

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

TEXT OF THE AMENDMENT (New material underscored, deleted material bracketed)

COUNTY HEARINGS OFFICER

Article ***

Section 1. There shall be established an Office of the County Hearings Officers which shall be an independent office administered by the Department of Finance. There shall be two or more hearings officers nominated by the mayor and approved by the council in the same manner and qualifications as Corporation Counsel. The term of office shall be eight years. The first hearings officer approved by the council shall have an initial term of four years. The terms of hearings officers shall be staggered. The longest serving hearings officer shall be the chief administrative officer of the Office of the County Hearings Officer and shall serve as the first among equals.

Section 2. Whenever any contested case proceeding or hearing determining the rights of private individuals comes before any county officer, board or commission pursuant to any law, charter provision or ordinance, the hearings officer or officers shall hear and recommend decisions in all such contested cases. The hearings officer or officers shall have power to issue subpoenas, administer oaths, hear testimony, find facts, and make conclusions of law and a recommended decision; provided that the conclusions and decisions shall be subject to review and redetermination by the officer, board, or commission which would have heard the case in the first instance in the absence of a hearings officer within ninety days of transmission of the findings, conclusions and recommended decision to said officer, board or commission. If no action is taken within said ninety days, the recommended decision shall become final and appealable. The review shall be conducted in accordance with chapter 91.

QUESTION TO VOTERS

“Shall there be established an independent office of county hearings officers, administratively attached to the Department of Finance, who shall hear evidence and argument and make recommendations to all county officers, boards or commissions whenever a contested case is required by law?”