



## Legislation Details (With Text)

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**File created:** 8/13/2014      **In control:** City Council  
**On agenda:** 8/21/2014      **Final action:** 8/21/2014  
**Title:** \*BILL NO. B-33 (Intro. 7/31/2014) (For adoption) - Amend Sections 1-405, 1-407, 1-408, and 1-409 of the Fresno Municipal Code relating to the Administrative Hearing procedure  
**Sponsors:** City Attorney's Office  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. 65030 Ordinance 071014.pdf

Date	Ver.	Action By	Action	Result
8/21/2014	1	City Council	adopted	Pass

## REPORT TO THE CITY COUNCIL

August 21, 2014

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City Attorney's Office

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City Attorney's Office

## SUBJECT

\*BILL NO. B-33 (Intro. 7/31/2014) (For adoption) - Amend Sections 1-405, 1-407, 1-408, and 1-409 of the Fresno Municipal Code relating to the Administrative Hearing procedure

## RECOMMENDATION

It is recommended the City Council approve the attached ordinance amending sections 1-405, 1-407, 1-408, and 1-409 of the Fresno Municipal Code relating to the Administrative Hearing procedure.

## EXECUTIVE SUMMARY

The attached ordinance amends the Fresno Municipal Code by changing certain requirements of the Administrative Hearing Officer and the Administrative Hearing Procedure to allow for better scheduled administrative hearings to take place in a more orderly manner.

## BACKGROUND

This ordinance streamlines the City's administrative hearing process. Enacting the proposed changes will allow the

effective and efficient use of City resources while ensuring a timely resolution of appealed issues based upon the following changes:

- Employment contracts for the Administrative Hearing Officer shall be for one year and compensation may be on an hourly or flat rate basis;
- Appeal hearings shall be scheduled for specific dates and times based upon the parties' reasonable estimates for presenting their case;
- Hearings shall not be continued unless good cause is shown;
- The hearing officer shall conduct each hearing in an orderly manner taking into consideration more formalized rules of evidence; and
- The hearing officer may not increase or decrease any citations imposed against parties as set forth in the master fee schedule.

## **ENVIRONMENTAL FINDINGS**

This is not a "project" for the purposes of CEQA pursuant to CEQA Guidelines, section 15378(b)(5), as it is an administrative activity that will not result in direct or indirect physical changes to the environment.

## **LOCAL PREFERENCE**

Local preference was not considered because this ordinance amendment does not include a bid or award of a construction or services contract.

## **FISCAL IMPACT**

There will be no significant fiscal impact from this proposed amendment to the Fresno Municipal Code because the changes only impact the Administrative Hearing Officer Requirements and Administrative Hearing procedures to allow for hearings to be conducted orderly and efficiently.

Attachment: Ordinance