Date: September 5, 2013 – 2:00 pm  
City Manager’s Conference Room - City Hall  
300 Forest Avenue, Pacific Grove, CA

1. **CALL TO ORDER**  
Chairperson Kim Murdock called the meeting to order at 2:00 p.m.

2. **INTRODUCTIONS**  
Present: Carl Mounteer, Lynda Johnson, Kim Murdock, and Jack Clifton  
Absent: James Hall, unable to attend  
Staff: City Attorney David Laredo, Deputy City Attorney Alex Lorca, Code Compliance Officer Terri Schaeffer, City Clerk, David Concepcion,

3. **ORAL COMMUNICATIONS**  
None  

**REGULAR AGENDA:**

4. **Facilitate discussion of Panel Members**  
City Clerk David Concepcion administered the Oath of Office to Mr. Clifton.  
Dave Laredo commented that there are 2 vacancies on the panel.  
Terri spoke as to the role of Hearing Coordinator. Distributed handouts.  
Dave clarified the role of the City Attorney’s office. Until recently, the Hearing Panel was in theory more than practice. In the past 6 months, we have had more hearings of these types: 1 Property Maintenance Hearing, Parking Enforcement 1 Hearing, 4 Parking Enforcement reviews. Going forward the types of issues that may come to the Panel include: Parking Enforcement, Tree Ordinance, Social Hosting Cost Recovery, Illicit discharges into Storm-water system.  
The City Attorney defends the process and acts as liaison to the Hearing Panel members; helps to provide structure for decisions and findings; acts as a sounding board. Does not advocate; can’t be prosecutor and defendant of the City. May be called to defend the City’s position in a future matter. Up to 3 Attorneys from the office may be working with the Panel (Dave Laredo, Heidi Quinn or Alex Lorca).  
Question: If Hearing Officer (HO) disagrees with City- HO gets to decide using best judgment; Hearing Officer is not over-ried by the City or City Attorney. The Hearing Officer’s decision stands. City Attorney would defend the Hearing Officer’s decision.  
One Hearing Officer hears a case at a time. Officers are selected off a random list as they are available and there is no personal conflict with any participants.  
To help explain how the decision making process begins; Dave suggested that you envision that you start with an empty box. Collect evidence during the hearing and you put the information in the box. At the end you tie your decision to the evidence you have collected in the box. You create the findings based on this evidence.  
The City has to meet its burden. If evidence is missing or not relevant then the City has not met its burden. You do not prove the City’s case. You evaluate what the City presents. Administrative notice means you can take unequivocal notice for something not disputed. You can ask questions of participants.
Question: Who sits in on the Hearing? The Hearing Officer runs the Hearing, the City Attorney may be present to offer advice as to the process; a City staff person will be present as Hearing Coordinator; other City staff people are available as witnesses; Code Compliance Officer acts as prosecutor; the respondent or appellant may appear with an attorney or other witnesses. The City has the obligation to present the case; you can ask questions if you don’t understand what you are hearing; you have the ability to request additional information. City has the burden; if there are 2 conflicting stories you can ask for more information. Ex parte communication means if you ask for information from one party you must share same information to all parties.

Question: Why are they called appellant or respondent on the form? Depends on the manner in which the case comes before you. If there is an appeal of a citation or fine, then the defending party is an Appellant. If the defending party is on the receiving end of a complaint or order for a violation then the defending party is a Respondent. Two processes: a Citation Process, a fine that one can appeal and an Enforcement Process, you can’t just pay the fine you have to respond. Comment: Notice of service and statutory requirements as to penalties and fines should be consistently used by City. Hearing Officers may see gaps in information the City provides in cases. The City must make its case in a reasonable way and insure that the other side has the opportunity to make its case. You can ask to open the Hearing again.

5. **Review the Type and Frequency of Pending Matters**

Parking Enforcement – Reviewed documentation of Parking Enforcement process. Examples of citation forms and process for administrative review. Terri will spell out the City staff involved in process for each case referred to the panel. Citations have a 20 day judicial review period. Compliance Orders have a 90 day judicial review period. P.G.M.C. Chapter 1 refers to the enforcement mechanisms and processes. Social Hosting cases: cost recovery for underage drinking incidents.

If you see a section of the code that is unenforceable or unclear you are welcome to bring it forward and we will take it to the City Manager and commissions or council for changes.

6. **Reaffirm Hearing Officer Selection**


7. **Adjournment**

The meeting was adjourned at 2:55 pm

Respectfully submitted,

Terri C. Schaeffer

This serves as written notice that Pacific Grove Municipal Code Section 1.20.010 incorporates Section 1094.6 of the Code of Civil Procedure of the State of California and provides a ninety-day limitation for judicial review of any final administrative decision by the Council, or any board, commissioner, or officer of the City.