

Proposal No. 5 – Creating County Hearings Officers: Create an Independent Office of County Hearings Officers to Conduct All Contested Case Proceedings and Make Findings and Recommended Action to Officials, Boards and Commissions

Rationale. Creating County Hearings Officers would eliminate county expenditures for contract hearings officers and the expenditure of time of volunteer boards and commissions who generally do not have the legal or professional background to efficiently conduct contested cases. This proposal is also likely to significantly limit litigation by dissatisfied parties to contested case proceedings.

In 1964 and 1967, the First Charter Commission and the Second Charter Commission discussed a Board of Appeals and this idea was subsequently incorporated into the present Board of Variances and Appeals to allow an independent board to help resolve disputes between individual citizens and members of the executive branch. However, over the last fifty years, the extensive responsibilities placed on volunteer, citizen boards and commissions to address often factually and legally complex issues have taxed the time and abilities of these volunteer boards and costs the County real money by the extensive reliance on contract hearings officers.

The state has created, by statute, an Office of Administrative Hearings that conduct all administrative hearings for matters before the Department of Commerce and Consumer Affairs. It has also been assigned the role of determining medical tort claims, tort claims against design professionals, procurement disputes, due process hearings involving students with disabilities and certain condominium disputes.

This proposal would keep the final decision-making authority with the volunteer citizen boards and commission and would assign the task of initial fact-finding and recommending legally sound decisions to independent, neutral hearings officers.