



## Legislation Details (With Text)

**File #:** 21-1280      **Version:** 1

**Type:** Agenda Item      **Status:** Approved

**File created:** 7/28/2021      **In control:** Board of Supervisors

**On agenda:** 8/31/2021      **Final action:** 8/31/2021

**Title:** Human Resources Department, Risk Management Division, recommending the Board:  
 1) Make a finding that Contract 5782 with the State of California, Office of Administrative Hearings for Administrative Law Judge Services is necessary to protect against a conflict of interest or to ensure independent and unbiased findings where there is a need for an outside perspective per County Contracting Out Ordinance 3.13.030;  
 2) Approve Contract 5782 with State of California, Office of Administrative Hearings for Administrative Law Judge Services in an amount of \$48,000 for a period beginning 09/25/2021 through 09/24/2026, and  
 3) Authorize the Purchasing Agent to Execute Contract 5782 with the State of California, Office of Administrative Hearings for Administrative Law Judge Services.

**FUNDING:** Risk Management Internal Service Fund.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - 5782 Agreement, 2. B - 5782 Counsel Approval, 3. Executed 5782 Agreement

Date	Ver.	Action By	Action	Result
8/31/2021	1	Board of Supervisors	Approved	Pass

Human Resources Department, Risk Management Division, recommending the Board:  
 1) Make a finding that Contract 5782 with the State of California, Office of Administrative Hearings for Administrative Law Judge Services is necessary to protect against a conflict of interest or to ensure independent and unbiased findings where there is a need for an outside perspective per County Contracting Out Ordinance 3.13.030;  
 2) Approve Contract 5782 with State of California, Office of Administrative Hearings for Administrative Law Judge Services in an amount of \$48,000 for a period beginning 09/25/2021 through 09/24/2026, and  
 3) Authorize the Purchasing Agent to Execute Contract 5782 with the State of California, Office of Administrative Hearings for Administrative Law Judge Services.

**FUNDING:** Risk Management Internal Service Fund.

### DISCUSSION / BACKGROUND

Government Code 27720 states, "The board of supervisors of any county may establish the office of county hearing officer. The duties of the office are to conduct hearings for the county or any board, agency, commission or committee of the county." El Dorado County has not established the Office of County Hearing Officer; therefore, per Government Code 27727, the County may contract with the Office of Administrative Hearings of the State of California for an administrative law judge or a hearing officer to conduct proceedings. Administrative Law Judge services are utilized for any case when the County needs a credentialed judge as required by State statute, such as arbitration or a workers' compensation appeal, to preside over a hearing and make an impartial judgment.

The County has contracted with the Office of Administrative Hearings for Administrative Law Judge services for some time. Prior agreements have not come before the Board for approval because the term was previously three years. While the not-to-exceed amount has remained \$48,000, the Office of Administrative Hearings updated their contract term for local agencies to five years. Per Policy C-17, Board of Supervisors' approval shall be required for any contract term exceeding three (3) years inclusive of all amendments and regardless of dollar amount.

**ALTERNATIVES**

The Board could not approve Contract 5782; however, the County would not be compliant with Government Codes 27720 and 27727.

**PRIOR BOARD ACTION**

N/A

**OTHER DEPARTMENT / AGENCY INVOLVEMENT**

Risk Management, Procurement and Contracts

**CAO RECOMMENDATION / COMMENTS**

Approve as recommended.

**FINANCIAL IMPACT**

Since there is no change in the contract amount, this has no impact on the budget or cost to the county. The Fiscal Year 2021-22 Budget includes the anticipated cost of the services used under this agreement.

**CLERK OF THE BOARD FOLLOW UP ACTIONS**

Please return the executed agreement to the Chief Administrative Office, Central Fiscal Services, to the attention of Gina De Martini-Kuhns for further processing.

**STRATEGIC PLAN COMPONENT**

Good governance.

**CONTACT**

Joseph Carruesco, Human Resources Director

Michael Andersen, Risk Manager