

TO: Chair and Members

DATE: March 13, 2014

**SUBJECT: Proposed Decision of SB 1022
Appeals Hearing Panel to BSCC –
Stanislaus County. Consider Recommendation.**

AGENDA ITEM: L-2

**ACTION: X
INFORMATION:**

RESOURCE PERSON: Kathleen Howard

Background:

Attached is the report from the appeals panel on the SB 1022 appeal filed by Stanislaus County.

The appeals panel is recommending:

“ . . . that the Board consider the recommendation of the appeals panel and adopt this proposed decision, which would move Stanislaus County to position number 2 in the medium-sized counties.”

The jurisdiction of the appeals panel was limited to consideration of the specific remedy the county sought. The Board must now consider the effect of the appeals panel’s recommendation on all of the medium-sized counties.

Recommendation/Action Needed:

Staff recommends that the Board determine next steps consistent with Title 15, Division 1, Subchapter 6, Article 5. Appeal Procedures, Sec. 1792:

- (a) The BSCC, after receiving the proposed decision, may:
 - (1) Adopt the proposed decision;
 - (2) Amend the decision with or without taking additional evidence into consideration;
 - or,
 - (3) Order a further hearing to be conducted if additional information is needed to decide the issue.

- (b) After the hearing panel's proposed decision is adopted, or an alternate decision is rendered by the BSCC or notice of new hearing ordered, the notice decision or other such actions shall be sent via certified mailed by the BSCC to the appellant.

- (c) The record of the testimony, exhibits, all papers and requests filed in the proceedings, and the hearing panel's proposed decision shall constitute the exclusive record for decision and shall be available to the appellant for one year after the date of the BSCC's notice of decision in the case.

- (d) The decision of the BSCC shall be final.