

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]

CITY COUNCIL LEGISLATION STAFF REPORT

Resolution Serial No. 13-20: Fixing the rate of compensation for the position of Hearing Officer for Appeals And repealing Resolution Serial No. 09-35.

Originator: Kristie Smithers, City Clerk *KSmith*
 Date: 8/14/2013

Agenda of: 8/26/2013

Route to:	Department Head	Signature	Date
X	Finance Director	<i>[Signature]</i>	8-16-13
X	Deputy Administrator		
X	City Clerk	<i>KSmith</i>	8/15/13

Reviewed by Mayor Verne E. Rupright: *[Signature]*

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

Account name/number:
 Appeal Hearings 001-4110-411-30.37 \$10,000 *11,500* *[Signature]*

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

Summary Statement: Ordinance Serial No. 13-23 is proposed to be adopted on August 26, 2013. If adopted, Administrative Hearing Officers will hear appeals in regard to business license hearings. This resolution reflects this addition.

After review of fees for attorneys licensed to practice law in the State of Alaska, we recommend to raise the rate of compensation for an administrative hearing officer from \$150 to \$175 per hour.

Recommended Action: Adopt Resolution Serial No. 13-20.