AGENDA
ITEM

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AGENDA STAFF REPORT

DATE: September 4, 2019

TO: Mayor and City Council

APPROVED BY: David B. Dale, City Manager

PREPARED BY: David B. Dale, City Manager DD

SUBJECT: Appointment by Mayor Hodge of an Administrative Hearing Officer Pursuant to Municipal Code Section 1.27.090/Hearing Officer

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Recommendation:

Mayor Hodge to appoint the Administrative Hearings Officer.

Background:

Pursuant to Municipal Code Section 1.27.090 - Hearing Officer.

A. The Mayor shall appoint an administrative hearing officer and any alternate administrative hearing officers as needed. The terms of the administrative hearing officer and any alternate administrative hearing officers shall be commensurate with the term of the mayor. Any administrative hearing officer maybe removed at any time by the mayor. Upon expiration of the mayor's term or upon a vacancy in the position of mayor, the administrative hearing officer shall remain in place until new administrative hearing officer are appointed by the succeeding Mayor.

B. Administrative hearing officer shall have the following qualifications:
   1. A bachelor's degree from an accredited college or university or a combination of (i) a certificate from a training course for administrative hearing examiners and (ii) at least three years of relevant practical experience in the area of law enforcement, legal training, code enforcement or any other applicable field;

   2. The ability to exercise independent and fair judgment; and

   3. Any specific training as required by state or local law. As for hearing officers who hear appeals of parking violations, a minimum of twenty hours of training within the past five years pursuant to Vehicle Code Section 40215 is required (up to twelve hours of relevant experience may be substituted for up to twelve hours of training).

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C. The hearing officers shall be compensated at the rate of eighty-three dollars per month, fifty dollars per hearing, or as otherwise set by city council resolution. The employment, performance evaluation, compensation and benefits of the hearing officers, if any, shall not be directly or indirectly conditioned upon the amount of administrative citation fines upheld by the hearing officer.

D. Hearing officers shall not be Calexico city employees.

Discussion & Analysis:

The current Administrative Hearing Officer, Iran Martinez, was appointed by former Mayor Pacheco on September 5, 2018. Mayor Hodge, as the succeeding Mayor, is entitled to appoint the administrative hearing officer.

Fiscal Impact:

The hearing officers shall be compensated at the rate of eighty-three dollars per month, fifty dollars per hearing.

Coordinated With:

None.

Attachment:

1. Calexico Municipal Code Section 1.27.090 – Hearing Officer.
2. Ordinance No. 1127.

1.27.090 - Hearing officer.

A. The mayor shall appoint an administrative hearing officer and any alternate administrative hearing officers as needed. The terms of the administrative hearing officer and any alternate administrative hearing officers shall be commensurate with the term of the mayor. Any administrative hearing officer may be removed at any time by the mayor. Upon expiration of the mayor's term or upon a vacancy in the position of mayor, all administrative hearing officers shall remain in place until new administrative hearing officers are appointed by the succeeding mayor.

B. Administrative hearing officers shall have the following qualifications:

1. A bachelor's degree from an accredited college or university or a combination of (i) a certificate from a training course for administrative hearing examiners and (ii) at least three years of relevant practical experience in the area of law enforcement, legal training, code enforcement or any other applicable field;
2. The ability to exercise independent and fair judgment; and
3. Any specific training as required by state or local law. As for hearing officers who hear appeals of parking violations, a minimum of twenty hours of training within the past five years pursuant to Vehicle Code Section 40215 is required (up to twelve hours of relevant experience may be substituted for up to twelve hours of training).

C. The hearing officers shall be compensated at the rate of eighty-three dollars per month, fifty dollars per hearing, or as otherwise set by city council resolution. The employment, performance evaluation, compensation and benefits of the hearing officers, if any, shall not be directly or indirectly conditioned upon the amount of administrative citation fines upheld by the hearing officer.

D. Hearing officers shall not be Calexico city employees.

(Ord. 1053 § 2 (part), 2007)

(Ord. No. 1066, § 2, 9-1-09; Ord. No. 1127, § 1, 12-21-10)

ORDINANCE NO. 1127

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALEXICO, CALIFORNIA AMENDING CHAPTER 1.27 OF THE CALEXICO MUNICIPAL CODE RELATED TO QUALIFICATIONS OF ADMINISTRATIVE HEARING OFFICERS

WHEREAS, the City Council wishes to amend the qualifications necessary to be a hearing officer.

NOW, THEREFORE, the City Council of the City of Calexico does ordain as follows:

SECTION ONE:

That Title 1, Chapter 1.27, Section 1.27.090 of the Municipal Code is amended as follows:

"1.27.090 Hearing officer.

A. The mayor shall appoint an administrative hearing officer and any alternate administrative hearing officers as needed. The terms of the administrative hearing officer and any alternate administrative hearing officers shall be commensurate with the term of the mayor. Any administrative hearing officer may be removed at any time by the mayor. Upon expiration of the mayor's term or upon a vacancy in the position of mayor, all administrative hearing officers shall remain in place until new administrative hearing officers are appointed by the succeeding mayor.

B. Administrative hearing officers shall have the following qualifications:

1. A bachelor's degree from an accredited college or university or a combination of (i) a certificate from a training course for administrative hearing examiners and (ii) at least three (3) years of relevant practical experience in the area of law enforcement, legal training, code enforcement or any other applicable field;

2. The ability to exercise independent and fair judgment; and

3. Any specific training as required by state or local law. As for hearing officers who hear appeals of parking violations, a minimum of 20 hours of training within the past five years pursuant to Vehicle Code section 40215 is required (up to 12 hours of relevant experience may be substituted for up to 12 hours of training).

C. The hearing officers shall be compensated at the rate of $83.00 per month, $50.00 per hearing, or as otherwise set by City Council resolution. The employment, performance evaluation, compensation and benefits of the hearing officers, if any, shall not be directly or indirectly conditioned upon the amount of administrative citation fines upheld by the hearing officer."

SECTION TWO:

This ordinance was introduced on December 7, 2010 and adopted on December 21, 2010 and shall become effective 30 days after the date of adoption.

SECTION THREE:

The City Clerk is directed to prepare and have published a summary of this ordinance no less than five (5) days prior to the consideration of its adoption and again fifteen (15) days following adoption indicating votes cast.

PASSED, APPROVED AND ADOPTED, at a regular meeting of the City Council of the City of Calexico, California held on this 21st day of December, 2010.

CITY OF CALEXICO

JOHN MORENO, MAYOR

ATTEST:

For LOURDES CORDOVA, CITY CLERK

APPROVED AS TO FORM:

JENNIFER M. LYON, CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF IMPERIAL) SS
CITY OF CALEXICO)

I Lourdes Cordova, City Clerk of the City of Calexico, California, do hereby certify under penalty of perjury that the foregoing Ordinance No. 1127, that was introduced at a regular meeting of the Calexico City Council held on December 7, 2010, was duly passed and adopted by said City Council at a Regular Meeting held on December 21, 2010, by the following vote to wit:

AYES:	MORENO, CASTRO, ROMERO, HURTADO, HODGE
NOES:	NONE
ABSENT:	NONE
ABSTAIN:	NONE

Eric Lacoste, Deputy Clerk
LOURDES CORDOVA, CITY CLERK

SEAL