to the city clerk within fifteen days after the date on which the determination or decision is rendered. Upon such review being initiated, the same procedure shall thereafter be followed as set forth in this chapter and the city council may take any action as provided in section 1.12.070 of this chapter.

1.12.050 Schedule of hearing.

Upon the filing of the notice of appeal and payment of the appeal fee, or upon an appeal being initiated by members of the city council, the city clerk shall schedule the matter for hearing at the next available regular meeting of the city. The city clerk shall give notice of the date, time and place of the hearing to the appellant, and to the applicant if other than the appellant, not less than ten days prior to the hearing, unless such notice has been waived by the party entitled to receive the same. If a public hearing is conducted on the appeal, notice thereof shall also be published once at least ten days prior to the hearing in a newspaper having general circulation in the city and mailed or delivered at least ten days prior to the hearing to any other persons who were entitled under the provisions of this code to receive notice of the proceedings at which the administrative determination or decision was made.

1.12.060 Conduct of hearing by city council.

The city council shall conduct a de novo review on the appeal, but no public hearing shall be required unless the determination or decision was made in connection with a proceeding which required a public hearing; provided, however, that nothing herein shall prevent the public from exercising its right to address the subject matter of the appeal.

1.12.070 Decision by city council.

The council may affirm, reverse or modify the determination or decision which is the subject of the appeal, and may refer the matter back to the original maker of the determination or decision for such further action as may be directed by the council. Where an appeal has been filed pertaining to only a portion of a determination or decision, the city council shall have authority to review the entire matter and may affirm, reverse or modify all or any other portion of the determination or decision notwithstanding the fact that no appeal has been taken therefrom.

1.12.080 Time limitation for judicial review.

Any action or proceeding to attack, review, set aside, void or annul a decision by the city council on an appeal taken pursuant to this Section, or any of the proceedings, acts or determinations taken, done or made prior to such decision, or to determine the reasonableness, legality or validity of any condition attached thereto, shall be commenced within ninety days after the date such decision is rendered by the city council.

SECTION 2. CONSTITUTIONALITY. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 3. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933.

SECTION 4. EFFECTIVE DATE. This ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

The foregoing ordinance was duly and regularly introduced at a meeting of the City Council of the City of Los Altos on October 10, 2006 and was thereafter, at a regular meeting held on October 24, 2006 passed and adopted by the following vote:

Ayes: CARPENTER, COLE, CASAS, COLEHOWER, PACKARD

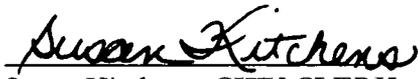
Noes: NONE

Absent: NONE



Ronald D. Packard, MAYOR

Attest:


Susan Kitchens, CITY CLERK