

**TOWN OF PRESCOTT VALLEY
REQUEST FOR COUNCIL ACTION
Date: September 25, 2014**

SUBJECT: Proposed Transfer of the Administrative Hearing Office from the Community Development Department to the Executive Management Department

SUBMITTING DEPARTMENT: Executive Management

PREPARED BY: Larry Tarkowski, Town Manager

AGENDA LOCATION: Comments/Communications , Consent , Work/Study ,
New Business , Public Hearing , Second Reading

ATTACHMENTS: N/A

SUMMARY/BACKGROUND: On November 20, 1997, the Town Council first established the office of Administrative Hearing Officer to hear, decide and resolve designated Town Code violations through administrative penalties. ARS §9-240(B)(28) (b) & (c) had allowed Arizona municipalities to classify ordinance violations as either criminal or civil offenses and to punish violations by fine or imprisonment. But, when ARS §9-500.21 was adopted to allow municipalities that classify ordinance violations as civil offenses to establish specific procedures to hear, determine and enforce those violations, the Council adopted Ordinance No. 539 (February 27, 2003) to formally establish such a civil enforcement process through the Council-appointed Hearing Officer. The initial goal was to use the process for zoning and building code violations. Eventually it was thought that the program would expand to service other Town Code violations.

In 2003 the Community Development Department budgeted for and provided the oversight and staff to support the administrative requirements for one (and, later, multiple) Hearing Officer(s). Now it is felt that the time has come to transfer oversight and staff support from Community Development to the Executive Management Department to better facilitate eventual expansion of the program to include more enforcement activities (particularly animal control).

Although Town Code §3-02-010(E)(13) authorizes the Manager to transfer oversight and staff support between departments, Town Policy 4-02, §1.4 requires that interdepartmental budget transfers be approved by the Town Council. Therefore, staff requests that the Administrative Hearing Office General Fund Division be transferred from Community Development to Executive Management.

OPTIONS ANALYSIS: The Council may vote to: Approve the Budget Transfer, **OR** not approve the Budget Transfer, **AND/OR** direct staff to pursue other options.

ACTION OPTION: Motion to approve transfer of the Administrative Hearing Office General Fund Division from the Community Development Department to the Executive Management Department.
VOTE.

RECOMMENDATION: Town staff recommends approval of this budget Transfer.

FISCAL ANALYSIS: All funds and expenditures that exist in the Fiscal Year 14/15 Community Development Administrative Hearing Office division accounts 101-3040-664 will be transferred to the Executive Management Department and given a new division number of 101-2080-664.

REVIEWED BY:

Management Services Director _____

Town Clerk _____

Town Attorney _____

Town Manager _____

COUNCIL ACTION:

Approved Denied Tabled/Deferred Assigned to _____