

AGENDA DATE: May 16, 2006



RESOURCE MANAGEMENT AGENCY

Se

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Services

Services

Engineering
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HENRY HASH, DIRECTOR

THOMAS W. SHERRY, ASSOCIATE DIRECTOR

AGENDA ITEM

ITEM NO. _____
Countywide

SUBJECT:

Memorandum of Understanding between the County of Tulare Resource Management Agency, Code Compliance Division, Development Services Branch and the City of Visalia for joint participation in Administrative Hearing Officer duties for both jurisdictions.

REQUEST:

1. Approve a Memorandum of Understanding between the County of Tulare Resource Management Agency, Code Compliance Division, Development Services Branch and the City of Visalia for joint participation in Administrative Hearing Officer duties for both jurisdictions.
2. Authorize the Chairman to sign the Memorandum of Understanding on behalf of the Board of Supervisors.

SUMMARY:

The Resource Management Agency started using the Administrative Hearing process in August, 2001 to expedite the processing of violation cases. Prior to that time the Code Compliance Division was required to take violators to Superior Court. Generally each violation would take four to six court appearances, which amounted to approximately 18 man-hours spent in court for each violation, excluding any investigative and preparatory tasks. Since 2001, the division has taken 260 violations to Administrative Hearing. Under Sections 1-23-1000 *et seq* of the Ordinance Code, the RMA Director or his designees, are authorized to act as the Hearing Officer to rule on Notices of Violation, Fines and Penalties. However, it has become evident that the level of sophistication of the hearings and the number of hearing cases heard each month has progressed to the point where the use of a second outside and impartial Hearing Officer should be

considered. The continued use of one hearing per month may result in an increasing back log of unheard cases or an increase in the number of appeals to the Board of Supervisors.

The City of Visalia has recently adopted an Administrative Citation process patterned after the County of Tulare's program. As such, the City will also require the use of an impartial Hearing Officer.

The County RMA and the City of Visalia have agreed to exchange, on an informal basis, the services of the County's Code Compliance Manager and the City's Code Enforcement Officer to preside over Administrative Hearings in each other's jurisdiction as needed. This is in addition to the Memorandum of Understanding already adopted with the City of Tulare.

FINANCING:

Both parties have agreed that there shall be no payment requested or required of such exchanges of personnel.

ALTERNATIVES:

Your Board could choose not to participate in the Memorandum of Understanding with the City of Visalia and decline the invitation to exchange Hearing Officer duties at no cost to either jurisdiction.

INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES:

County Counsel – legal reviews.

SIGNATURE REQUIREMENTS:

Chairman to sign the Memorandum of Understanding on behalf of the Board of Supervisors. County Administrative officer/Clerk of the Board of Supervisors, or authorized Deputy to attest to the Resolution.

ADMINISTRATIVE SIGN OFF:

RESOURCE MANAGEMENT AGENCY

LD

Deborah Kruse
Assistant Director – Development Services

Henry Hash, Director

Submittal Date: May 3, 2006

cc: City of Visalia

BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF AN MOU)
BETWEEN THE COUNTY OF)
TULARE RMA CODE COMPLIANCE)
DIVISION AND THE CITY OF VISALIA)
FOR JOINT PARTICIPATION)
IN ADMINISTRATIVE HEARING)
OFFICER DUTIES)

RESOLUTION NO.

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE BOARD OF
SUPERVISORS, AT AN OFFICIAL MEETING HELD ON MAY 16, 2006, BY THE
FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: C. BRIAN HADDIX
COUNTY ADMINISTRATIVE OFFICER
CLERK, BOARD OF SUPERVISORS

BY: _____

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