

ADMINISTRATIVE HEARING DECISION AND ORDER

CITY OF SAN BERNARDINO

ANNUAL PUBLIC WORKS HEARING UNDER SBMC 8.24.050

Agency Address: City of San Bernardino
201 N. E St., Third Floor
San Bernardino CA 92401

Hearing Date: May 23, 2024

Property Addresses: See Exhibit “A”

An administrative hearing (“**Hearing**”) was conducted at the request of the City of San Bernardino (“**City**”). Information submitted by all parties, if any, together with pleadings, evidence, and documents submitted by was reviewed by the below-named hearing officer (“**Hearing Officer**”) and the following Decision and Order is issued.

PARTIES

City: JAIRO BARRERAS, City Public Works – Solid Waste Field Inspector, was present and testified on behalf of the City.

Speakers: The following individuals were present and gave public comments:

NONE PRESENT

NOTICE

The City served a notice of referral to the Hearing Officer on all concerned parties. The notice advised that an administrative hearing would be held on the above hearing date and at such location as designated by the City.

EVIDENCE

The evidence submitted by the City was thoroughly reviewed and considered in this matter. All witnesses present at the Hearing testified under penalty of perjury. Written statements or declarations, made under penalty of perjury, were received.

The above information presented in the Hearing was considered and is incorporated in the following Decision and Order.

The Administrative Hearing was recorded and a copy of the sound audio file is part of the record of this hearing and is maintained by the City.

The legal ‘standard of review’ of all evidence in such administrative cases is a **preponderance of the evidence** or ‘evidence which is of greater weight and more convincing than the evidence which is offered in opposition to it; that is evidence which as a whole shows that the fact sought to be proved is more probable than not.’ **Black’s Law Dictionary, Fifth Edition.**

FINDINGS AND ORDER

Based on the documented information provided by the City, as well as the information presented by the testifying witnesses or otherwise submitted by the parties, I find that there are sufficient facts of record to uphold the City’s request for recovery of delinquent amounts for solid waste collection services rendered. No public comments, whether at the hearing or via written submission, established that any particular parcel was imposed costs for solid waste recovery incorrectly or that the City was not entitled to said costs.

I find, therefore, that pursuant to San Bernardino Municipal Code (SBMC) sections 8.24.040 and 8.24.050 the City and its solid waste collection contractor, Burrtec Waste Industries, are entitled to recover the amounts owed for solid waste collection services provided, less payments received, together with any late charges accrued and that the City’s report regarding the same is hereby confirmed. The City is therefore authorized to proceed with recording of a lien for such delinquency amounts for all subject properties pursuant to SBMC 8.24.050.

This ORDER shall commence upon service of this Decision and Order on each property owner.

FINAL DECISION

The Hearing Order and Decision is final as to the administrative hearing process pursuant to the provisions set forth in the City of San Bernardino Municipal Code section 8.24.050.

IT IS SO ORDERED:

Date: 06/05/2024



Elio Palacios, Esq.
Hearing Officer