

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EUREKA AMENDING
TITLE 1, CHAPTER 10 OF THE EUREKA MUNICIPAL CODE ADDING SECTIONS
10.110 THROUGH 10.118, ESTABLISHING ADMINISTRATIVE HEARING
PROCEDURES**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA AS FOLLOWS:

WHEREAS, the City of Eureka conducts administrative hearings under multiple titles of the Eureka Municipal Code, including but not limited to code enforcement matters, animal control proceedings, and permit and license determinations; and

WHEREAS, administrative hearings may affect property rights, personal rights, and legal obligations, and therefore must be conducted in a manner that affords due process and fundamental fairness; and

WHEREAS, existing administrative hearing procedures are dispersed throughout the Eureka Municipal Code and do not provide a single, uniform procedural framework applicable across departments; and

WHEREAS, a lack of uniform administrative hearing procedures can result in inconsistency, inefficiency, and uncertainty for hearing officers, City staff, and members of the public; and

WHEREAS, the City Council desires to establish standardized administrative hearing procedures that promote clarity, transparency, and legally sufficient decision-making, while selectively preserving specialized hearing procedures already adopted in specific chapters of the Eureka Municipal Code; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EUREKA DOES ORDAIN
AS FOLLOWS:**

SECTION 1. Title I, Chapter 10 of the Eureka Municipal Code is amended to add Sections 10.110 through 10.118 to read as follows:

§ 10.110 ADMINISTRATIVE HEARING PROCEDURES.

- A. **DEFINITIONS.** For purposes of this chapter, the following words, terms, and phrases have these definitions.
1. **Administrative Hearing** means a quasi-judicial proceeding, authorized by the Eureka Municipal Code and conducted by a Hearing Officer under the provisions of this Chapter.
 2. **Hearing Officer** or **Hearing Examiner** means an impartial individual appointed by the City Attorney to preside over an Administrative Hearing.

3. **Impartial** means the absence of bias or prejudice and the maintenance of an open and neutral mind.

B. **Purpose.** The purpose of this article is to establish uniform administrative hearing procedures to ensure due process, consistency, efficiency, and fairness.

C. **Scope.** Except where a different procedure is expressly required by state law or another provision of this Code, this article governs all administrative hearings conducted by or on behalf of the City, including but not limited to:

- a. Code enforcement;
- b. Administrative citation hearings;
- c. Permit, license, or entitlement determinations;
- d. Dangerous or potentially dangerous dog hearings.

§ 10.111 ADMINISTRATIVE HEARING OFFICERS.

A. APPOINTMENT.

- 1. The City Attorney is authorized to appoint Hearing Officers, who must be Impartial.
- 2. Hearing Officers may not be appointed or compensated in a manner that creates a financial incentive dependent upon the outcome of any individual case or continued assignment of matters.

B. AUTHORITY AND DUTIES.

- 1. Hearing Officer has authority to:
 - a. Administer oaths and affirmations;
 - b. Regulate the course of the hearing;
 - c. Rule on all procedural, legal, and evidentiary matters;
 - d. Continue or reschedule hearings for good cause;
 - e. Maintain order and decorum;
 - f. Issue written decisions consistent with this Code.
- 2. **DISQUALIFICATION.** A Hearing Officer must disqualify themselves where required by law or where impartiality may reasonably be questioned. Parties may waive disqualifications in writing.

§ 10.112 NOTICE OF ADMINISTRATIVE HEARING.

- A. **Notice Required.** Written notice must be provided no fewer than ten (10) calendar days prior to the hearing, unless otherwise provided by law.
- B. **Contents.** The notice shall include:
 - 1. Date, time, and location of the hearing, including a statement of whether the Hearing Officer will appear in person or remotely;
 - 2. Identification of the Hearing Officer;
 - 3. Description of the matter to be heard;
 - 4. Applicable Eureka Municipal Code sections;
 - 5. Potential penalties or orders;
 - 6. Statement of the right to present evidence and argument, in person or remotely;
 - 7. Statement of the right to be represented by counsel at the party's own expense.
- C. **Service.** Notice must be served in a manner authorized by this Code or by general law.

§ 10.113 CONDUCT OF HEARING.

- A. Administrative hearings are informal proceedings not governed by the technical rules of evidence. The Hearing Officer may consider evidence that responsible persons are accustomed to rely on in the conduct of serious affairs.
- B. Hearings will be recorded by audio or other reliable means. A stenographic transcript is not required unless otherwise mandated by law. A copy of the recording will be available to a party upon payment of the reasonable cost incurred by the City to produce the recording, unless otherwise required by law.

§ 10.114 CONTINUANCES.

The Hearing Officer may grant continuances for good cause or on the officer's own motion to ensure fairness and due process.

§ 10.115 WRITTEN DECISION.

- A. The Hearing Officer must issue a written decision containing findings of fact and conclusions based on the evidence and applicable law.
- B. The decision must be served on all parties and must include notice of any applicable administrative appeal rights, if any, and the statute governing judicial review, including applicable filing deadlines.

§ 10.116 FINALITY AND EXHAUSTION.

- A. A decision will become final when issued unless an administrative appeal is expressly authorized by this Code or an applicable statute.
- B. Failure to timely pursue an available administrative appeal constitutes a failure to exhaust administrative remedies.

§ 10.117 SEVERABILITY.

If any provision of this article is held invalid, such invalidity will not affect other provisions that can be given effect without the invalid provision.

§ 10.118 CONFORMING REFERENCES.

- A. Except where a specific chapter expressly provides alternative procedures, references in the Eureka Municipal Code to appeal hearings and administrative hearings refer to this article.
- B. Nothing in this article supersedes specialized procedures expressly adopted in Title IX, Chapter 91, or other chapters.

SECTION 2. The City Clerk will certify to the adoption of this Ordinance and will cause the same or a summary thereof to be published as required by law.

SECTION 3. This Ordinance takes effect and will be in full force and effect thirty (30) days after the date of its final passage and adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Eureka in the County of Humboldt, State of California, on the ____ day of _____, 2026 by the following vote:

AYES: COUNCILMEMBERS
NOES: COUNCILMEMBERS
ABSENT: COUNCILMEMBERS

Leslie Castellano, Mayor Pro Tem

THE ABOVE ORDINANCE WAS PRESENTED TO THE MAYOR on the ____ day of _____, 2026, and hereby approved.

Kim Bergel, Mayor

Bill No.1055-C.S.
Ordinance No. ____-C.S.
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Approved as to Administration:

Approved as to form:

Miles Slattery, City Manager

Robert N. Black, City Attorney

THE ABOVE ORDINANCE WAS ATTESTED BY THE CITY CLERK OF THE CITY OF EUREKA on the_____
day of _____, 2026.

Pamela J. Powell, City Clerk