

**City of Palmer
Action Memorandum No. 15-070**

Subject: Approve Hearing Officer Compensation for Planning and Zoning Commission Appeals through December 31, 2016

Agenda of: October 13, 2015

Council Action: Approved _____

Originator Information:

Originator: City Clerk
Date: September 15, 2015 **Requested agenda date:** October 13, 2015

Department Information √:

Route to:	Department Director:	Signature:	Date:
_____	Community Development	_____	_____
√	Finance	<i>[Signature]</i>	9/23/15
_____	Public Safety	_____	_____
_____	Public Works	_____	_____

Approved for presentation by:

	Signature:	Remarks:
City Manager	<i>[Signature]</i>	_____
City Attorney	<i>[Signature]</i>	_____
City Clerk	<i>[Signature]</i>	_____

Certification of Funds:

Total amount of funds listed in this legislation: \$ 260 per hour

This legislation (√):

- Has no fiscal impact Creates a positive impact in the amount of: \$ _____
 Creates a negative impact in the amount of: \$ 260 per hour

Funds are (√):

- Budgeted Line item(s): 01-01-12-6027
 Not budgeted Affected line item(s): _____

General fund unassigned balance (after requested budget modification): \$ _____

Enterprise unrestricted net position (after requested budget modification): \$ _____

Director of Finance Signature: *[Signature]*

Summary statement: Palmer Municipal Code 17.98 provides for the Hearing Officer process for appeals concerning certain Planning and Zoning Commission actions.

Palmer Municipal Code 17.98.010 A, requires the Hearing Officer to be an attorney who possesses knowledge of Title 17, general land use regulations, and principles of due process.

Palmer Municipal Code 17.98.010 C, requires the manager or clerk to solicit persons who are willing to serve as a hearing officer. The Clerk's Office solicited proposals from five attorneys and received three responses.

Palmer Municipal Code 17.98.010 D, provides the manager with the authority to appoint a hearing officer when an appeal is filed and requires the manager to report the appointment to the council.

City Manager Healy reviewed the responses and chose Ronald Baird to serve as the hearing officer for the appeal involving the preliminary approval of a Planned Unit Development.

Palmer Municipal Code 17.98.010 E, requires the council to approve the hearing officer's compensation prior to the hearing. Action Memorandum 15-070 approves the Hearing Officer's compensation through December 31, 2016. This approval timeframe allows for the current appeal and any appeals that may occur in 2016.

17.98.010 Hearing officer.

- A. To be appointed as a hearing officer, a person must be an attorney at law in the state of Alaska who possesses knowledge of this title, general land use regulations, and principles of due process. An attorney may not act as hearing officer in any case in which he or she has any direct or indirect financial interest, and must certify to the absence of any such interest before receiving the appeal record on a form provided by the clerk. A hearing officer may not be a current city employee or a current member of the council or commission.
- B. A hearing officer shall be impartial in all decisions, both in fact and in appearance. The hearing officer shall not engage in ex parte contact with any person concerning the appeal either before or after the appeal hearing.
- C. The manager or clerk shall solicit persons who are willing to serve as hearing officers, and shall maintain a list of interested persons determined to be qualified.
- D. Upon an appeal being filed, the manager shall appoint the hearing officer and shall report the appointment to the council.
- E. Compensation of the hearing officer shall be determined by council legislation prior to the hearing. (Ord. 07-018 § 5, 2007)

Administration recommendation: Authorize action memorandum 15-070.