



Legislation Details (With Text)

File #: ID18-0754 **Version:** 1 **Name:**
Type: Action Item **Status:** Passed
File created: 6/4/2018 **In control:** City Council
On agenda: 6/14/2018 **Final action:** 6/14/2018
Title: Approve Agreement between the City of Fresno and Michael D. Flores, Esq. for Hearing Officer Services
Sponsors: Office of Mayor & City Manager
Indexes:
Code sections:
Attachments: 1. Agreement between the City and Michael D. Flores, Esa.pdf

| Date | Ver. | Action By | Action | Result |
|-----------|------|--------------|----------|--------|
| 6/14/2018 | 1 | City Council | approved | |

REPORT TO THE CITY COUNCIL

June 14, 2018

FROM: WILMA QUAN-SCHECTER, City Manager
Office of the Mayor & City Manager

SUBJECT

Approve Agreement between the City of Fresno and Michael D. Flores, Esq. for Hearing Officer Services

RECOMMENDATION

Staff recommends that the City Council approve the agreement with Michael D. Flores, Esq., for Hearing Officer Services.

EXECUTIVE SUMMARY

Fresno Municipal Code Chapter 1, Article 4, Section 1, or the "General Administrative Hearing Procedure Ordinance," governs the appointment, duties, and processes related to the City's Hearing Officer and calls for the City Manager to appoint persons to serve as Hearing Officer for the purpose of providing fair and impartial due process hearings for persons appealing the City's administrative decisions. Michael Flores has served the City as a hearing officer since 2016. The City Manager now wishes to extend his contract for another year, automatically renewing annually thereafter until 2023, unless either party terminates.

BACKGROUND

Flores has over 22 years of experience as an attorney, primarily working for government agencies in the San Joaquin Valley. He has been a hearing officer for the City since 2016.

The contract for Flores is a one-year contract, automatically renewing from year to year until 2023, unless terminated by either party. As per previous contracts with hearing officers, the City will provide an office space, a hearing room, and recording equipment for recording all hearings. The contract requires that Flores provide his own clerical assistance for noticing hearings, scheduling and other important matters.

The City will pay Flores a flat rate of \$105,000 per year, adjusted every two years based on California CPI. He shall provide fair and impartial hearings for appeals of City-issued administrative citations, orders, decisions or determinations which may involve violations of the City's zoning or housing regulations; violations of the City's code enforcement regulations; and public nuisance abatement with respect to single and multi-family residential properties; business permit denials, suspensions and revocations, such as taxicab or massage business permits; violations or denials of City regulatory permits, such as for card rooms, funeral processions, or dance halls; and miscellaneous other matters such as dangerous animal detentions, parking citations, debarment of bidders, and certain appeals in the competitive procurement processes of the City.

Flores shall be responsible for performance of all aspects of conducting the administrative hearings, including related correspondence with appellants and respondents, scheduling of hearings, preparation and preservation of the hearing record and the rendering of a decision in each matter, all in accordance with and subject to controlling law and the timeframes provided therein. Flores also provides general oversight and mentorship to the City's student hearing officers.

ENVIRONMENTAL FINDINGS

This is not a project for the purpose of CEQA.

LOCAL PREFERENCE

Local preference is not applicable because this is not a contract for goods, services, or public work of improvement.

FISCAL IMPACT

The contract is for \$105,000 per year, paid by the General Fund and renewable until 2023.

Attachment:
Agreement between the City and Michael D. Flores, Esq.