



ORDINANCE NO. 28492

1 AN ORDINANCE relating to the Hearing Examiner; amending Section 1.23.050 of
2 the Tacoma Municipal Code, entitled “Areas of jurisdiction,” to make
3 necessary corrections to clarify the Hearing Examiner’s role in conducting
4 administrative hearings, issuing recommendations to the City Council, and
5 issuing decision on administrative appeal hearings.

6 WHEREAS Chapter 1.23 of the Tacoma Municipal Code (“TMC”) governs
7 the Hearing Examiner’s role in conducting administrative hearings, and, as a result
8 of those hearings, issuing recommendations to the City Council and administrative
9 appeal decisions, and

10 WHEREAS TMC 1.23.050 is divided into two subsections: Subsection A,
11 which sets forth subject matter areas where the Hearing Examiner acts as the
12 hearing officer for the City Council, conducts the public hearing, and makes a
13 written recommendations to assist the City Council, as the ultimate decision-
14 maker; and Subsection B, which sets forth subject matter areas where the Hearing
15 Examiner conducts appeal and other hearings, and issues the City’s final
16 administrative decision, and

17 WHEREAS Sections 1.23.050.A.6 and .8 of the TMC are currently worded
18 in a way that confuses the Hearing Examiner’s hearing officer function with the
19 Hearing Examiner’s role as the final administrative decision-maker on appeal, in a
20 way that is inconsistent with the intent of the Code, and

21 WHEREAS it is necessary to amend these sections of TMC 1.23.050 to
22 accurately reference the Hearing Examiner’s separate and distinct functions, and
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WHEREAS Section 1.23.050.A.7 needs to be relocated to TMC 1.23.050.B in order to harmonize with the language in TMC 13.05.047.G regarding appeals of certain Landmarks Preservation Commission decisions; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

That Section 1.23.050 of the Tacoma Municipal Code, entitled "Areas of jurisdiction," is hereby amended as set forth in the attached Exhibit "A."

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Chief Deputy City Attorney



EXHIBIT "A"

**Chapter 1.23
HEARING EXAMINER**

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1.23.050 Areas of jurisdiction.

A. The Examiner shall receive and examine relevant information, conduct public hearings, maintain a record thereof, and enter findings of fact, conclusions of law, and recommendations to the City Council or other order, as appropriate, in the following matters:

- 1. Applications for rezoning of property (Chapter 13.05; Section 13.06.650);
- 2. Formation of Local Improvement Districts (Chapter 10.04);
- 3. Approval of Local Improvement District assessments (Chapter 10.04);
- 4. Dangerous sidewalks proceedings (Chapter 10.18);
- 5. Petitions for street and alley vacations (Chapter 9.22);
- 6. Appeals of administrative determinations ~~of to~~ the City Council if delegated under TMC (Section 1.06.820); and

7. Appeals arising under the City's Code of Ethics as set forth in TMC 1.46.025.F, and 1.46.040.F and G. Hearing Examiner recommendations under this subsection shall be to the person(s) or body responsible for acting on the Hearing Examiner's order or recommendation.

~~7. Appeals from the decision of the Landmarks Preservation Commission regarding Certificates of Approval (Section 13.05.047.G); and~~

~~8. Appeals of a decision of the City Council to remove a member of a City board, commission, committee, task force, or other multi-member body from office (Chapter 1.46).~~

B. In regard to the matters set forth below, the Examiner shall conduct adjudicative proceedings, maintain a record thereof, and enter findings of fact, conclusions of law, and a final decision or other order, as appropriate:

39. Appeals from the decision of the Landmarks Preservation Commission regarding Certificates of Approval (Section 13.05.047.G).