

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE CITY OF KIRKLAND HEARING EXAMINER AND REPEALING AND RE-ENACTING CHAPTER 3.34 OF THE KIRKLAND MUNICIPAL CODE.

The City Council of the City of Kirkland do ordain as follows:

Section 1. Chapter Repealed. Chapter 3.34 of the Kirkland Municipal Code is hereby repealed.

Section 2. There is hereby created a new chapter of the Kirkland Municipal Code to be designated KMC 3.34 entitled "Hearing Examiner" to read as follows:

**3.34.010 Creation and purpose.**

The city council creates the position of hearing examiner. The city manager shall employ or contract with one or more persons to fill this position. The hearing examiner shall be compensated consistent with the general personnel and/or procurement laws of the city. The purpose of establishing a hearing examiner is to separate the application of city regulations from planning, policy making and legislative functions; to provide a high level of expertise in the conduct of administrative and quasi judicial hearings arising from the application of this code, the Kirkland Zoning Code and the rules and procedures developed under this code and the Kirkland Zoning Code; to protect and promote the interests of the community; and to ensure fairness and due process in public hearings.

**3.34.020 Hearing examiner independence.**

The hearing examiner shall be free of any supervision or other influence from the city manager or any other official or employee of the city with respect to any decision or recommendation made by the hearing examiner on a specific case, issue, or permit. This section shall not be construed to prohibit the city manager or any official or employee of the city from appearing before or submitting written information to the hearing examiner in the normal process of conducting public hearings for the city.

**3.34.030 Hearing examiner authority.**

The hearing examiner shall have the following authority and responsibilities:

(1) The hearing examiner shall conduct public hearings and make decisions or recommendations when authorized to do so under this code, the Kirkland Zoning Code or by specific grant of authority from the city council. In doing so, the hearing examiner shall review available information, maintain an accurate record of the proceedings, determine findings of fact from the record and form conclusions in support of his or her recommendations and decisions.

(2) The hearing examiner shall also have the power to issue summons to compel the attendance of witnesses and to preserve order.

**3.34.040 Conflict of interest.**

The hearing examiner shall disqualify himself or herself from involvement in actions in which he or she has an interest. If the hearing

examiner disqualifies himself or herself or is otherwise unable to serve, the hearing shall be held by another city hearing examiner or a hearing examiner pro tem.

**3.34.050 Rules of procedure.**

The hearing examiner shall adopt rules of procedure to govern proceedings and hearings conducted by the hearing examiner. The rules may provide for, but are not limited to, the date, time, place and format of proceedings and hearings, making a record of proceedings and reports, issuing summons to compel the appearance of witnesses, the administration of oaths, the preservation of order, and the cross-examination of witnesses.

Section 3. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance, or the application of the provision to other persons or circumstances is not affected.

Section 4. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in open meeting this 18th day of July, 2000.

Signed in authentication thereof this 18th day of July, 2000.

  
MAYOR

Attest:

  
City Clerk

Approved as to Form:

  
City Attorney

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