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ORDINANCE NO. _____

AN ORDINANCE ADOPTING AMENDMENTS TO TITLE 2.09 OF THE EL DORADO
COUNTY ORDINANCE CODE BOARD OF SUPERVISORS – JUDICIAL AND QUASI-
JUDICIAL HEARINGS

THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 2.09 entitled “Board of Supervisors – Judicial and Quasi-Judicial Hearings” is amended in part to read as follows (additions are underlined, deletions are ~~struck~~):

CHAPTER 2.09. BOARD OF SUPERVISORS—JUDICIAL AND QUASI-JUDICIAL HEARINGS

Sec. 2.09.010. Purpose.

The purpose of this chapter is to provide rules for the conduct of judicial and quasi-judicial hearings before the Board of Supervisors of the County to the end that matters can be expeditiously processed and that when a hearing is required by law, the parties will have notice of the hearing and an opportunity to appear before the Board and present evidence.

(Prior Code, § 1301; Code 1997, § 2.09.010)

Sec. 2.09.020. Reserved.

Sec. 2.09.030. Applicability.

- A. Unless otherwise provided by law or by rules and regulations of limited application adopted by the Board of Supervisors, this chapter shall govern all judicial or quasi-judicial proceedings before the Board of Supervisors of the County, including appeals taken from decisions and rulings of the Planning Commission and excepting hearing before the Board sitting as a Board of Equalization.
- B. Where an appeal is taken from a decision or ruling of the Planning Commission or Zoning Administrator, the Board may sustain or overrule the action of the Planning Commission or Zoning Administrator, or may modify conditions attached thereto, or may substitute its own determination upon a hearing de novo. In granting an appeal, the Board shall make the finding that it is in conformity with the intent of this chapter and not detrimental to the public health, safety and welfare, or injurious to the neighborhood. The decision

of the Board shall be final in all matters. If the vote is a tie or a decision cannot be reached at the hearing, the permit or authorization that is the subject of the appeal shall be denied.

(Prior Code, § 1303; Code 1997, § 2.09.030)

Sec. 2.09.040. Appeals.

Appeals shall be initiated by written application. The application shall be filed with the Clerk of the Board of Supervisors. The application shall set forth specific facts of the matter in sufficient detail to notify the parties of the nature of the proceedings, to place the parties upon notice as to how any proposed action may affect their interest so that they may formulate their defense or opposition without being subjected to surprise. The application shall contain the name and address of the applicant and to the extent known by the applicant, of all parties.

(Prior Code, § 1304; Code 1997, § 2.09.040)

Sec. 2.09.045. Appeals initiated.

Unless otherwise stated in this Code, appeal proceedings shall be initiated by written application within ten working days of the aggrieved action. In all other respects, appeals shall be treated like all other judicial or quasi-judicial proceedings before the Board of Supervisors of the County and shall be governed by this chapter.

Sec. 2.09.050. Notice.

After filing of a complete written application or appeal the Clerk of the Board shall notify the applicant or appellant and all parties listed in the application or appeal of the hearing date for the application or appeal. The hearing ~~shall~~ should commence within ~~30~~ 60 days of receipt of the completed application or appeal.

(Prior Code, § 1306; Code 1997, § 2.09.050)

Sec. 2.09.060. Default.

When notice of hearing has been given in accordance with this chapter, a hearing may proceed in the absence of any party and the Board may decide the matter.

(Prior Code, § 1307; Code 1997, § 2.09.060)

Sec. 2.09.070. Hearings.

- A. *Fairness.* All hearings shall be full and fair in a substantial sense, so that all necessary parties shall be afforded ample opportunity to make a showing fairly adequate to establish the propriety or impropriety, from a standpoint of justice and law, of the action proposed to be taken, giving the parties an opportunity to present in a deliberate, regular and orderly manner issues of law and fact.
- B. *Disqualification.*
 - 1. Unless a quorum is broken thereby, any member of the Board of Supervisors who has a personal interest or a bias in the matter shall disqualify himself or herself.
 - 2. Unless a quorum is broken thereby, upon a showing of personal interest or bias, the Board shall order disqualification of a member.

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3. Only members of the Board of Supervisors who have heard the whole matter may participate in the decision.

C. *Record.*

1. The Clerk of the Board of Supervisors shall cause all testimony to be summarized and shall receive all exhibits and mark them in evidence.
2. Any party may provide and pay the compensation for a shorthand reporter. A transcript of testimony taken by a certified shorthand reporter so provided shall constitute the official record of testimony.

D. *Continuances.* The Board of Supervisors may order the hearing continued from time to time without notice.

(Prior Code, § 1307; Code 1997, § 2.09.070)

Sec. 2.09.080. Evidence.

- A. *Basic standard.* All relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of the evidence over objection in a civil action.
- B. *Hearsay evidence.* In a contested hearing, incompetent hearsay evidence may be used for the purpose of supplementing or explaining any other evidence, but shall not be sufficient in itself to support a finding.
- C. *Privilege.* The rules of privilege shall be effective to the same extent as they are now or hereafter may be recognized in civil action.
- D. *Burden of proof.* The burden of proof rests upon the party asserting the affirmative of an issue.
- E. *Inferences and presumption.* Rules regarding inferences and presumptions in civil actions shall obtain.
- F. *Rebuttal.* Each party shall have the right to rebut evidence against him or her.

(Prior Code, §1308; Code 1997, § 2.09.080)

Sec. 2.09.090. Witnesses.

- A. *Oath.* The Chair of the Board may require that witnesses testify under oath.
- B. *Exclusion.* The Board may exclude from any such public or private meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the Board.

(Prior Code, § 1309; Code 1997, § 2.09.090)

Sec. 2.09.100. Objection.

Unless timely objection is made to the Board, error is waived.

(Prior Code, § 1310; Code 1997, § 2.09.100)

Sec. 2.09.110. Decision.

- A. *Basic standard.* The decision of the Board of Supervisors shall be rendered at the conclusion of the hearings, or rendered at a subsequent meeting of the Board of Supervisors within 45 days, unless it is stipulated by the parties that the matter may be submitted for a later decision upon a certain date. The decision shall be in the form of ~~a resolution~~ written findings.
- B. *Contents.* The decision shall set forth the following:
1. The action taken by the Board;
 2. The findings of fact with sufficient particularity to make possible an intelligent review by the court and to apprise the parties of the basis for the action taken.

(Prior Code, § 1311; Code 1997, § 2.09.110)

Section 2.

The adoption of this Ordinance is exempt under the California Environmental Quality Act (CEQA) based on CEQA Guidelines 15305 (Minor Alterations in Land Use Limitations) and 15061(b)(3) (General Rule) of the CEQA Guidelines because the proposed changes would not cause direct or reasonably indirect physical change in the environment.

Section 3.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 4.

Pursuant to California Government Code section 25123, this Ordinance shall become effective thirty (30) days from the date of final passage by the Board.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the _____ day of _____, 2025, by the following vote of said Board:

ATTEST
KIM DAWSON

Clerk of the Board of Supervisors

Ayes:

Noes:

By _____

Deputy Clerk

Absent:

Chair, Board of Supervisors

APPROVED AS TO FORM
DAVID LIVINGSTON
COUNTY COUNSEL

By: _____

Title: _____