

By: City Clerk
Adopted: April 9, 2018
Yes: Dryden, Graham, Harvey, Ledford, O'Barr
No: None
Absent: Burney

**City of Wasilla
Resolution Serial No. 18-10**

A Resolution Of The Wasilla City Council Setting The Rate Of Compensation For An Administrative Hearing Officer Pursuant To Wasilla Municipal Code Section 2.76.030 And Repealing Resolution Serial No. 13-20 In Its Entirety.

WHEREAS, appeals from decisions of the planning commission on conditional uses, variances, and other quasi-judicial zoning and land use determinations shall be heard by an administrative hearing officer pursuant to WMC Chapter 16.36; and

WHEREAS, an administrative hearing officer hears certain matters regarding the care and regulation of animals pursuant to WMC Title 7; and

WHEREAS, an administrative hearing officer shall be an attorney duly licensed to practice law in the state of Alaska, or have training and experience in arbitration, mediation, contract law, and must also have knowledge of, or an ability to comprehend, general land use regulation pursuant to WMC 2.76.020; and

WHEREAS, an administrative hearing officer shall receive compensation at an hourly rate set by resolution pursuant to WMC 2.76.030; and

WHEREAS, since August 2013, the hourly rate of compensation for an administrative hearing officer has been set at \$175.

NOW, THEREFORE, BE IT RESOLVED, that the Wasilla City Council sets the rate of compensation for an administrative hearing officer at \$175 per hour.

BE IT FURTHER RESOLVED, that Resolution Serial No. 13-20, adopted by the Wasilla City Council on August 26, 2013, is hereby repealed in its entirety.

ADOPTED by the Wasilla City Council on April 9, 2018.


BERT L. COTTLE, Mayor

ATTEST:


JAMIE NEWMAN, MMC, City Clerk

[SEAL]

CITY OF
WASILLA
 • ALASKA •

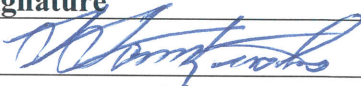

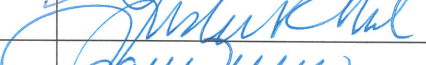

CITY COUNCIL LEGISLATION STAFF REPORT


Resolution Serial No. 18-10: Setting The Rate Of Compensation For An Administrative Hearing Officer Pursuant To Wasilla Municipal Code Section 2.76.030 And Repealing Resolution Serial No. 13-20 In Its Entirety.

Originator: Jamie Newman, City Clerk

Date: 3/21/2018

Agenda of: 4/9/2018

Route to:	Department Head	Signature	Date
X	Finance Director		3-27-18
X	Deputy Administrator		3/30/18
X	City Attorney		4/3/18
X	City Clerk		3/27/18

Reviewed by Mayor Bert L. Cottle:  3/28/2018

Fiscal Impact: yes or no **Funds Available:** yes or no

Account name/number: Professional Services 001.4110.411.30-37

Attachments: Resolution Serial No. 18-10 (2 pages); Resolution Serial No. 13-20 (2 pages)

Summary Statement: Resolution Serial No. 18-10 is brought forward as a housekeeping measure.

Resolution Serial No. 13-20, currently in effect, references that an appeal on a suspension or revocation of a business license is heard by an administrative hearing officer. With the adoption of Ordinance Serial No. 18-06, on March 12, 2018, this type of appeal would now be heard by the mayor or the mayor's designee pursuant to WMC 5.16.215.

Pursuant to WMC 2.76.030, this resolution also sets the hourly rate of compensation for an administrative hearing officer (hearing officer) at \$175.00, a rate that has been in effect since 2013.

The City of Palmer recently paid a hearing officer \$260.00 per hour for a land use appeal and \$192.00 per hour for an RFP (request for proposal) appeal. I understand there is talk of increasing the hourly rate of compensation for members of the Matanuska-Susitna Borough Board of Adjustment and Appeals from \$150.00 to \$200.00.

In 2009, the City's hourly rate for a hearing officer was set at \$150.00. In 2013, the Council raised the rate to \$175.00. If there is support from Council to increase the rate, an amendment will need to be made from the floor.

Staff Recommendation: Adopt Resolution Serial No. 18-10.

By: City Clerk
Adopted: August 26, 2013
Vote: Harris, Sullivan-Leonard, Wall and Woodruff in favor
Buswell absent and Seat A Vacant

**City of Wasilla
Resolution Serial No. 13-20**

**A resolution of the Wasilla City Council fixing the rate of compensation for the position of
Hearing Officer for Appeals and repealing Resolution Serial No. 09-35.**

WHEREAS, Wasilla Municipal Code (WMC) 16.36.020.A states that appeals to the Council from decisions of the Planning Commission are heard by a city-appointed administrative hearing officer; and

WHEREAS, WMC 7.08.020.A states that appeals of animals classified as a level 1, 2, 3, 4, or a written administrative order are heard by a city-appointed administrative hearing officer who has appellate jurisdiction over such cases; and

WHEREAS, WMC 7.08.020.B states that a city-appointed administrative hearing officer has original jurisdiction of animals recommended for a level 5 classification by the Chief Animal Care and Regulation Officer; and

WHEREAS, WMC 6.04.065.C states that appeals for a suspension or revocation of a business license are heard by a city-appointed administrative hearing officer; and

WHEREAS, WMC 2.76.030 states that compensation of the administrative hearing officer will be determined by Council resolution; and

WHEREAS, the time required for an administrative hearing officer to research and prepare for a hearing, hear an appeal, and write a decision of the appeal will vary significantly depending on the issues presented by the appeal; and

WHEREAS, WMC 2.76.020 states that an administrative hearing officer shall be an attorney duly licensed to practice law in the state of Alaska, or have training and experience in arbitration, mediation, contract law, and Wasilla Municipal Code; and

WHEREAS, the Council finds that an hourly rate of \$175 will provide reasonable compensation to persons who are qualified to serve as a hearing officer under WMC 2.76.

NOW, THEREFORE, BE IT RESOLVED that the Wasilla City Council approves the rate of compensation for an administrative hearing officer under Wasilla Municipal Code 2.76.030 at \$175 per hour; and

BE IT FURTHER RESOLVED that the compensation rate shall apply to the time devoted by the administrative hearing officer to research, preliminary meetings with staff or counsel, hearing the appeal, and writing a decision of the appeal; and

BE IT FURTHER RESOLVED, the City will reimburse the hearing officer for reasonable out-of-pocket expenses, such as photocopying and long distance telephone charges incurred in the performance of duties as a hearing officer; and

BE IT FURTHER RESOLVED that the administrative hearing officer is required to comply with the requirements of WMC 6.04, Business Licenses Generally; and

BE IT FURTHER RESOLVED that Council Resolution Serial No. 09-35 is hereby repealed in it's entirety.

ADOPTED by the Wasilla City Council on August 26, 2013.


VERNE E. RUPRIGHT, Mayor

ATTEST:


KRISTIE SMITHERS, MMC, City Clerk

[SEAL]