

**CITY OF WASILLA
ORDINANCE SERIAL NO. 09-67(AM)**

**AN ORDINANCE OF THE WASILLA CITY COUNCIL ADOPTING WMC 2.76,
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. Adoption of chapter. WMC 2.76, Administrative Hearing Officers, is hereby adopted to read as follows:

Chapter 2.76

ADMINISTRATIVE HEARING OFFICERS

Sections:

2.76.010 Appointment.

2.76.020 Qualifications.

2.76.030 Compensation.

2.76.040 Duties.

2.76.050 Conflict of interest.

2.76.060 Ex parte contacts prohibited.

2.76.070 Appeal procedures.

2.76.010 Appointment.

A. Administrative hearing officers shall be appointed by the mayor and confirmed by the council. If possible, there shall be five administrative hearing officers appointed in order to maintain a rotating list of available officers.

B. An administrative hearing officer shall be appointed to a three-year term. There is no limit to the number of terms an administrative hearing officer may serve. An administrative hearing officer may be removed for cause by the mayor with the approval of the council or by a two-thirds majority vote of the council.

C. Once approved by the council, the city clerk shall maintain a list of administrative hearing officers and shall rotate appointments. An administrative hearing officer who is not available for service, or otherwise cannot serve, shall be the first contacted for service at the next appeal.

2.76.020 Qualifications.

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 Title 7 and/or 16. An administrative hearing officer shall hold no other appointed or elected office or position with the City.

2.76.030 Compensation.

An administrative hearing officer shall receive compensation on an hourly rate as set by council resolution. An administrative hearing officer shall also receive compensation for reasonable expenses incurred in carrying out of the duties of the office.

2.76.040 Duties.

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.

2.76.050 Conflict of interest.

An administrative hearing officer shall not hear a case in which the officer has a conflict of interest.

2.76.060 Ex parte contacts prohibited.

A. An administrative hearing officer acts in a quasi-judicial capacity and shall not engage in ex parte communications concerning the appeal with city employees, interested persons, members of the council, the appellant, or any parties associated with the decision pertaining to the appeal.

B. If an ex parte communication occurs, the administrative hearing officer shall disclose the communication on the record prior to rendering a decision. The administrative hearing officer shall only take information brought forward in an appropriate manner into consideration.

2.76.070 Appeal procedures.

A. The procedures defined in:

1. WMC 16.36 shall govern appeals pursuant to Title 16; and

2. WMC 7.08 shall govern appeals pursuant to Title 7.

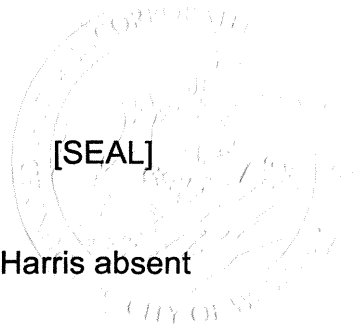
Section 3. Effective date. This ordinance shall take effect upon adoption by the Wasilla City Council.

ADOPTED by the Wasilla City Council on October 12, 2009.


VERNE E. RUPPRIGHT, Mayor

ATTEST:


KRISTIE L. SMITHERS, MMC, City Clerk



VOTE: Cox, Hall, Holler, Larson, and Woodruff in favor. Harris absent



**CITY OF WASILLA
LEGISLATION STAFF REPORT**

Ordinance Serial No. 09-67: ADOPTING CHAPTER 2.76, ADMINISTRATIVE HEARING OFFICERS.

Agenda of: September 28, 2009

Date: September 10, 2009

Originator: Kristie Smithers, City Clerk and Marvin Yoder, Deputy Administrator

Route to:	Department	Signature/Date
X	Chief of Police	<i>J. O. Blum</i> 9/10/09
	Recreational and Cultural Services Manager	
	Director of Public Works	
X	Finance Director	<i>Marvin Yoder</i> 9-10-09
X	Deputy Administrator	<i>Kristie Smithers</i>
X	City Clerk	<i>Kristie Smithers</i>

REVIEWED BY MAYOR VERNE E. RUPRIGHT: *[Signature]*

FISCAL IMPACT: yes\$ or no Funds Available yes no

Account name/number:

Attachments: Ordinance Serial No. 09-67 (4 pp.)

SUMMARY STATEMENT:

Currently Titles 7 and 16 both call for a hearing officer to determine the outcome of appeals and the code has no guidelines for which an administrative hearing officer is appointed, qualified, etc.

The proposed ordinance will incorporate a new chapter "Administrative Hearing Officers" which will address items which are not currently addressed in our code.

STAFF RECOMMENDATION: Adoption of Ordinance Serial No. 09-67.