

**BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN JOAQUIN,
STATE OF CALIFORNIA**

ORDINANCE NO.4477

The Board of Supervisors of the County of San Joaquin ordains as follows:

Section 1. Title 2, Division 3 of the San Joaquin County Ordinance Code is hereby amended to add the following:

CHAPTER 5

HEARING OFFICER OF THE COUNTY OF SAN JOAQUIN

- 2-3300 POSITION OF HEARING OFFICER CREATED.**
- 2-3301 HEARING OFFICER’S AUTHORITY AND DUTIES.**
- 2-3302 HEARING OFFICER QUALIFICATIONS.**
- 2-3303 APPOINTMENT OF HEARING OFFICER.**
- 2-3304 SELECTION OF HEARING OFFICER.**
- 2-3305 TERM OF HEARING OFFICER.**
- 2-3306 COMPENSATION OF HEARING OFFICER.**
- 2-3307 REMOVAL OF HEARING OFFICER.**

- 2-3300 POSITION OF HEARING OFFICER CREATED.**

Pursuant to California Government Code Section 27720 *et seq.*, this section hereby creates the position of Hearing Officer of the County of San Joaquin.

- 2-3301 HEARING OFFICER’S AUTHORITY AND DUTIES.**

The Hearing Officer shall have the authority to conduct hearings, issue subpoenas, receive evidence, administer oaths, rule on the admissibility of evidence, prepare a record or proceedings, and rule on questions of law in regards to any appeal from (1) an administrative action by the County relating to any violation of the County Development Title, or (2) a Statement of Expense. The Hearing Officer’s authority is limited by the County code. Following a hearing on an appeal, the Hearing Officer shall render a final written decision including the findings and conclusions on which their decision was based and submit that decision to the parties and the Clerk of the Board of Supervisors.

- 2-3302 HEARING OFFICER QUALIFICATIONS.**

The Hearing Officer must be an attorney admitted to practice before the courts of the State of California for at least five (5) years prior to appointment. The Hearing Officer must reside in the County and have worked as an attorney in the County for at least three (3) years. The Hearing

Officer shall not be qualified if they have served as a legal representative for, or were employed by, the County within the six (6) months immediately preceding their appointment.

2-3303 APPOINTMENT OF HEARING OFFICER.

Each applicant to the position of Hearing Officer shall submit proof of qualifications. Selected qualified applicants shall be appointed to a panel of Hearing Officers administered by the Clerk of the Board of Supervisors.

2-3304 SELECTION OF HEARING OFFICER.

A party appealing (1) an administrative action by the County relating to a violation of the County Development Title, or (2) a Statement of Expense issued to them, shall select a Hearing Officer from the panel to serve as the Hearing Officer for their appeal. In the event that the selected Hearing Officer is unable to serve or is disqualified, then the appellant shall select a replacement Hearing Officer from the panel of Hearing Officers or, alternatively, select an Administrative Law Judge through the State of California Office of Administrative Hearings.

2-3305 TERM OF HEARING OFFICER.

The Hearing Officer shall serve for four (4) years from appointment. If the Hearing Officer is in the process of hearing a matter when their term expires then that Hearing Officer shall continue to hear that matter until it is complete.

2-3306 COMPENSATION OF HEARING OFFICER.

The Hearing Officer shall be compensated for their time spent on exercising the authority and duties of Hearing Officer at the rate of \$200 per hour and may be reimbursed for actual and necessary expenses. Expenses exceeding \$250 must be approved in advance by the Board of Supervisors or the director of the department taking the administrative action.

2-3307 REMOVAL OF HEARING OFFICER.

A Hearing Officer may be removed from the position of Hearing Officer at any time for cause. If the Hearing Officer is disbarred, suspended, or put on involuntary inactive status by the California State Bar or resigns membership in the California State Bar then the Hearing Officer's appointment will be automatically revoked. If a Hearing Officer is removed or their appointment automatically revoked then the appealing party shall select a replacement Hearing Officer from the panel of Hearing Officers or, alternatively, select an Administrative Law Judge through the State of California Office of Administrative Hearings.

Section 2. This Ordinance shall take effect and be in force thirty (30) days after its adoption, and prior to the expiration of fifteen (15) days from the passage thereof, this ordinance shall be published once (1) in The Record, a newspaper of general circulation published in the County of San Joaquin, State of California, with the names of the members of the Board of Supervisors voting for and against the same.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of San Joaquin, State of California, on this 24th of May 2016 to wit:

AYES: **Villapudua, Miller, Winn, Elliott, Zapien**

NOES: **None**

ABSENT: **None**

ABSTAIN: **None**

Moises Zapien

MOISES ZAPIEN, CHAIR
Board of Supervisors
County of San Joaquin
State of California

ATTEST: MIMI DUZENSKI
Clerk of the Board of Supervisors
County of San Joaquin
State of California

BY: **Mimi Duzenski**