

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

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 2.144  
(COUNTY HEARING OFFICER) OF THE SAN MATEO COUNTY ORDINANCE CODE

The Board of Supervisors of the County of San Mateo, State of California, ORDAINS as follows:

SECTION 1. Section 2.144.010 of Chapter 2.144 of Title 2 of the San Mateo County Ordinance Code is hereby amended to be numbered and entitled and to read as follows:

**2.144.010 Establishment of Office of County Hearing Officer; Contract.**

(a) In accordance with the applicable provisions of the Government Code, there is established the office of County Hearing Officer, to be located within the office of the County Manager and to be staffed by a panel of attorneys at law chosen by the County Manager as he or she deems necessary.

(b) On behalf of the County of San Mateo, the County Manager is authorized to enter into contracts for the services of attorneys selected for the County Hearing Officer panel.

(c) Any person acting as a County Hearing Officer or any deputy or assistant hearing officer, shall be an attorney at law having been admitted to practice before the courts of the State of California for at least five (5) years prior to selection.

SECTION 2. Section 2.144.020 of Chapter 2.144 of Title 2 of the San Mateo County Ordinance Code is hereby repealed and a new section 2.144.020 is added to be numbered and entitled and to read as follows:

**2.144.020 Duties and Authority of County Hearing Officer.**

(a) The County Hearing Officers shall conduct such hearings for the County or any board, commission or committee as are assigned by the County Manager.

(b) When a state law, local ordinance, or local rule provides that a hearing be held or that findings of fact or conclusions of law be made by any county board, agency, commission or committee, a County Hearing Officer is authorized to conduct such hearing if so assigned by the County Manager. The assigned Hearing Officer is further authorized to issue subpoenas; to receive evidence; to administer oaths; to rule on questions of law and the admissibility of evidence; and to prepare a record of proceedings.

SECTION 3. Section 2.144.030 of Chapter 2.144 of Title 2 of the San Mateo County Ordinance Code is hereby repealed and a new section 2.144.030 is added to be numbered and entitled and to read as follows:

**2.144.030 Decision or Recommendation of the County Hearing Officer.**

(a) If the Hearing Officer is authorized by any law to decide a matter upon which a hearing has been held, the officer shall render a written decision, including any findings or conclusions required for that decision, and submit the decision and the record to the clerk of the body on whose behalf the hearing was held.

(b) If the Hearing Officer is not authorized to decide a matter upon which a hearing has been

held, the officer shall prepare a recommended decision, including any findings or conclusions required for that decision, and shall submit that recommendation and the record to the clerk of the local body on whose behalf the hearing was held. The local body may reject the recommendation and enter its own findings, conclusions, and decision after a review of the record.

SECTION 4. Section 2.144.040 of Chapter 2.144 of Title 2 of the San Mateo County Ordinance Code is hereby repealed and a new section 2.144.040 is added to be numbered and entitled and to read as follows:

**2.144.040 Other Public Entity's Employment of Officer; Reimbursement to County.**

Any other local public entity may contract with the County to employ the services of the County Hearing Officer. Reimbursement to the County for the services of a county hearing officer shall be made as provided in the contract. If no provision for reimbursement is contained in the contract, reimbursement shall be made on a pro rata basis of actual cost to the County in providing the service including salaries, benefits, overhead, and any travel expense. The County Manager shall have authority to execute any such contract.

SECTION 5. Section 2.144.050 of Chapter 2.144 of Title 2 of the San Mateo County Ordinance Code is hereby repealed and a new section 2.144.050 is added to be numbered and entitled and to read as follows:

**2.144.050 Effect of Other Provisions of Law.**

The provisions of this chapter provide an alternative to, and do not supersede, any other

provisions of law including other provisions of this ordinance code, providing for any matter to be heard or determined by a hearing officer.

SECTION 6. Section 2.144.060 of Chapter 2.144 of Title 2 of the San Mateo County Ordinance Code is hereby repealed.

SECTION 7. Section 2.144.070 of Chapter 2.144 of Title 2 of the San Mateo County Ordinance Code is hereby repealed.

SECTION 8. This ordinance shall be in full force and effect thirty (30) days from the date of passage thereof.

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