



Agenda Date: 6/26/2007
Agenda Placement: 6FF

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Susan Ingalls for Robert Westmeyer - County Counsel
County Counsel
REPORT BY: Susan Ingalls, Paralegal, 259-8152
SUBJECT: Amendment to Agreement No. 6422-1 with Susan McGuigan

RECOMMENDATION

County Counsel requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 6422 with Susan McGuigan to renew the contract for the term July 1, 2007 through June 30, 2008. The amendment also increases the maximum compensation amount by \$20,000 for a new maximum of \$30,000.

EXECUTIVE SUMMARY

Unless Agreement No. 6422-1 is renewed by the Board, it will expire on June 30, 2007. The County wishes to retain the services of Susan McGuigan as the County Hearing Officer for another year. The County may experience an increase in the need for County Hearing Officer services in light of the adoption of the Weed Abatement Ordinance so the proposed amendment increases the current maximum by \$20,000 for a new total of \$30,000.

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:	If the requested action is not approved, the County would be required to contract with the State Office of Administrative Hearings 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 Office of Administrative Hearings will be able to hold the hearings within the timeframe required by County Code.
Is the general fund affected?	Yes

Future fiscal impact: If the Contract amendment is approved, appropriations will be accordingly budgeted.

Consequences if not approved: The demand for services of hearing officer may increase without a corresponding increase in the maximum compensation. The County may be in a position where it will be required to hold hearings but will not have the funds to pay the hearing officer.

Additional Information:

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

Napa County Ordinance No. 1098 which was adopted by the Board on February 20, 1996 established the County Hearing Officer (CHO) pursuant to Government Code Section 27720. The CHO, appointed pursuant to Chapter 2.22 of the Napa County Code, needs to be an attorney at law having been admitted to practice before the courts of this state for at least five years prior to his or her appointment. Susan McGuigan is qualified to act as the CHO, she has been an active, practicing, California attorney since 1994, and she has proficient knowledge of the Napa County Code.

The duties of the CHO are to conduct hearings and appeals for the County, including appeals of Administrative Citations as may be assigned. The CHO does not hold hearings which by code are assigned to the Zoning Administrator or the Board of Supervisors. The County's agreement with Susan McGuigan (Agreement No. 6422-1) to serve as CHO expires on June 30, 2007.

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.

The County may experience an increase in the need for County Hearing Officer services in light of the adoption of the Weed Abatement Ordinance so the proposed amendment increases the current maximum by \$20,000 for a new total of \$30,000. Approval of the requested action will engage Susan McGuigan to act as the County Hearing Officer through June 30, 2008 for \$150 per hour for the maximum amount of \$30,000.

County Counsel recommends approval of the proposed amendment to the agreement.

SUPPORTING DOCUMENTS

None

CEO Recommendation: Approve

Reviewed By: Molly Rattigan