ORDINANCE CODE SECTION 165
APPEALS PROCEDURES

ADMINISTRATIVE APPEALS

SECTION 165 (formerly Section 115). As to any matter which the Board of Supervisors by ordinance or resolution makes subject to the provisions of this section, the appeal to the Board of Supervisors and review shall be controlled by the following rules:

(a) An appeal from a finding, decision or action of a Tulare County agency, office or employee shall be taken by filing a written notice of appeal within ten (10) calendar days after the finding, decision or action is announced to the applicant or person affected, or, in those cases where written notice of the finding, decision or action is required, within ten (10) calendar days after the mailing of the notice of the finding, decision or action. The finding, decision or action shall be final unless such written notice of appeal is filed within said 10 day period. A notice of appeal shall be in writing, shall be filed with the Clerk of the Board of Supervisors and shall state specifically wherein it is claimed there was an error or abuse of discretion. The Board of Supervisors shall consider only the issues raised in the Notice of Appeal as basis for appeal. Appellant, with approval of the Board of Supervisors, may amend the written notice of appeal to include additional issues, before submission to the Board of Supervisors for decision.

(b) Upon the filing of the Notice of Appeal, the County agency, office or employee shall transmit to the Clerk of the Board of Supervisors copies of all documents pertaining to this matter, such transcript of testimony as the appellant shall specifically request, and a summary of all of the evidence presented. The County agency, office or employee shall recover from the appellant the costs of preparation of any transcript of testimony requested by the appellant.

(c) The Clerk of the Board of Supervisors shall give notice to the appellant, the applicant (if the applicant is not the appellant) and to the responding County agency, office or employee of the date when the appeal will be heard by the Board of Supervisors. In addition, the clerk shall give such other notice as may be required by law or ordinance.

(d) At the hearing on appeal, the Board of Supervisors shall review the documents pertaining to the matter, offered summaries of the evidence, such transcript of testimony as may be furnished; and will hear such testimony as is relevant to the issues raised in the

Notice of Appeal and any amendments thereto. Oral evidence shall be taken on oath or affirmation. Each side shall have the right to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues on appeal even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him to testify; and to rebut the evidence against him. If a party does not testify on his own behalf he may be called and examined as if under cross-examination. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but may be rejected by the Board members if deemed unreliable. The rules of privilege shall be effective to the extent that they are otherwise required by Statute to be recognized at a hearing. Irrelevant and unduly repetitious evidence shall be excluded. At the conclusion of the hearing, the Board of Supervisors may affirm, reverse or modify the finding, decision or action, or may refer the matter back for further action.

(e) Judicial review of a decision of the Board of Supervisors made after a hearing pursuant to this section shall be made pursuant to section 1094.6 of the California Code of Civil Procedure where and to the extent said section may be applicable.

The provisions of this section shall be applicable only where there is a specific reference to this section by resolution or ordinance, directing that the provisions of this section shall control. (Added by Ord. No. 2413, effective 5-14-81; amended by Ord. No. 2545, effective 7-28-83.)