



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 3/5/2024

*= Mandatory, information must be provided

Click or tap the boxes to enter text. If not applicable, indicate "N/A".

***Title:**

Resolution - Appointment of James Portner, Michael Marks and James Mazzocco as Pima County Hearing Administrators and Hearing Officers.

***Introduction/Background:**

The Pima County Code requires the appointment of Hearing Administrators and Hearing Officers. Hearing Administrators conduct administrative hearings for conditional use permits in accordance with Pima County Code §§ 18.97.020 and 18.97.030. Hearing Officers conduct administrative enforcement hearings for zoning and building code in accordance with A.R.S. § 11-815, Pima County Code §§ 15.04.050, 18.101.060, and 18.95.030. Pima County Regional Flood Control District appoint Hearing Officers to conduct administrative enforcement hearings on violations of the floodplain ordinance in accordance with A.R.S. §§ 48-3603(C)(23), (24), and 48-3615.01 and Pima County Code § 16.64.020.

***Discussion:**

The appointment of James Portner, Michael Marks and James Mazzocco as Hearing Administrators and Hearing Officers will allow the continuation of administrative hearings for zoning, building and flood control code violations and conditional uses to occur. These hearings and the associated processes provide benefits to the residents of Pima County.

***Conclusion:**

The resolution to to appoint James Portner, Michael Marks and James Mazzocco will allow the continuation of conditional use, and zoning, building and flood control code enforcement hearings.

***Recommendation:**

Staff recommends the Board of Supervisors adopt the resolution.

***Fiscal Impact:**

There is no fiscal impact for the resolution. Separate contracts for James Portner, Michael Marks and James Mazzocco will be placed on a future Board of Supervisors agenda.

***Board of Supervisor District:**

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Department: Development Services - Planning

Telephone: 520-724-6675

Contact: Thomas Drzazgowski, Deputy Planning Official Telephone: 520-724-6675

Department Director Signature: _____

Date: _____

Deputy County Administrator Signature: _____

Date: _____

County Administrator Signature: _____

Date: _____

Resolution 2024 – ____
Resolution 2024 – FC ____

**A RESOLUTION OF THE PIMA COUNTY BOARD OF SUPERVISORS APPOINTING
HEARING OFFICERS AND HEARING ADMINISTRATORS AND THE PIMA COUNTY
REGIONAL FLOOD CONTROL DISTRICT BOARD OF DIRECTORS APPOINTING
DISTRICT HEARING OFFICERS**

The Board of Supervisors of Pima County and the Board of Directors of the Pima County Flood Control District, Arizona find:

1. Pima County may appoint Hearing Officers to conduct administrative enforcement hearings on violations of the zoning and building codes in accordance with A.R.S. § 11-815, Pima County Code §§ 15.04.050, 18.101.060, and 18.95.030, and
2. Pima County may appoint Hearing Administrators to conduct administrative hearings for the review and approval of conditional use permit applications in accordance with Pima County Code §§ 18.97.020 and 18.97.030; and
3. Pima County may appoint Hearing Officers to conduct administrative hearings on appeals of dedication and exaction requirements in accordance with A.R.S. § 11-832; and
4. On April 2, 2019, by Resolution 2019-022, the Pima County Board of Supervisors appointed James Portner and Michael Marks as Hearing Officers and Hearing Administrators for the building and zoning code enforcement hearings, hearings on conditional use permit applications, and appeals of dedication and exaction requirements. The terms of the contracts for James Portner and Michael Marks will end on April 1, 2024; and
5. The Pima County Regional Flood Control District may appoint Hearing Officers to conduct administrative enforcement hearings on violations of the floodplain ordinance in accordance with A.R.S. §§ 48-3603(C)(23), (24), and 48-3615.01 and Pima County Code § 16.64.020; and
6. On July 1, 2014, by Resolution 2014-FC4, the Board of Directors appointed James Portner and Michael Marks as District Hearing Officers for the District's floodplain ordinance violation hearings. The term of the contract for Michael Marks has ended and the term of the contract for James Portner will end on November 28, 2024; and
7. The Board of Supervisors and the Board of Directors seek to reappoint James Portner and Michael Marks and to appoint James Mazzocco as Hearing Officers and Hearing Administrators.

NOW, THEREFORE, BE IT RESOLVED:

1. James Portner, Michael Marks, and James Mazzocco are appointed and authorized to act as Hearing Officers and as Hearing Administrators on for the County's zoning and building code enforcement hearings, hearings on conditional use permit applications, and appeals of dedication and exaction requirements. County staff are authorized to carry out the necessary steps to establish contracts with each appointed Hearing Officer and Hearing Administrator for this purpose.
2. James Portner, Michael Marks, and James Mazzocco are appointed and authorized to act as Hearing Officers for the District's administrative floodplain ordinance enforcement hearings. District

staff are authorized to carry out the necessary steps to establish contracts with each appointed Hearing Officer for this purpose. The Procurement Director is authorized to execute these contracts consistent with BOS Policy D29.4.

3. This resolution shall be effective upon execution by the Chair of the Pima County Board of Supervisors and the Chair of the Pima County Flood Control District Board of Directors.

PASSED AND ADOPTED by the Board of Supervisors and the Board of Directors, Pima County, Arizona, this 5th day of March, 2024.

ATTEST:

Adelita S. Grijalva, Chair
Board of Supervisors
Pima County



Carla Blackwell, Director
Pima County Development Services

Melissa Manriquez
Clerk of the Board of Supervisors

APPROVED AS TO FORM:



Bobby Yu, Deputy County Attorney

ATTEST:

Adelita S. Grijalva, Chair
Board of Directors
Pima County Flood Control District



Eric Shepp, Director and Chief Engineer
Pima County Flood Control District

Melissa Manriquez
Clerk of the Board of Directors

APPROVED AS TO FORM:



Bobby Yu, Deputy County Attorney