

**ORDINANCE NO. \_\_\_\_\_**

**ORDINANCE CREATING CHAPTER 2.76 OF THE MENDOCINO COUNTY CODE  
ESTABLISHING THE OFFICE OF COUNTY HEARING OFFICER**

The Board of Supervisors of the County of Mendocino, State of California, ordains as follows:

**Section 1.** Chapter 76 of Title 2 of the Mendocino County Code is created to read as follows:

**Chapter 2.76 – COUNTY HEARING OFFICER**

**Sec. 2.76.010. Purpose and Authority.**

The purpose of this chapter is to provide an efficient and alternate means of providing due process by utilizing the services of a Hearing Officer when a Mendocino County ordinance otherwise provides for a hearing be held, or findings of fact or conclusions of law be made, by the County or any board, agency, commission, or committee of the County. The authority for this Chapter is provided in Government Code Section 27720 et seq.

**Sec. 2.76.020. Establishment of Office.**

- (A) The Board of Supervisors hereby establishes the office of County Hearing Officer.
- (B) The Board of Supervisors may authorize the use of a Hearing Officer pursuant to this chapter by referencing this chapter in an ordinance or resolution.

**Sec. 2.76.030. Appointment and Use of Hearing Officers.**

- (A) One or more Hearing Officers may be appointed either by County Counsel or by resolution of the Board of Supervisors.
- (B) No appointment of any Hearing Officer shall be final until formalized by contract or employment between the Hearing Officer and the County.
- (C) No Hearing Officer may be appointed on an ad hoc basis, but rather, the tenure of a Hearing Officer shall be based on a factor or factors such as time or budget, and shall not be dependent on the decisions rendered by the Hearing Officer.
- (D) Hearing Officer(s) may be appointed for one or more purposes, or to hear one or more types of issues.

- (E) Unless otherwise provided by ordinance or resolution, if the use of a Hearing Officer is authorized, but a Hearing Officer is unavailable to hear a matter as needed, the matter shall be decided by the county board, agency, commission, or committee that would otherwise have had the responsibility and duty to conduct the hearing or make the finding of fact or law.

**Sec. 2.76.040. Qualifications of a Hearing Officer.**

Each Hearing Officer shall be an attorney at law and must have been admitted to practice before the courts of California for at least five years prior to his or her appointment.

**Sec. 2.76.050. Powers and Responsibilities of a Hearing Officer.**

Each Hearing Officer shall have the powers and responsibilities set forth in, but not limited by Government Code Section 27721 and 27722. Such powers include, but are not limited to the power to conduct a hearing, to decide the matters under this section upon which a hearing has been held and to make findings of fact and conclusions of law required for the decision.

**PASSED AND ADOPTED** by the Board of Supervisors of the County of Mendocino, State of California, on this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by the following roll call vote:

AYES:  
NOES:  
ABSENT:

**WHEREUPON**, the Chair declared the Ordinance passed and adopted and **SO ORDERED**.

ATTEST: CARMEL J. ANGELO  
Clerk of the Board

\_\_\_\_\_  
, Chair  
Mendocino County Board of Supervisors

\_\_\_\_\_  
Deputy

*APPROVED AS TO FORM:*  
KATHARINE L. ELLIOTT,  
County Counsel

I hereby certify that according to the provisions of Government Code section 25103, delivery of this document has been made.

BY: CARMEL J. ANGELO  
Clerk of the Board

\_\_\_\_\_  
Deputy