

Code Ordinance

By: City Clerk
Introduced: April 9, 2018
Public Hearing: April 23, 2018
Adopted: April 23, 2018
Yes: Burney, Dryden, Graham, Harvey, Ledford, O'Barr
No: None
Absent: None

**City of Wasilla
Ordinance Serial No. 18-16**

An Ordinance Of The Wasilla City Council Amending Wasilla Municipal Code Section 2.76.040, Duties; Amending Section 2.76.020, Qualifications; And Amending Section 2.76.070 Appeal Procedures To Revise The Duties Of Administrative Hearing Officers.

Section 1. Classification. This ordinance is of a general and permanent nature and shall become part of the city code.

Section 2. Amendment of section. WMC 2.76.040, Duties, is hereby amended to read as follows:

A. Administrative hearing officers shall have jurisdiction over the following:

1. Appeals of a planning commission decision pursuant to Title 16; **and**
2. Classification, written orders and forfeiture of animals pursuant to Title 7;
- ~~3. Business license hearings, pursuant to Chapter 6.04.~~
- ~~4. Sales tax audit, pursuant to Chapter 5.16.~~

Section 3. Amendment of section. WMC 2.76.020, Qualifications, is hereby amended to read as follows:

Bold & Underline, added. ~~Strikethrough, deleted~~

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, or contract law, and must also have knowledge of, or an ability to comprehend, for the purposes of the proposed hearing, Title 6, 7 and/or 16 of this code and principles of due process, and, for an appeal of a planning commission decision, general land use regulation and some familiarity with the development of the city. An administrative hearing officer shall hold no other appointed or elected office or position with the city.

Section 4. Amendment of section. WMC 2.76.070, Appeal procedures, is hereby amended to read as follows:

A. The procedures defined in:

1. Chapter 16.36 shall govern appeals pursuant to Title 16, land development code **and**;

2. Chapter 7.08 shall govern appeals pursuant to Title 7, animal care and regulation; ~~and~~

3. ~~Section 6.04.065 shall govern appeals from the suspension or revocation of a business license.~~

4. ~~Section 5.16.220 shall govern appeals from a sales tax audit.~~

Section 5. Effective date. This ordinance shall take effect upon adoption by the Wasilla City Council.

Bold & Underline, added. ~~Strikethrough, deleted~~

ADOPTED by the Wasilla City Council on April 23, 2018.


BERT L. COTTLE, Mayor

ATTEST:


JAMIE NEWMAN, MMC, City Clerk

[SEAL]

Bold & Underline, added. ~~Strikethrough, deleted~~


CITY COUNCIL LEGISLATION STAFF REPORT


Ordinance Serial No. 18-16: Amending Wasilla Municipal Code Section 2.76.040, Duties; Amending Section 2.76.020, Qualifications; And Amending Section 2.76.070 Appeal Procedures To Revise The Duties Of Administrative Hearing Officers.

Originator: Jamie Newman, City Clerk

Date: 3/21/2018

Agenda of: 4/9/2018

Route to:	Department Head	Signature	Date
X	Finance Director		3/22/18
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: 001.4110.411.30-37 Professional Services

Attachments: Ordinance Serial No. 18-16 (3 pages)

Summary Statement: Ordinance Serial No. 18-16, is presented as a housekeeping measure. With the adoption of Ordinance Serial No. 18-06, on March 12, 2018, an appeal on a suspension or revocation of a business license or an appeal on a sales tax audit are no longer heard by an administrative hearing officer, rather the mayor or the mayor’s designee pursuant to WMC 5.16.215 and WMC 6.04.065.

Staff Recommendation: Introduce and set the ordinance for public hearing on April 23, 2018.