

**REVISED**

**ANALYSIS**

This ordinance establishes the Office of the County Hearing Officer to conduct administrative hearings and appeals as provided under State law or the Los Angeles County Code, and sets forth the authority, duties, and qualifications of County Hearing Officers.

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Requested: 05/07/2024  
Revised: 05/23/2024

## **ORDINANCE NO.**

An ordinance amending Title 2 – Administration of the Los Angeles County Code, to establish the Office of the County Hearing Officer to conduct administrative hearings and appeals as provided under State law or the Los Angeles County Code, and sets forth the authority, duties, and qualifications of County Hearing Officers.

The Board of Supervisors of the County of Los Angeles ordains as follows:

**SECTION 1.** Section 2.14.030 is added to read as follows:

**2.14.030. Establishment of Office.**

Pursuant to California Government Code section 27720, et seq., this section establishes the Office of the County Hearing Officer of the County of Los Angeles, located within and administered by the Office of the County Counsel of the County of Los Angeles.

**SECTION 2. Definitions.**

- A. "County" shall refer to the County of Los Angeles.
- B. "County Counsel" shall refer to the Office of the County Counsel of the County of Los Angeles.
- C. "Ex Parte Communication" means any communication between a Hearing Officer and a party or its representative in a pending administrative hearing about the subject matters of the hearing, outside of the presence of other parties or their representatives.

D. "Hearing" shall refer to an administrative hearing or appeal under State law or the Los Angeles County Code for which a Hearing Officer may be assigned under this Chapter.

E. "Hearing Officer" shall refer to a hearing officer appointed pursuant to this Chapter.

F. "Office" shall refer to the Office of the County Hearing Officer of the County of Los Angeles, established under this Chapter.

**SECTION 3. Qualifications, Appointment, and Assignment.**

A. Qualifications. Any Hearing Officer appointed pursuant to this Chapter must be at a minimum, an attorney-at-law licensed to practice before the courts of the State of California for at least five (5) years prior to appointment. Hearing Officers may also be required to possess special qualifications, knowledge, or experience in order to handle specialized or complex subject matter Hearings. The County Counsel shall have authority to establish the qualification standards consistent with this paragraph, or to a greater degree, taking into consideration the needs of the County and the goal of providing high-quality administrative hearing services.

B. Appointment. Each attorney appointed to act as a Hearing Officer under Section 2.14.030 may be required to submit proof of qualifications. The County Counsel shall have the authority to make the final selections and appointments as part of the administration of the program. Selected qualified attorneys may be appointed to a rotating panel of Hearing Officers administered by County Counsel.

C. Assignment. Hearing Officers may be assigned on a random or rotation basis consistent with established procedures to each Hearing requiring a Hearing Officer(s). Hearing Officers assigned to handle specialized or complex subject matter may also require additional special qualifications, knowledge, or experience relevant to the subject matters of the Hearing consistent with established procedures.

**SECTION 4. Authority and Duties.**

When a State law or Los Angeles County Code provides that a Hearing be held or that findings of fact or conclusions of law be made by any County board, agency, commission, department, or committee, and except as otherwise indicated, a Hearing Officer shall have the authority to conduct a Hearing, issue subpoenas, receive evidence, administer oaths, rule on the admissibility of evidence and upon questions of law, issue decisions or recommendations, and prepare records of proceedings. Hearing Officers shall render a written decision or recommendation, including any findings or conclusions required for the decision or recommendation, in accordance with and in the time prescribed by the State law or Los Angeles County Code section applicable to the underlying subject matter of the Hearing.

**SECTION 5. Conflicts of Interests.**

No Hearing Officer shall knowingly participate in a Hearing under this Chapter in which the Hearing Officer is either a party to the Hearing or has an interest in the subject matter of the Hearing of such a nature that it could reasonably be expected to influence the impartiality of the Hearing Officer's judgment in the Hearing.

Hearing Officers must disclose all actual or potential conflicts of interest consistent with

established procedures, and sufficiently in advance to allow reassignment of the Hearing.

**SECTION 6. No Additional Compensation.**

Hearing Officers, as employees of the County, shall receive no additional compensation or benefits for services performed as Hearing Officers.

**SECTION 7. Rules and Procedures for Administration.**

County Counsel shall establish appropriate rules and procedures for effective administration, including to ensure that during a Hearing an ethical wall, as authorized by law, is developed. No Hearing Officer shall knowingly participate in a Hearing under this Chapter in which the Hearing Officer currently is assigned to advise, or has been assigned to advise at any point within the 12 months preceding the Hearing. The rules and procedures are to focus on ensuring the elimination of bias, prohibiting Ex Parte Communications, and establishing an appropriate separation of work among between Hearing Officers and staff to avoid any conflicts of interest. County Counsel shall also establish rules for assigning Hearing Officers, the issuance of decisions, and maintaining Hearing files, exhibits, records of Hearing proceedings, and any other procedures necessary for effective administration of the Office.

**SECTION 8. Rules and Procedures for Hearings.**

The County Counsel shall establish operational rules and guidelines, available to all parties concerning how hearings will be conducted. To the extent that any rule established pursuant to this Chapter conflicts with the rules in an underlying ordinance or established by departments, the rules of this Chapter apply unless otherwise

preempted by State or federal law. Hearings shall be conducted, to the greatest extent possible, in an informal manner except that all testimony shall be taken under oath or affirmation. Hearings may be conducted virtually, using an acceptable format that permits participants to see and hear each other simultaneously, at the Hearing Officer's discretion. The Hearing need not be conducted according to technical rules relating to evidence and witnesses. The parties and/or their agent or attorney shall attend the Hearing and shall have the right to offer witness testimony and evidence.

**SECTION 9. Hearing Officer Services for Other Public Agencies.**

Any local public agency may contract with the County to employ the services of the County Hearing Officer consistent with Government Code section 27725. ~~An agency contracting with the County under this Section is authorized to conduct its Hearings in accordance with the provisions of this Chapter. If an agency has adopted its own rules or procedures, such rules may be followed.~~

**SECTION 10. Severability**

If any provision of this Chapter or the application thereof to any person, property, or circumstance, is held invalid, such invalidity shall not affect other provisions or applications of this Chapter that can be given effect without the invalid provision(s) or application, and to this end, the provisions of this Chapter are declared to be severable.

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