

ITEM 3

APPEAL OF EXECUTIVE DIRECTOR DECISIONS PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 1181, SUBDIVISION (c).

Executive Summary

Government Code section 17530 states that the executive director “shall be responsible for the executive and administrative duties of the commission and shall organize, coordinate, supervise, and direct the operations and affairs of the commission and expedite all matters within the jurisdiction of the commission. The executive director shall ... perform other duties as the commission prescribes.”

Commission regulation section 1181, subdivision (b) states, “Whenever it is stated the “executive director” may or shall exercise or discharge any power, duty, purpose, function, or jurisdiction, or it is not expressly stated that the commission itself shall so act, the executive director of the commission has the authority to act thereon.”

Section 1181, subdivision (c), states, “Any party in interest may appeal to the commission for review of the actions and decisions of the executive director.”

Finally, section 1181, subdivision (d) states, “Nothing herein prohibits the executive director from delegating to his/her subordinates as provided in Section 18572 of the Government Code.”

This agenda item has been created as a standing agenda item for appeals that are filed regarding items on this agenda. Previously, when an appeal has been filed on a current agenda item, the item has been postponed to another hearing so the appeal can be addressed first.

At this time, there are no pending appeals of executive director decisions for any of the items on this agenda.