



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Planning & Development
Department No.: 053
For Agenda Of: August 3, 2010
Placement: Set Hearing
Estimated Tme: 5 mins on 9/7/2010
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Glenn Russell, Ph.D., Director, Planning & Development
Director(s) (805)568-2085

Contact Info: Dianne Black, Director of Development Services
(805)568-2086

SUBJECT: Ordinance Amending Chapter 24A for Purposes of Designating Alternate Hearing Examiners for Administrative Fine Appeal Hearings and to Clarify Procedures for Waiver of the 45-Day Appeal Hearing Timeline

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence: N/A

As to form:

Recommended Actions:

That the Board of Supervisors:

1. Set a hearing for September 7, 2010 to introduce (first reading) an Ordinance amending Chapter 24A, Administrative Fines, of the Santa Barbara County Code to allow designation of an alternate hearing examiner for purposes of an administrative fine appeal hearing, and to clarify procedure for waiver of the 45 day appeal hearing timeline; and
2. Continue to September 14, 2010 (second reading) to consider adoption of an Ordinance amending Chapter 24A, Administrative Fines, of the Santa Barbara County Code to allow designation of an alternate hearing examiner for purposes of an administrative fine appeal hearing, and to clarify procedure for waiver of the 45 day appeal hearing timeline, to be effective 30 days from adoption.

Summary Text:

The Administrative Fines Ordinance of the County Code provides that various County Department Heads or his or her designees are responsible for implementing the procedures in Chapter 24A with

respect to violations of various Chapters of the County Code (Section 24A-2 Procedures). Under Section 24A-2, Procedures, Department Heads may designate representatives to implement the procedures of the Code. However, Section 24A-7, Appeals, does not specifically state that an alternate hearing examiner may be designated for purposes of conducting an administrative fine appeal hearing. This ordinance amendment clarifies the ability to designate an alternate hearing officer when circumstances warrant (e.g. conflicts of interest, scheduling conflicts, subject matter expertise, etc) and will bring Section 24A-7, Appeals, into conformance with Section 24A-2, Procedures, of the Administrative Fine Ordinance.

In addition, the Administrative Fine Ordinance also provides that appeal hearings must be held within 45 days of the filing of an appeal. This ordinance amendment clarifies the right of the appellant to waive the right to have his or her appeal heard within the 45 day timeline if they choose to do so.

Fiscal Analysis:

Costs for the preparation of this ordinance amendment are budgeted in the Department's Administrative Program, page D-324 of the FY 2010-2011 adopted budget.

Special Instructions:

1. The Planning and Development Department will satisfy all noticing requirements.
2. The Clerk of the Board will send a copy of the signed and numbered ordinance and minute order to the Planning and Development Department, attention Linda Liu.

Attachments:

- A. Chapter 24A
- B. Ordinance amending Chapter 24A

Authored by:

Linda Liu, Planning and Development

cc:

Glenn Russell, Director, Planning and Development
Dianne Black, Director, Development Services, Planning and Development
Steve Mason, Deputy Director, Planning and Development
Mike Ghizzoni, Chief Assistant County Counsel