

**MEMORANDUM**  
**PLACER COUNTY HEALTH AND HUMAN SERVICES**  
**Environmental Health Division**

**TO:** Honorable Board of Supervisors

**FROM:** Richard J. Burton, M.D., M.P.H.  
Placer County Health Officer and Director of Health & Human Services  
Jill Pahl, REHS, Environmental Health Division Director

**DATE:** July 12, 2011

**SUBJECT:** Ordinance Amending Chapter 8 Related to Definition and Hearing Procedures of Appeals Board Regarding the County On-Site Sewage Manual

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**ACTION REQUESTED:**

Introduce an ordinance amending Chapter 8, Article 8.24, Sections 8.24.030 and 8.24.120 related to the definition and hearing procedures of the Appeals Board regarding the County On-Site Sewage Manual.

**BACKGROUND:**

On April 12, 2011, the Placer County Grand Jury issued its final report based on an investigation due to a complaint regarding the practices and procedures of the Placer County Wastewater Advisory Committee (Committee). One of the issues raised by the Grand Jury was the lack of clarity in the by-laws as to which members are required to file an annual statement of economic interests (Form 700). The Committee serves in an advisory role and as a result, does not have to file a Form 700 except when individual members sit as the appeals board pursuant to Article 8.24, Section 8.24.120. Currently County Code permits the Chair to select the three members per appeal. Since formed in 2000, there has not been an appeal pursuant to 8.24.120, however, it is available in the event an appeal is filed in the future. The proposed amendments identify which members will serve as the Appeals Board. These members will be required to file a Form 700. The proposed amendments will implement the Grand Jury's recommendations related to Form 700 filing requirements. In addition, the proposed amendments establish appeal hearing procedures. Although the Grand Jury's comments pertained to the by-laws, amendments to which were adopted on June 7, 2011, the Division wishes to ensure that the appeals hearing procedures are also clearly delineated.

**ENVIRONMENTAL REVIEW:**

The proposed amendment to Article 8.24 is exempt from the California Environmental Review Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3).

**FISCAL IMPACT:**

There is no fiscal impact related to the proposed amendments.

Attachment: Ordinance

Before the Board of Supervisors  
County of Placer, State of California

In the matter of:

**An Amendment to Chapter 8, Article 8.24,  
Sections 8.24.030 and 8.24.120 of the Placer  
County Code Related to Definition and Hearing  
Procedures of Appeals Board for Matters  
Involving the County On-Site Sewage Manual.**

Ord. No.: \_\_\_\_\_

FIRST READING: \_\_\_\_\_  
SECOND READING: \_\_\_\_\_

The following **Ordinance** was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held \_\_\_\_\_ by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

\_\_\_\_\_  
Chairman, Board of Supervisors

Attest:  
Clerk of said Board

\_\_\_\_\_  
Ann Holman

**THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER, STATE OF CALIFORNIA, DOES  
HEREBY ORDAIN as follows:**

**Section 1.** Chapter 8, Article 8.24, Section 8.24.030 Definitions is hereby amended as follows:

"Appeals Board" means the hearing body established to hear appeals and determine relief from strict compliance with standards of the on-site sewage manual. The "Appeals Board" shall be comprised of the following three members of the ~~three members of the on-site wastewater advisory committee: representative of the Academia ( seat 2 of the committee), representative of Placer County Department of Facility Services (seat 4 of the committee) and representative of the Placer County Planning Commission or member of the Board of Supervisors (seat 12 of the committee). The representative of the Placer County Planning Commission or member of the Board of Supervisors shall serve as the chair,~~ ~~selected by the chairman of the committee in each specific case, to consider relief from strict compliance with standards of the on-site sewage manual~~

**Section 2.** Chapter 8, Article 8.24, Section 8.24.120 Appeals, is hereby amended as follows:

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C. Any person dissatisfied with the decision of the director may appeal that decision to an the ~~the~~ ~~appeals board, comprised of three members of the wastewater advisory committee selected by the chair.~~

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Ordinance No. \_\_\_\_\_

Date Adopted: \_\_\_\_\_

F. ~~The appeal hearing shall be de novo.~~ Written notice of the time and place of the hearing shall be given at least ten (10) calendar days prior to the date of the hearing to each interested party, to the director whose determination is being appealed, and to other interested persons who have requested in writing that they be so notified. **Notice to the appellant shall be given by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, certified postage prepaid return receipt requested, addressed to each appellant at his or her address shown on the appeal. Notice shall be effective upon personal delivery or five working days after mailing.**

**The appeal hearing shall be de novo. Only those matters or issues specifically raised by the appellant(s) in the written appeal shall be considered in the hearing on appeal. The appeal hearing shall be conducted in the following order: appellant, the director and/or staff, members of the general public, appellant for rebuttal purposes. The hearing need not be conducted according to technical rules relating to evidence.**

**The chair of the appeals board may limit the testimony as necessary for the orderly conduct of business. All parties will be allowed to present written evidence and oral testimony. If studies, testing, evaluations or other documents are submitted as proof of either party's position, such documents must be capable of being readily authenticated as to the author, publication date and source of publication. If authentication cannot be established for a document during the hearing, the appeal board may reject it as evidence or continue the hearing and request additional information from the party offering the document into the record. All documents submitted shall become part of the administrative record.**

**The appeals board may continue the hearing and request additional information from any party to the proceeding prior to issuing a written decision or at the conclusion of the hearing may take the matter under submission.**

**The failure of the appellant to appear at the hearing shall constitute a denial of the appeal and shall constitute a failure to exhaust administrative remedies.**

G. The appeals board, within fifteen (15) working days of the date of completion of the appeals board hearing, shall file its decision on the appeal. The appeals board may approve, conditionally approve or deny the appeal, ~~or request additional information prior to making a determination.~~ All actions of the appeal board shall be made in writing.

**The decision of the appeals board shall be in writing and shall contain a determination of the issues presented, and the requirements to be complied with if the appeal is conditionally approved. A copy of the decision shall be delivered to each appellant personally or sent to him or her by certified mail, postage prepaid, return receipt requested.**

**Section 3.** This ordinance shall take effect and be in full force thirty (30) days after the date of its passage. The Clerk is directed to publish this ordinance, or a summary thereof, within fifteen (15) days in accordance with government code section 25124.

