



CITY OF PACIFIC GROVE
300 FOREST AVENUE
PACIFIC GROVE, CALIFORNIA 93950
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NOTICE OF REGULAR MEETING

ADMINISTRATIVE ENFORCEMENT HEARING OFFICER PANEL

DATE: October 7, 2016
TIME: 1:30 pm
LOCATION: CITY MANAGER'S CONFERENCE ROOM - 300 FOREST AVENUE

REVISED AGENDA

1. Call to Order
2. Introduction of Hearing Officers, Staff & Counsel
Appointed members and staff will introduce themselves.
3. Oral Communications
Comments from the Audience will be limited to three minutes, and must concern topics within the jurisdiction of the Hearing Panel.
4. Facilitate discussion of Panel Members regarding the following:
 - A. Hearing Officer Authority Under Municipal Code Section 1.19
 - B. Role of City Attorney
 - C. Authority of Code Compliance Officer, Chief Building Official and staff
 - D. New Parking Citation process and subsequent appeals; Parking discussion (see attached)
 - E. Hearing Schedules
 - F. Response to questions regarding Chapter 7.40
 - G. Decisions and Appeals
5. Review Type and Frequency of Matters
6. Reaffirm Hearing Officer Selection
The Hearing Panel shall discuss possible pending matters and determine best dates for hearings and meetings. The Chair shall select in a random order, a list of members for ongoing case review and hearings.
7. Adjournment

This meeting is open to the public and all interested persons are welcome to attend. The City of Pacific Grove does not discriminate against individuals with disabilities and meetings are held in accessible facilities.

Parking Issues for discussion submitted by Carl Munteer

Duncan Solutions is the processing agency for parking citations for the City. Vehicle Code § 40215(d) states: “The provisions of this section relating to the administrative appeal process do not apply to an issuing agency that is a law enforcement agency if the issuing agency does not also act as the processing agency.”

Assuming that the parking citations issued by the City are issued by “a law enforcement agency”, then the City “does not also act as the processing agency” because the processing agency is Duncan Solutions. Under Vehicle Code § 40215(d) this would currently make the appeal process in 40215 unavailable for the City. Section 40215 does not identify where in 40215 the “provisions...relating to the administrative appeal process” are found but it is presumably in subdivisions (b) and (c).

The problem is that the only authority permitting the use of “a hearing by mail” is Vehicle Code § 40215(c)(1). But that does not apply to the City under § 40215(d) as shown above. I have been unable to find any other statute that permits a hearing by mail or a hearing in writing for parking citations. Therefore, without such state statute or ordinance of the City, the hearing officers have no jurisdiction to permit a hearing by mail since the only statute that permits that does not apply to the City.

As it stands, it appears that the only jurisdiction Administrative Hearing Officers have is to conduct in-person hearings and only because those are allowed in PGMC chapter 1.19. Otherwise, it appears the City must add such a provision for a hearing by mail in chapter 1.19 of the PGMC. I understand from the ethics training last week that such an amendment to the PGMC would be an arduous process.