

MOTION BY SUPERVISORS LINDSEY P. HORVATH AND JANICE HAHN

Improving the Administrative Hearing Process through Creation of the County Hearing Officer Program

This Board has taken several important steps to improve the lives of residents and businesses, ensure safety and fairness, and improve the day-to-day lives of residents by adopting and implementing several initiatives and programs such as rent stabilization, minimum wage enforcement, business license and regulation - including regulating cannabis sales, various food and other regulations such as sidewalk and food cart vending, newly enacted County park safety and short-term rental ordinances. We also have several other health and safety and consumer protection ordinances coming forward like the Fair Workweek, Housing Habitability, and Rental Escrow Account Program ordinances.

On November 15, 2022, this Board passed a motion acknowledging the importance of a fair and appropriate administrative hearing process to support the important steps taken by Los Angeles County. The creation of an Office of County Hearing Officer will significantly aid in providing a consistent, formalized administrative hearing officer process to review decisions of, administrative actions taken, or citations for violations issued by County officials for those entitled to an administrative review under local, State, and/or federal law. The County's process should ensure fairness to all participants.

MOTION

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Administrative hearing officers must be impartial and unbiased when handling matters and need an understanding of the due process requirements administrative hearings must provide. A formalized administrative hearing program with standardized qualifications for hearing officers which includes legal training will strengthen the process and provide a necessary tool to provide due process.

As identified in the November 15, 2022, motion, under California Government Code section 27720, et seq., through the adoption of an ordinance, this Board may establish an independent County Hearing Officer to handle a wide array of administrative hearings required or permitted pursuant to the County Code or State law. Given their legal training and civil and administrative law experience, the Office of County Counsel is the County law office best suited to manage and administer the County Hearing Officer program as a separate unit in its office, staffing it with qualified, trained, and assigned County attorneys not involved in the underlying subject matter of a hearing. Further, as part of the authorizing ordinance, this Board can authorize the County Hearing Officer to issue subpoenas for records to further gather necessary evidence, to administer oaths to witnesses, to rule on questions of law, to prepare records of the proceedings to ensure all necessary and appropriate evidence is considered when making decisions, and to contract with other local agencies to provide administrative hearing services, when necessary.

The County Hearing Officer should handle administrative hearings for matters under the jurisdiction of the Departments of Consumer and Business Affairs, Treasurer and Tax Collector,

Public Health, Public Works, cannabis regulation related violations, Business License Code violations, ambulance operator license violations, as well as enforcement activities for other County departments, including the newly authorized exclusion orders issued to individuals demonstrating threatening or harmful conduct in County parks.

Creating the County Hearing Officer achieves the goals of ensuring the independence and the dignity of the hearing forum essential to promoting public confidence in the hearing process and in the government's actions. It will also allow for faster and equitable resolution of disputes, and corrective action of defective practices by businesses and county residents.

WE, THEREFORE, MOVE that the Board of Supervisors direct County Counsel to return to this Board within 30 days with a draft ordinance that should:

1. Establish the County Hearing Officer program in the Office of the County Counsel, and include authority to develop administrative rules for operation of the program, hearing procedures and rules, and establish operations which identify and prohibit conflicts of interest for assigned hearing officers;

2. Align the minimum requirements and duties of the County Hearing Officer with those set forth in Government Code section 27720, et seq., to conduct hearings permitted or required by the County Code or State law, as directed by the Board, and authorize the County Counsel to establish the qualification standards to a greater standard than required by State law, taking into consideration the needs of the County and the goal of providing high quality administrative

hearing services;

3. Provide the County Hearing Officer with the power to issue subpoenas for records and administer oaths; and

4. Permit the County Hearing Officer to provide services to County partners or other cities and local agencies, pursuant to a contract and reimbursement for such services.

WE, FURTHER MOVE that the Board of Supervisors:

5. Direct County Counsel to continue its review of the County Code to identify areas where administrative hearings may be used, or the use of a County Hearing Officer may be warranted;

6. Direct the Chief Executive Officer to report back *during the FY 2024-2025 Supplemental Budget* phase with a recommended staffing plan, implementation and training costs, and potential funding options based on the final Office of County Hearing Officer report; and,

7. Direct the County Counsel to provide a report to the Board after an initial 3-year pilot of the County Hearing Officer Program on the effectiveness of the Program including information such as volume, type, and subject matter of the administrative hearings handled by the County Hearing Officer program, as well as staffing information.

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