



## **BOARD OF SUPERVISORS AGENDA ITEM REPORT**

Requested Board Meeting Date: April 2, 2019

**Title:** Resolution - Appointing Hearing Officer/Hearing Administrator

### **Introduction/Background:**

As part of the Code Enforcement and Conditional Use process, Arizona State Statute and the Pima County Zoning Code (Title 18) requires Hearing Officers and Hearing Administrators. If approved, Jim Portner and Michael Marks will continue to serve in these positions.

### **Discussion:**

The Hearing Officer and Hearing Administrator provide critical functions to hear and act on Code Enforcement violations and Conditional Use permits. Jim Portner and Mike Marks have served in this position for the last 5 years and both along with Pima County wish them to continue. If the appointments are approved, the Development Services staff will prepare and the Procurement Director will execute a contract with Jim Portner and Michael Marks.

### **Conclusion:**

The Resolution appoints Jim Portner and Michael Marks to the positions of Hearing Officer and Hearing Administrator to provide critical functions to the benefit of Pima County.

### **Recommendation:**

Staff recommends APPROVAL of the Resolution for the appointments.

### **Fiscal Impact:**

Not to exceed \$15,000 per fiscal year for both positions.

### **Board of Supervisor District:**

☐ 1      ☐ 2      ☐ 3      ☐ 4      ☐ 5      ☒ All

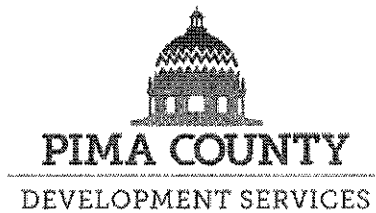
Department: Development Services Telephone: 724-9000

Contact: Thomas Drzazgowski Telephone: 724-6675

Department Director Signature/Date: *Carol L. Blackburn* 3-11-19

Deputy County Administrator Signature/Date: *[Signature]* 3/13/19

County Administrator Signature/Date: *C. D. [Signature]* 3/13/19



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**Page 1 of 1**

**FOR APRIL 2, 2019 MEETING OF THE BOARD OF SUPERVISORS**

**TO:** HONORABLE BOARD OF SUPERVISORS

**FROM:** Chris Poirier, Planning Official  
Public Works-Development Services Department-Planning Division

**DATE:** March 11, 2019

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**RESOLUTION FOR ADOPTION**

Resolution for adoption to appoint Jim Portner and Michael Marks to the positions of Hearing Officer and Hearing Administration as required by the Pima County Zoning Code.

**If approved, adopt RESOLUTION NO. 2019 - \_\_\_\_\_**

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**REQUEST:** To appoint Jim Portner and Michael Marks to the positions of Hearing Officer and Hearing Administration

**APPLICANT:** Pima County

**DISTRICT:** All

**STAFF CONTACT:** Tom Drzazgowski

**STAFF RECOMMENDATION:** APPROVAL

TD/CP  
Attachments

cc: Carla Blackwell, Development Services Director

**RESOLUTION 2019-\_\_\_\_\_**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY,  
ARIZONA APPOINTING HEARING OFFICERS AND HEARING  
ADMINISTRATORS**

Whereas: Pima County conducts hearing processes related to zoning and building code enforcement in accordance with ARS §11-815, Pima County Code §§15.04.050, 18.101.060, and 18.95.030; conditional use permit applications under Pima County Code §§ 18.97.020 and 18.97.030; and conducts hearings related to appeals of dedication and exaction requirements under ARS § 11-832.

Whereas: On 03/11/2014 County and Contractor entered into an agreement and appointed James V. Portner and Michael J. Marks to provide Hearing Administrator and Hearing Officer services. After the initial five (5) year term, the appointment needs renewal.

Whereas: PCC § 11.04.020 (C) exempts professional services related to pending or anticipated litigation or administrative proceedings from the standard competitive bid process.

**IT IS RESOLVED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA AS  
FOLLOWS:**

Section 1. James V. Portner and Michael J. Marks are hereby appointed to act as Hearing Officers and as Hearing Administrators on behalf of Pima County for the building and zoning code enforcement hearings, hearings on conditional use permit applications, and appeals of dedication and exaction requirements as specifically described above.

Section 2. The Development Services Department staff are authorized and directed to prepare and process a contract for services as described. The Procurement Director is authorized to execute the contract. The initial contract term is five years and will be automatically renewed every year until appointments are revoked or replaced.

Section 3. This Resolution shall become effective on the date of adoption.

Passed and adopted, this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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Chairman, Pima County Board of Supervisors


ATTEST:

\_\_\_\_\_  
Clerk of the Board

APPROVED TO CONTENT:

  
\_\_\_\_\_  
Development Services Director  
Carla L. Blackwell

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Deputy County Attorney  
Lesley M. Lukach