



# COUNTY OF HUMBOLDT

For the meeting of: 2/5/2019

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File #: 19-98

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**To:** Board of Supervisors  
**From:** Planning and Building Department

**Agenda Section:** Consent

**SUBJECT:**

Agreement with California Hearing Officers, LLP for Administrative Hearing Services

**RECOMMENDATION(S):**

That the Board of Supervisors:

1. Approve and authorize the Director of the Planning and Building Department to execute the initial two-year Agreement with California Hearing Officers, LLP including any amendments and successor agreements, regarding the provision of hearing officer services after review by County Counsel and Risk Management.

**SOURCE OF FUNDING:**

General Fund

**DISCUSSION:**

Planning and Building Department is requesting approval and authorization to sign an agreement with California Hearing Officers, LLP (CHO) to provide hearing officers for regularly scheduled administrative hearings related to nuisance abatements, administrative civil penalties and other county hearings such as fair return petitions submitted pursuant to the county's Mobile Home Rent Stabilization Ordinance (Measure V).

On September 25, 2018, your Board approved an agreement with State Office of Administrative Hearings (OAH) for administrative hearing cases. However, OAH is unable to provide a regular schedule of administrative hearings, which is necessary to guarantee that cases can be heard in a timely manner. The department is requesting your approval to contract with CHO due to their ability to provide regularly scheduled administrative hearings.

The department issued a Request for Proposal on November 19, 2018 and received two proposals, CHO and Milligan, Beswick, Levine & Knox, LLP. The department selected CHO because they have eight hearing officers available to conduct the hearings with the ability to conduct remote hearings, which is important given the county's rural location. Milligan, Beswick, Levine & Knox, LLP, the second proposer who is located in San Bernardino, has only one hearing officer to conduct the hearings

with no ability to conduct the hearings remotely.

Therefore, the department recommends that your Board approve and authorize the Director of the Planning and Building Department to execute the initial two-year Agreement with California Hearing Officers, LLP. including any amendments and successor agreements, regarding the provision of hearing officer services after review by County Counsel and Risk Management.

**FINANCIAL IMPACT:**

The California Hearing Officer fees are \$240 per hour, which includes hearing officer preparation time, hearing time and decision writing time. Travel time to and from the hearing is billed at half the current hearing officer rate. It is estimated that each hearing will cost approximately \$3,100 with a maximum cost of \$111,600 per year. An equivalent cost per hour was used to prepare the Code Enforcement budget (BU 269). Therefore, this request does not result in a change to the fiscal year 2018-19 budget.

The contract will be for a maximum of \$225,000 for two years. These costs are preliminarily paid for with general funds, but are then charged to the appellant if the hearing officer rules in favor of the county.

This action supports the Board's Strategic Framework by more efficiently enforcing the County of Humboldt code and other local and state laws and regulations.

**OTHER AGENCY INVOLVEMENT:**

County Counsel works closely with the Planning and Building Department on all cases.

**ALTERNATIVES TO STAFF RECOMMENDATIONS:**

The Board could choose not to approve the contract, but this action is not recommended because administration of the code enforcement ordinance provisions requires a hearing officer, and California Hearing Officers is uniquely suited to fill this role. Choosing another hearing officer could result in increased cost and potential delays to schedule hearings.

**ATTACHMENTS:**

Attachment 1: Draft Agreement with California Hearing Officers, Inc.

**PREVIOUS ACTION/REFERRAL:**

Board Order No.: C-15

Meeting of: September 25, 2018