



CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Steven Anderson
Meeting Date:	Tuesday, December 12, 2023
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Consider Approval of an Agreement to Contract with Hearing Officers for the Administrative Citation Process
Background Information:	<p>On August 8, 2023, the city council adopted Ordinance 23-020 creating Chapter 2, Article 2-VIII Administrative Citations. This ordinance was sought by staff to address City Code violations in a prompt and timely manner rather than seeking enforcement under the criminal court system that could be potentially more costly than the original violation. As part of the Administrative Citation process City Code violators are given their due process through Section 2-410 Administrative Hearing Procedure.</p> <p>A written notice requesting a hearing and a filing fee shall be given to the City Clerk to schedule a hearing with an impartial third party (hearing officer) who will conduct the hearing and make judgement based on the information provided by city staff and the defendant. The ordinance requires that the hearing officer be a current licensed attorney or a retired judge. City Attorney Whitmore has drafted an agreement and garnered the interest of a number of attorneys who would be willing to be hearing officers for the City of Marshall remotely. Staff are recommending contracting with hearing officers at a rate of \$150/hr., not to exceed \$700 per hearing, which includes attendance at the hearing, research and a written decision that includes a finding of fact, conclusion of law and an order.</p> <p>The Ways and Means Committee met on December 4, 2023 and voted in favor of recommending a \$150 deposit to request an administrative hearing plus hearing officer fees and contracting with hearing officers at a rate of \$150/hr.</p> <p>If approved, per Chapter 2, Article 2-VII, Section 2-410 Administrative Hearing Procedure, a list of hearing officers that have signed the agreement will be brought forward to City Council for approval.</p>
Fiscal Impact:	
Alternative/ Variations:	
Recommendations:	To approve the agreement to contract with hearing officers at a rate of \$150/hr., not to exceed \$700 per administrative hearing.