



TO: T.C. Broadnax, City Manager
FROM: Lisa Wojtanowicz, Community Services Division Manager, Neighborhood and Community Services Department
Nadia Chandler Hardy, Neighborhood and Community Services Director
COPY: City Council and City Clerk
SUBJECT: Ordinance, Changing Portions of Tacoma Municipal Code Chapters 8.23, 8.30, 8.122 and 2.01, to align all appeal rights under the jurisdiction of the Hearing Examiner.
DATE: November 12, 2014

SUMMARY:

The Community Services Division of the Neighborhoods and Community Services Department is requesting approval of changes to Tacoma Municipal Code (TMC) Chapters 8.23, 8.30, 8.122, and 2.01 to align all appeal rights to the Hearing Examiner. This proposal would also include changes to TMC Chapter 1.23 to expand the jurisdiction of the Hearing Examiner.

STRATEGIC POLICY PRIORITY:

- Encourage and promote an open, effective, results-oriented organization.

BACKGROUND:

The Community Services Division, Code Compliance Section ensures compliance with various Chapters of the TMC. Part of the process is to send a Notice of Violation to the responsible party. The Notice outlines specific code violations. As part of the due process, responsible parties are given the right to appeal the Notice and subsequent penalties.

TMC Chapters 8.23, 8.30, 8.122 and 2.01 outline appeal rights and direct such appeals to the Hearing Officer. The Hearing Officer is defined differently in TMC Chapters 8.23, 8.30 and 2.01, and is not defined at all in TMC 8.122. These varying definitions add confusion to the process for those wishing to appeal.

ISSUE:

In order to provide a consistent and clear option for appeals, Community Services Staff is recommending that these Chapters be amended to have all appeals heard through the Hearing Examiner.

ALTERNATIVES:

If the code changes are not adopted, Code Compliance will continue to take cases to the Hearing Officer.

RECOMMENDATION:

Staff recommends that Council approve the code changes as presented.

FISCAL IMPACT:

There is no fiscal impact to this proposal, as funds for associated legal services are budgeted in the appropriate Community Services Cost Centers.