



STAFF REPORT

Report To: Board of Supervisors **Meeting Date:** August 5, 2021

Staff Contact: Hope Sullivan, Community Development Director

Agenda Title: For Possible Action: Discussion and possible action regarding the appointment of one or more Hearing Officers for administrative proceedings relating to nuisances and the corresponding compensation pursuant to Carson City Municipal Code ("CCMC") 8.09.350, including whether to delegate appointment authority to the City Manager. (Hope Sullivan, hsullivan@carson.org)

Staff Summary: CCMC Chapters 8.08 and 8.09 establish various municipal code provisions relating to nuisances and enforcement procedures against nuisances. CCMC 8.09.350 requires the appointment of a Hearing Officer by the City to preside over administrative hearings in accordance with CCMC and also requires an undefined rate of compensation.

Agenda Action: Formal Action / Motion **Time Requested:** 15 minutes

Proposed Motion

I move to direct the City Manager to appoint, in consultation with the Human Resources Director, an appropriate number of Hearing Officers to provide sufficient coverage for administrative proceedings and to avoid any conflicts of interest that may arise, and also move to fix the compensation of each Hearing Officer at the rate of _____ for [SELECT: each case OR each day the Hearing Officer presides over a hearing].

Board's Strategic Goal

Efficient Government

Previous Action

N/A

Background/Issues & Analysis

CCMC 8.09.350 provides the following: "Any hearing officer presiding at administrative hearings shall be appointed and compensated by the city. The hearing officer shall not be an employee of the city. As determined by the city, the hearing officer must have training in administrative law, or equivalent experience, sufficient to enable the hearing officer to conduct fair and lawful hearings."

Currently, there is no Hearing Officer under appointment pursuant to this CCMC requirement. Although the appointment of a Hearing Officer is required to be made by the Board of Supervisors, it may be more expeditious if this appointment authority is delegated to the City Manager in accordance with a vetting process to be implemented at the City Manager's discretion given the routine nature of the appointment. Furthermore, while CCMC 8.09.350 requires the appointment of one Hearing Officer, the appointment of multiple Hearing Officers is not prohibited. By appointing more than one Hearing Officer, each of whom would only be compensated for work actually performed, the City could create a pool of Hearing Officers from which to select

when an administrative proceeding under CCMC Chapter 8.09 is initiated and therefore help mitigate against any potential conflicts in scheduling or conflicts of interest.

Applicable Statute, Code, Policy, Rule or Regulation

CCMC 8.09.350

Financial Information

Is there a fiscal impact? Yes

If yes, account name/number: General Fund, Planning Department 1011425-500102: Hourly / Seasonal

Is it currently budgeted? Yes

Explanation of Fiscal Impact: The exact fiscal impact is not known. The most recent hearing officer volunteered his time and did not request payment for his services. If the appointed hearing officer is seeking compensation, that compensation will be paid out of the referenced account number. The compensation rate will be negotiated between the City Manager and the hearing officer consistent with Board action. Fiscal Year 2022 Budget is \$43,708, which includes two part-time office assistants; there is approximately \$5,000 unspent in Fiscal Year 2021 and therefore, depending on the negotiated cost per hour, City staff does not anticipate a budget augmentation at this time.

Alternatives

The Board of Supervisors can appoint the Hearing Officer.

Attachments:

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Board Action Taken:

| | | |
|---------------|----------|---------|
| Motion: _____ | 1) _____ | Aye/Nay |
| | 2) _____ | _____ |
| | | _____ |
| | | _____ |
| | | _____ |

(Vote Recorded By)

8.09.350 Appointment of hearing officer.

Any hearing officer presiding at administrative hearings shall be appointed and compensated by the city. The hearing officer shall not be an employee of the city. As determined by the city, the hearing officer must have training in administrative law, or equivalent experience, sufficient to enable the hearing officer to conduct fair and lawful hearings.

(Ord. 2005-18 § 3 (part), 2005).

(Ord. No. 2017-4 , § XXXI, 3-16-2017)