

**STAFF REPORT**  
**City of Lancaster**

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MVB

Date: September 8, 2009

To: Mayor Parris and City Council Members

From: David McEwen, City Attorney

Subject: **Authorization for City Manager to Select Independent Hearing Officer.**

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**Recommendation:**

Authorize City Manager to select an Independent Hearing Officer to hear matters under the Uniform Code for abatement of dangerous buildings.

**Fiscal Impact:**

Unknown. There will be a cost associated with the hearing officer.

**Discussion:**

Pursuant to Section 15.04.030 of the Lancaster Municipal Code, the City Council sits as Board of Appeals to, in pertinent part, conduct hearings on unsafe, substandard, and dangerous buildings and structures pursuant to the Lancaster Dangerous Building Code (adopting the 1997 Uniform Code for the Abatement of Dangerous Buildings, pursuant to LMC §15.26.010). Section 601.1 of the Dangerous Buildings Code provides that the Board of Appeals may appoint one or more hearing officers to conduct appeal hearings.

Appeals of certain orders and decisions by the Building Official are rare. Only three appeals have been filed in the past twenty years, one of which was subsequently withdrawn before the hearing. Staff must expend a substantial amount of time and resources to prepare for a hearing before Council. Given the infrequency of these appeals, it is in the public interest to expedite hearings on these matters, rather than waiting to get these appeals placed on the next available Council agenda. Further, holding these appeals before a hearing officer provides a person appealing an order with an opportunity to be heard in a more timely, expeditious manner.