

Requested by: Public Works  
Prepared by: Public Works  
Meeting date: October 22, 2001  
Adopted: October 22, 2001  
Vote: Unanimous

**CITY OF WASILLA  
RESOLUTION SERIAL NO. 01-40**

**A RESOLUTION OF THE WASILLA CITY COUNCIL FIXING THE RATE OF  
COMPENSATION FOR THE POSITION OF HEARING OFFICER FOR APPEALS.**

WHEREAS, Wasilla Municipal Code 16.08.120(A) states that appeals to the council from decisions of the planning commission are heard by a city-appointed hearing officer; and

WHEREAS, Wasilla Municipal Code 16.08.120(B) states that hearing officers will be compensated for their services at the rate fixed by council resolution; and

WHEREAS, the time required for a 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, Wasilla Municipal Code 16.08.120(A) requires that a hearing officer be qualified by having a knowledge of Wasilla Municipal Code Chapter 16.08, general land use regulation, principles of due process, and some familiarity with the development of the city; and

WHEREAS, the council finds that an hourly rate of \$90 will provide reasonable compensation to persons who are qualified to serve as a hearing officer under Wasilla Municipal Code 16.08.120.

NOW THEREFORE, BE IT RESOLVED that the Wasilla City Council fixes the rate of compensation for a hearing officer under Wasilla Municipal Code 16.08.120(B) at \$90 per hour; and


BE IT FURTHER RESOLVED, that the compensation rate shall apply to the time devoted by the hearing officer to research, preliminary meetings with staff or counsel, hearing the appeal, and writing a decision of the appeal.

BE IT FURTHER RESOLVED, that to the extent feasible the city shall provide office and clerical support for a hearing officer in the performance of duties as a hearing officer, and to the extent that the city cannot provide such support, 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.

ADOPTED by the Wasilla City Council on October 22, 2001.

  
SARAH PALIN, Mayor

ATTEST:



KRISTIE L. VANGORDER, CMC  
City Clerk

[SEAL]

SUBJECT: HEARING OFFICER COMPENSATION

PREPARED BY: K. VanGorder, City Clerk

*KV*

DATE: October 16, 2001

FOR AGENDA OF: October 22, 2001

**SUMMARY:**

Proposed Resolution Serial No. 01-40 fixes the rate of the hearing officer for appeals. After discussions with our attorney, Mr. Klinkner suggested that the council fix the rate of the hearing officer as stated in code by adoption of a resolution.

In my research, the only municipality I found that uses the hearing officer method for appeals was the Municipality of Anchorage. They actually have a hearing officer on staff, they have appeals of all sorts on an on-going basis. The hearing officer in Anchorage suggested a fair amount of compensation would be \$100 to \$150 per hour and suggested that the hearing officer have an attorney background.

APOC also has a hearing officer appointed occasionally on issues that arise from their office and the amount paid per hour is \$100. These hearing officers also have legal background.

We have no qualifications in our code that require a hearing officer have legal background, although there are a few on the list proposed in CM No. 01-78 that do have legal background, some others do not and have other professional background relating to the planning process.

I am recommending that a hearing officer be compensated at the rate of \$90 per hour as stated in the resolution. I will explore other options for the appeal process that may eliminate the need for appointing a hearing officer in the future.

FISCAL IMPACT:  No  Yes, amount requested: Depends on appeal case.

*Clerk's*

RECOMMENDED ACTION: None

ADMINISTRATION INITIAL: *KV*

Attachments: Resolution Serial No. 01-40

*Council: I support a lesser rate for a hearing officer's pay, as I see this as a public service an individual may want to provide their community.*  
*Hal...*

Presented with: Reso 01-40  
Date: 10/22/01 Verified by: KV