



Agenda Date: 11/7/2006
Agenda Placement: 60

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Patricia Tyrrell for Robert Westmeyer - County Counsel
County Counsel
REPORT BY: Susan Ingalls, Paralegal, 259-8152
SUBJECT: Approval of Agreement with Susan McGuigan to perform the duties of Hearing Officer

RECOMMENDATION

County Counsel requests approval of and authorization for the Chair to sign an agreement with Susan McGuigan for a maximum of \$10,000 for the term November 7, 2006 through June 30, 2007, to perform the function and duties of County Hearing Officer.

EXECUTIVE SUMMARY

On April 12, 2005, the County entered into Agreement No. 6422 with Susan McGuigan for a maximum of \$10,000 to perform the function and duties of County Hearing Officer. Agreement No. 6422 expired on June 29, 2006. Approval of the requested action will engage Susan McGuigan to act as the County Hearing Officer through June 30, 2007.

FISCAL IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	County Counsel
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	The requested action is discretionary. However, if the requested action is not approved, the County would be required to contract with the State Office of Administrative Hearings (OAH) at a much greater expense to the County, including, but not limited to, the cost of staff to travel to Oakland. There is also no guarantee the OAH will be able to hold the hearings within the timeframe required by County Code.

Is the general fund affected?	Yes
Future fiscal impact:	If this contract is renewed, appropriations will be accordingly budgeted.
Consequences if not approved:	The County would be forced to contract with the State Office of Administrative Hearings. Beside the additional cost to the County described above, the State has indicated that there would be a substantial wait until hearings would be calendared.
Additional Information:	None

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

The County's agreement with Susan McGuigan (Agreement No. 6422) to serve as County Hearing Officer (CHO) expired on June 29, 2006. The CHO, required to be an attorney with 5 years experience, is a position set forth in Chapter 2.22 of the code. The CHO conducts hearings and appeals of matters as may be assigned by the Board, which are not otherwise heard by the Board of Supervisors or Zoning Administrator. The CHO would also hear appeals of administrative citations as provided in Chapter 1.28.

The alternative to appointing the CHO is that assigned appeals would need to be heard by the State Office of Administrative Hearings (OAH). OAH charges a higher hourly fee, a separate per case fee, and the hearings are held in Oakland, which would necessitate staff traveling there. The OAH is also unable to guarantee that hearings would be scheduled within the time frames required under the County Code.

Approval of the requested action will engage Susan McGuigan to act as the County Hearing Officer through June 30, 2007 for the maximum amount of \$10,000.

SUPPORTING DOCUMENTS

None

CEO Recommendation: Approve

Reviewed By: Lorenzo Zialcita