



# Board Agenda Item 40

DATE: January 29, 2019  
TO: Board of Supervisors  
SUBMITTED BY: Jean M. Rousseau, County Administrative Officer  
SUBJECT: Ordinance Amendment to Office of the County Hearing Officer

RECOMMENDED ACTION(S):

**Conduct second hearing on and adopt an Ordinance amending Fresno County Ordinance Code Title 2 - Administration, Chapter 2.81- Office of the County Hearing Officer to designate staff to the Office of the County Hearing Officer; and waive the reading of the ordinance in its entirety.**

Approval of the recommended action will amend Chapter 2.81 to designate staff to the Office of the County Hearing Officer (Office) to perform administrative tasks that may be required for proceedings within the duties of the Office. The County Administrative Officer (CAO) would designate the associated staff and the cost would be absorbed in the CAO's Org 0120. This item is countywide.

ALTERNATIVE ACTION(S):

If the recommended action is not approved, Chapter 2.81 will remain unchanged; however, it will continue to lack designated administrative staff.

FISCAL IMPACT:

The Net County Cost (NCC) associated with the recommended action for FY 2018-19 will not exceed \$25,000. The CAO will designate the county staff to the Office and the cost will be absorbed in the CAO's Org 0120. Savings are anticipated from the decrease in civil litigation costs; however, at this time the savings are not measurable. Therefore, no savings are included as an offset to the estimated NCC.

DISCUSSION:

On October 31, 2017, the Board approved the creation of the Office and five county hearing officer positions. In addition, the Board authorized the delegation of appeals from administrative actions to the Office for final resolution and referral of quasi-legislative matters to the Office for recommendations to the Board.

On January 8, 2019, your Board conducted the first hearing, waived the reading of the proposed Ordinance in its entirety and set a second hearing for adoption of the proposed Ordinance for January 29, 2019.

The recommended action will amend Chapter 2.81 - Office of the County Hearing Officer to designate staff to perform administrative tasks that may be required for proceedings within the duties of the Office. The tasks may include, but are not limited to:

- calendaring hearings;
- coordinating the designation of hearing officers for hearings, including the designation of hearing

- officer panels as required by statute or by ordinance or resolution of the Board;
- reserving hearing rooms;
- maintaining recording equipment and other equipment needed for hearings, and set up and operate such equipment as needed;
- administering oaths to witnesses in hearings;
- maintaining documents necessary for the operation of the Office;
- receiving and sending notices and other documents as may be required for proceedings within the duties of the Office; and,
- performing other administrative tasks as may be required by statute, by ordinance, or by resolution of the Board, or by internal policies and procedures that are established by the CAO and not in conflict with applicable statute, ordinance, or resolution.

The proposed Ordinance expressly provides that staff to the Office shall not take part in the decision of any matter before the Office for hearing, and shall not perform any research or investigation to aid any hearing officer in deciding such matters.

With your Board's approval, the amendment will designate staff to perform administrative tasks that may be required for proceedings within the duties of the Office. The Ordinance, once adopted, will be effective 30 days after.

REFERENCE MATERIAL:

BAI #10, January 8, 2019  
BAI #31, October 31, 2017  
BAI #10, October 17, 2017

ATTACHMENTS INCLUDED AND/OR ON FILE:

Ordinance

CAO ANALYST:

Yussel Zalapa