The County of Yuba

Community Development and Services Agency

TO: Board of Supervisors

FROM: Community Development and Services Agency, Code Enforcement Division
Jeremy Strang, Deputy Director

SUBJECT: A Proposed Ordinance Amending Certain Sections of Chapter 2.41 - Office of the County Hearing Officer, of the Yuba County Ordinance Code

DATE: September 24, 2024

NUMBER: 555/2024

RECOMMENDATION: We hereby request that the Yuba County Board of Supervisors waive first reading and introduce an ordinance amending certain sections of Chapter 2.41 of the Yuba County Ordinance Code.

BACKGROUND: On November 28, 2023, Ordinance 1621 was passed and adopted by the Board of Supervisors. Ordinance 1621 created Chapter 2.41 of the Yuba County Ordinance Code and established the Office of the County Hearing Officer.

DISCUSSION: Subsequent to the adoption of Ordinance 1621, staff began the initial process of implementation as well as exploring the appointment of the County Hearing Officer. Further review of the authorizing statute found that some of the provisions contained in the recently adopted Ordinance were not fully aligned with the State's statute. As such, modifications have been drafted for the Board's consideration. The proposed amendments remove unnecessary and burdensome requirements contained in the first version. Language is added to create additional candidate opportunities, as well as to clarify the terms of employment. Below is a table of proposed amendments:

CODE SECTION	SUMMARY OF CHANGES
2.41.030. C.	DELETE: "employee" ADD: "official"
2.41.040.	DELETE: "a panel of no less than three" ADD: "one or more Hearing Officers"

2.41.040. B.	ADD: "The CAO may contract with a local public entity to employ the services of the County Hearing Officer pursuant to section 27725 of the Government Code."
2.41.040. C.	Subsection B. changed to C.
2.41.040. D.	Subsection C. changed to D.
2.41.040. E.	Subsection D. changed to E.
2.41.040. F.	Subsection E. changed to F. DELETE: "shall" ADD: "may"
2.41.050. A.	DELETE: "The Hearing Officer shall not be qualified if they have served as a legal representative for, or were employed by, Yuba County within the six (6) months immediately preceding their appointment."
2.41.060. A-C	DELETE: A. The term of office of each Hearing Officer shall be four years and shall commence on the day of his or her appointment. 1. A Hearing Officer shall continue to serve until his or her successor has been duly appointed and qualified. 2. A Hearing Officer who is in the process of hearing a matter when the Hearing Officer's term expires, however, shall continue to discharge the duties as a Hearing Officer for the matter until the matter is completed. A Hearing Officer may be appointed to successive terms. B. An employee appointed as a County Hearing Officer shall not have a term of office, but shall serve as an at-will employee of the Office of the County Administrator. C. An attorney appointed for an Ad Hoc matter, or who is under contract for an individual matter shall not have a term of office, but shall serve as an independent contractor.
2.41.060. A-C	ADD: The term of office of each Hearing Officer shall be based on their appointment. A Hearing Officer who is in the process of hearing a matter shall continue to carry out their duties as a Hearing Officer for that matter until the matter is complete. Exception: The County may, at its discretion, terminate a Hearing Officer's duties to preside over any matter pursuant to sections 2.41.050. or 2.41.080. A. An attorney appointed pursuant to an employment contract shall serve as an at-will employee of the Office of the County Administrator and shall commence on the day of his or her appointment. 1. A Hearing Officer may be appointed to successive terms. B. An attorney appointed for an Ad Hoc matter, or who is under contract for an individual matter shall not have a term of office, but shall serve as an independent contractor. C. An attorney who has been hired as an employee of the County shall not have a term of office, but shall carry out the duties as required by the class specification and the appointing authority.

COMMITTEE ACTION: None Required.

FISCAL IMPACT: No Fiscal Impact - administrative only, staff time only; No funding commitment at this time, but has projected future costs. The department utilizing the service will pay costs for service.

General Fund -
Non-General Fund -

Source of Funds: Varies by department. No additional General Funds are requested for this item.