



Legislation Text

File #: 2022-0472, **Version:** 1

To: Board of Supervisors

Department or Agency Name(s): Permit Sonoma

Staff Name and Phone Number: Deputy County Counsel Tambra Curtis (707) 565-2378

Vote Requirement: Majority

Supervisory District(s): Countywide

Title:

Hearing Officer Services 2022

Recommended Action:

Authorize the Directors of Sonoma County Permit Sonoma, Sonoma County Department of Health Services, Sonoma County Fire and Emergency Services Department, the Agricultural Commissioner, and the Executive Director of the Community Development Commission (the "County") to execute agreements with California Hearing Officers, LLP (the "Contractor"), to provide hearing officer services on an as-needed basis, in a cumulative amount not to exceed \$200,000 per year. The County may also designate Contractor as Abandoned Vehicle and Mobile Home Space Rent Stabilization Program Administrative Hearing Officers.

Executive Summary:

The Permit and Resource Management Department (Permit Sonoma) utilizes the services of Administrative Hearing Officers in connection with administrative matters where violations of the Sonoma County Code have been alleged or where the County has received a request for a hearing. These include nuisance abatement actions, abandoned vehicle abatement, environmental health laws, or violations of building, zoning, grading, drainage, storm water, encroachment and well and septic laws and regulations.

Discussion:

Historically, Permit Sonoma has administered the hearing officer program on behalf of itself and other County departments and agencies. The following additional County departments and agencies and their needs are also included in the contracts:

- 1) Department of Health Services, Environmental Health Division- enforcement of local laws, including violations of the medical waste management program and local and state solid waste laws, including when performing its duties as the enforcement agency for the California Department of Resources, Recycling and Recovery.
- 2) Permit Sonoma, Fire Prevention and Certified Unified Program Agency (CUPA), enforcement of state and local laws including, including, but not limited to, violations of Fire Safe Standards and hazardous wastes and materials laws.
- 3) Department of Agricultural Weights and Measures, Agricultural Division- enforcement of local laws, including violations of vineyard and orchard development.
- 4) Community Development Commission-Mobile Home Space Rent Stabilization Regulations.
- 5) Permit Sonoma Abandoned Vehicle Abatement Program

To address the need for a qualified pool of Hearing Officers, Permit Sonoma conducted a standard Request for Qualifications (RFQ) for these services on the County's Purchasing portal which posted from February 7, through March 1, 2022. Unfortunately, only one qualified response was received- from the existing contractor, California Hearing Officers, LLP.

The contract and terms included in this request are for the period from May 17, 2022 through December 31, 2025.

Strategic Plan:

N/A

Prior Board Actions:

06/20/2003-Adopted Ordinance 5425-which amended Section 2-33.4 to include duties and compensation of hearing officers

11/03/1987-Adopted Resolution 87-2044 that appointed hearing officers and established uniform quasi-judicial hearing procedures for the conduct of zoning abatement appeals while authorizing the planning department to contract with a number of attorneys to act as hearing officers

09/11/1987-Adopted Ordinance 3750 which is the original ordinance authorizing hearing officers to hear abatement appeals. This transferred the obligation of conducting the hearings from the board of zoning and the Board of Supervisors

FISCAL SUMMARY

Expenditures	FY 21-22 Adopted	FY22-23 Projected	FY 23-24 Projected
Budgeted Expenses	\$40,000	\$200,000	\$200,000
Additional Appropriation Requested			
Total Expenditures	\$40,000	\$200,000	\$200,000
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other	\$40,000	\$200,000	\$200,000
Use of Fund Balance			
Contingencies			
Total Sources	\$40,000	\$200,000	\$200,000

Narrative Explanation of Fiscal Impacts:

Pursuant to Sonoma County Code Section 1-7.3 (d) all associated abatement costs, including those of the Hearing Officer shall be paid by the party responsible for the code violation if the determination of a violation is upheld. If the determination is not upheld, the enforcing department shall be considered the party responsible for hearing costs.

Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

Att 1: Agreement to Provide Administrative Hearing Officer Services

Att 2: Resolution

Related Items “On File” with the Clerk of the Board:

N/A