



COUNTY OF HUMBOLDT

Legislation Details (With Text)

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Title: State Agreement for Administrative Hearing Services

Sponsors:

Indexes:

Code sections:

Attachments: 1. Staff Report, 2. Attachment 1 Draft State Agreement.pdf, 3. Attachment 2 Price Book - Current Version (Site Published).pdf

Date	Ver.	Action By	Action	Result
9/25/2018	1	Board of Supervisors	approved	Pass

To: Board of Supervisors

From: Planning and Building Department

SUBJECT:

State Agreement for Administrative Hearing Services

RECOMMENDATION(S):

That the Board of Supervisors approve and authorize the Director of the Planning and Building Department to execute the initial State of California five-year Agreement, any amendments, and successor agreements with the California State Office of Administrative Hearings (OAH) regarding the provision of hearing officer services after review by County Counsel and Risk Management.

SOURCE OF FUNDING:

General Fund

DISCUSSION:

The County of Humboldt's Planning and Building Department is in immediate need of a new Administrative Hearing Officer to conduct and rule on code enforcement cases. The McGeorge School of Law has been conducting these hearings for over a year, but on September 5, 2018 McGeorge School of Law unexpectedly and suddenly terminated all hearing officer contracts. The department is requesting permission to contract with State Office of Administrative Hearings (OAH) for these cases. This is an interim measure until the Department can issue an RFP and hire a firm that can schedule regular hearings. The initial State Agreement includes a maximum amount of \$48,000 over five years. The five year term and \$48,000 agreement is the standard OAH contract.

Similar to McGeorge School of Law the OAH has the ability to conduct remote hearings which is important given the county's rural location. The OAH hearing officer services will be used for county code enforcement hearings pertaining to nuisance abatements and administrative penalties. In addition, they may be needed for fair return petitions submitted pursuant to the county's Mobile Home Rent Stabilization Ordinance (Measure V).

On June 27, 2017 the Board authorized the Chair of the Board to execute the professional services agreement with University of the Pacific, McGeorge School of Law (Item C-7). This was subsequently extended and amended June 26, 2018 (Item C-33).

FINANCIAL IMPACT:

The Office of Administrative Hearings (OAH) fees are similar to the fees charged by Mc George School of Law. The average cost of a hearing is approximately \$3,000, and the average cost for a legal transcript is \$500. 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. All cases to date have been in favor of the county.

This action supports 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 department on all cases.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

Board discretion.

ATTACHMENTS:

Attachment 1: Draft State Agreement with California Office of Administrative Hearings

Attachment 2: OAH Price Book

PREVIOUS ACTION/REFERRAL:

Board Order No.: C-7 and C-33

Meeting of: June 27, 2017, June 26, 2018