

## Chapter 21.03

### HEARINGS AND APPEALS

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#### **Section 21.03.010 Contracting with the office of administrative hearings.**

Pursuant to Government Code section 27727, the City Manager is authorized, subject to City Council approval, to enter into a contract with the Office of Administrative Hearings of the State of California for services of an administrative law judge or a hearing officer to conduct proceedings pursuant to this Chapter. The duties and responsibilities of the hearing officer described in sections 21.03.040 and 21.03.050 shall be set forth in the contract. Reimbursement to the Office of Administrative Hearings for the services of hearing officers 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 Office of Administrative Hearings in providing the service including salaries, benefits, overhead and any travel expenses.

(2006-07, Added, 06/06/2006)

#### **Section 21.03.020 Definitions.**

A. "Hearing officer" shall mean an administrative law judge or hearing officer of the Office of Administrative Hearings.

(2006-07, Added, 06/06/2006)

#### **Section 21.03.030 Duties delegated to the hearing officer.**

Except as otherwise required by state law or provisions of the Galt Municipal Code, the duties authorized to be delegated to the hearing

officer are to conduct hearings and appeals for the City Council or any board, agency, commission or committee of the City.  
(2006-07, Added, 06/06/2006)

#### **Section 21.03.040 Hearing officer' s authority.**

Except as otherwise required by law, when a provision of the Galt Municipal Code, its adopted codes or applicable State codes provides that a hearing be held or that findings of fact or conclusions of law be made by the City Council or any City board, agency, commission or committee, the hearing officer may be authorized by ordinance or resolution to:

- A. Conduct the hearing;
- B. Issue subpoenas;
- C. Receive evidence;
- D. Administer oaths;
- E. Rule on questions of law and the admissibility of evidence; and
- F. Prepare a record of the proceedings.

(2006-07, Added, 06/06/2006)

#### **Section 21.03.050 Rendering of decision or recommendation; Acceptance or rejection of recommendation.**

A. If the hearing officer is authorized to decide a matter upon which a hearing has been held pursuant to section 21.03.040, the hearing 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 local 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 pursuant to section 21.03.040, the hearing 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 adopt the recommended findings, conclusions and decision, or may reject the recommendation and enter its own findings, conclusions and decision after a review of the record.

(2006-07, Added, 06/06/2006)

**Section 21.03.060 Hearing procedure; fees.**

A. A hearing request shall be deemed filed upon receipt of a hearing request form by the City Clerk's office and the payment of any hearing fee which may be established by City Council resolution. Any hearing fee shall not exceed the reasonable cost to the City of a hearing.

B. The hearing before the hearing officer shall be set for a date that is not less than fifteen (15) and not more than sixty (60) calendar days from the date of hearing request. The person requesting the hearing shall be notified of the time and place set for the hearing at least fifteen (15) calendar days prior to the date of the hearing.

C. The hearing officer shall only consider evidence that is relevant to the hearing matter.

D. The person requesting the hearing shall be given the opportunity to testify and present witnesses and evidence concerning the hearing matter.

E. The failure to appear at the hearing shall constitute a forfeiture of any fine and a failure to exhaust administrative remedies.

F. Any documents submitted by the City shall constitute prima facie evidence of the respective facts contained in those documents.

G. If the City submits an additional written report concerning the hearing matter to the hearing officer for consideration at the hearing, then a copy of the report shall also be served on the person requesting the hearing by certified mail at least five (5) days prior to the date of the hearing.

H. At least ten (10) days prior to the date of the hearing, the person requesting the hearing shall be provided with copies of the citations, reports and other documents submitted or relied upon by the City. No other discovery is permitted. Formal rules of evidence shall not apply.

I. The hearing officer may continue the hearing and request additional information from the City or the person requesting the hearing prior to issuing a written decision.

J. After considering all of the testimony and evidence submitted at the hearing, the hearing officer shall issue a written decision within ten (10) days of the date of the hearing and shall list in the decision the reasons for that

decision. Unless state or local law provides for an appeal, the decision of the hearing officer shall be final.

K. The person requesting the hearing shall be served with a copy of the hearing officer's written decision in the manner prescribed by Code of Civil Procedure section 1094.6.

L. The hearing officer is not required to provide transcriptions of hearings, but is required to make available tapes of hearings for a fee.

(2006-07, Added, 06/06/2006)

**Section 21.03.070 Right to judicial review.**

A. Any person aggrieved by a decision of a hearing officer may obtain review of the decision by filing a petition for review with the Sacramento County Superior Court in accordance with the timelines and provisions as set forth in Government Code or Code of Civil Procedure, as applicable.

B. Nothing contained in this section shall be construed to prohibit any person from seeking prompt judicial review of a decision of a city official regarding the issuance, denial, suspension or revocation of a permit or license for an activity protected by the First Amendment of the United States Constitution as provided by Code of Civil Procedure section 1094.8. The City shall comply with all requirements described therein for prompt judicial review.

(2006-07, Added, 06/06/2006)